

City of Charlotte

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



Meeting Agenda

Monday, September 25, 2023

Council Chamber

City Council Business Meeting

Mayor Vi Lyles

Mayor Pro Tem Braxton Winston II

Council Member Dimple Ajmera

Council Member Danté Anderson

Council Member Tariq Scott Bokhari

Council Member Ed Driggs

Council Member Malcolm Graham

Council Member Reneé Johnson

Council Member LaWana Mayfield

Council Member James Mitchell

Council Member Marjorie Molina

Council Member Victoria Watlington

5:00 P.M. CITY COUNCIL ACTION REVIEW, CHARLOTTE-MECKLENBURG GOVERNMENT CENTER, REGULAR MEETING HOSTED FROM ROOM 267

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

1. Mecklenburg County ABC Board Introduction

Time: 10 minutes

2. Mayor and Council Consent Item Questions and Answers

Staff Resource(s):

Marie Harris, Strategy and Budget

Time: 5 minutes

Synopsis

Mayor and Council may ask questions about Consent agenda items.

[2023-09-25 Council Agenda QA](#)

3. Consent agenda items 19 through 36 may be considered in one motion except for those items removed by a Council member. Items are removed by notifying the City Clerk.

Time: 5 minutes

Consideration of Consent Items shall occur in the following order:

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

4. Action Review Agenda Overview

Staff Resource(s):

Marcus Jones, City Manager

5. Action Review Items

Quality of Life Update

Staff Resource(s):

Debbie Smith, Transportation

Tamara Blue, Transportation

Rebecca Hefner, Housing & Neighborhood Services

Lisa Flowers, City Attorney's Office

Time: Presentation - 10 minutes; Discussion - 25 minutes

Explanation

- Receive an update on the City of Charlotte's Quality of Life team.

Social Districts

Staff Resource(s):

Debbie Smith, Transportation

Casey Mashburn, Transportation

Time: Presentation - 10 minutes; Discussion - 25 minutes

Explanation

- Receive an overview and update on creating Social Districts in Charlotte.

[Action Review - Quality of Life Presentation](#)

6. 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

7. Hispanic Heritage Month

Action:

Mayor Lyles will read a proclamation recognizing September 15 - October 15, 2023 as Hispanic Heritage Month.

8. Suicide Prevention Month

Action:

Mayor Lyles will read a proclamation recognizing September as National Suicide Prevention Month.

PUBLIC FORUM

9. Public Forum

PUBLIC HEARING

10. Public Hearing and Decision on a Resolution to Close a Portion of Woodcrest Avenue

Action:

- A. Conduct a public hearing to close a Portion of Woodcrest Ave, and
- B. Adopt a resolution and close a Portion of Woodcrest Ave.

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 Portion of Woodcrest Ave. to be closed is located in Council District 3.

Petitioner

1990 S. Tryon, LLC

Right-of-Way to be Abandoned

A portion of Woodcrest Ave.

Reason

Per the petition submitted by 1900 S. Tryon, LLC, abandonment of a portion of Woodcrest Ave. would enable to reconfiguration of the intersection with S. Tryon Street. The city has no objections.

Notification

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

Adjoining property owner(s)

1900 S. Tryon, LLC - No objections

City Departments

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

Attachment(s)

Map
Resolution

[2022-003737A - Abandonment Map](#)

[2023-003737A Resolution to Close a portion of Woodcrest Ave.](#)

11. Public Hearing and Decision on a Resolution to Close a Portion of Public Right-of-Way Adjacent to David Taylor Drive

Action:

- A. Conduct a public hearing to close a Portion of Public Right-of-way Adjacent to David Taylor Drive, and
- B. Adopt a resolution and close a Portion of Public Right-of-way Adjacent to David Taylor Drive

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 Portion of right-of-way adjacent to David Taylor Drive to be closed is located in Council District 4.

Petitioner

Infinity 260 Owner, LLC

Right-of-Way to be Abandoned

A portion of right-of-way adjacent to David Taylor Drive

Reason

Per the petition submitted by Infinity 260 Owner, LLC, to facilitate the extension of existing David Taylor Drive. The city has no objections.

Notification

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

Adjoining property owner(s)

Infinity 260 Owner, LLC - No objections

City Departments

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

Attachment(s)

Map
Resolution

[David Taylor Abandonment Map](#)

[2023-002939A - Resolution to Close Right-of-Way Adjacent to David Taylor Drive](#)

12. Public Hearing and Decision on a Resolution to Close Unopened Right-of-Way off S. Cedar Street

Action:

- A. Conduct a public hearing to close Unopened Right-of-Way off S. Cedar Street, and
- B. Adopt a resolution and close Unopened Right-of-Way off S. Cedar 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 right-of-way to be closed is located in Council District 2.

Petitioner

Asana Partners

Right-of-Way to be Abandoned

Unopened Right-of-Way off S. Cedar Street

Reason

Per the petition submitted by Asana Partners, the abandonment will facilitate the construction of a new mixed-use development. The city has no objections.

Notification

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

Adjoining property owner(s)

AP Foundry, LP- No objections

Gillie Lane C/O Jerome T Ferguson Sr- No objections

City Departments

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

Attachment(s)

Map

Resolution

[2023-001846A - Revised Abandonment Map](#)

[2023-001846A - Resolution to Close Unopened Right-of-Way off Cedar St.](#)

13. Public Hearing and Decision on Torrence Area Voluntary Annexation

Action:

- A. Conduct a public hearing for Torrence Area voluntary annexation, and
- B. Adopt an annexation ordinance with an effective date of September 25, 2023, to extend the corporate limits to include this property and assign it to the adjacent City Council District 3.

Staff Resource(s):

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

Explanation

- Public hearings to obtain community input are required prior to City Council taking action on annexation requests.
- The City of Charlotte seeks the annexation of this 1.84-acre city-owned property located west of Interstate 485 and north of Garrison Road in western Mecklenburg County.
- The property was purchased by the city in October of 2022 as part of the West Boulevard Extension project.
- The annexation is necessary for the extension of West Boulevard and will support the planned developments in the larger area. The site is currently vacant and will be constructed as future right-of-way for the ongoing West Boulevard extension project. Annexation of this property ensures that planned city infrastructure is located within city limits.
 - Rezoning petition 2016-056 rezoned this parcel in November of 2016 to MUDD-O (mixed-use development district, optional) as part of the 1,378-acre River District petition.
- The petitioned area consists of one parcel; parcel identification number: 141-142-14.
- The property is located within Charlotte's extraterritorial jurisdiction and shares boundaries with current city limits.

Consistent with City Council Policies

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

Attachment(s)

Map (GIS)

Map (Survey)

Annexation Ordinance

Rezoning Petition 2016-056 Approved Site Plan

[Torrence Area Annexation Map](#)

[Torrence Area Annexation Survey 8.5X11](#)

[Torrence Area Annexation Ordinance](#)

[Rezoning Petition 2016-056 Approved Site Plan](#)

POLICY

14. City Manager's Report

[09.25.2023 City Manager's Memo](#)

BUSINESS

15. Affordable Housing Development Support Requests including Lease of City-Owned Property

Action:

- A. Approve \$13,194,000 in Housing Trust Fund allocations for the following affordable housing developments contingent upon their receiving a Low-Income Housing Tax Credit award from the North Carolina Housing Finance Agency, where applicable:
- Arrowood Homes, \$2,500,000, (four percent Low-Income Housing Tax Credit) in Council District 3,
 - Aveline Legacy Druid Hills Duets II, \$462,000, (Homeownership) in Council District 1
 - Central at Old Concord, \$4,200,000, (four percent Low-Income Housing Tax Credit) in Council District 1,
 - Kings on Lamar, \$2,432,000, (Supportive Housing) in Council District 1,
 - Swan Run Apartments, \$2,400,000, (Naturally Occurring Affordable Housing) in Council District 7,
 - Sycamore Station II, \$1,200,000, (four percent Low-Income Housing Tax Credit) in Council District 1,
- B. Approve \$4,325,000 in federal fund allocations (Community Development Block Grant, Housing Opportunities for Persons with AIDS, and HOME Investment Partnerships Program) for the following affordable housing developments contingent upon their receiving Low-Income Housing Tax Credit awards from the North Carolina Housing Finance agency, where applicable:
- Arrowood Homes, \$3,000,000, (four percent Low-Income Housing Tax Credit) in Council District 3,
 - Mount Moriah Seniors, \$825,000, (nine percent Low-Income Housing Tax Credit) in Matthews, North Carolina,
 - Sycamore Station II, \$500,000, (four percent Low-Income Housing Tax Credit) in Council District 1,
- C. Adopt a resolution approving an option agreement and long-term ground lease of city-owned property located at 7202 South Boulevard (parcel identification number 205-173-03) with Arrowood Homes Owner, LLC, for the development of the Arrowood Homes multi-family affordable housing development,
- D. Approve an annual reimbursement to Housing Collaborative in an amount not to exceed the city portion of the parcel's property tax bill for Swan Run Apartments for a Naturally Occurring Affordable Housing Rental Subsidy Program over a 20-year period for 14 new long-term rental subsidies at Swan Run Apartments for households earning 30 percent and below the area median income, and
- E. Authorize the City Manager to execute, amend, extend and renew contracts and other required documents to complete these transactions.

Staff Resource(s):

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

Explanation

Action Items A and B

- On June 30, 2023, the city issued a Request for Proposals (RFP) to aid in the production of affordable housing units. The RFP included funding opportunities through the Housing Trust Fund, Community Development Block Grant, HOME Investment Partnerships Program, and Housing Opportunities for Persons with AIDS.

- Additionally, in May 2023, the city issued a rolling RFP for Naturally Occurring Affordable Housing (NOAH) Acquisition, Rehabilitation and Subsidy.
- In response to these RFPs, ten proposals were received, including one NOAH proposal, seeking various types of gap financing support including nine percent and four percent tax credits from the North Carolina Housing Finance Agency (NCHFA). Two of the proposals were subsequently withdrawn by the developers.
- Approval of the recommended developments will add 716 affordable long-term deed restricted rental housing units and 14 affordable homeownership units to the city's existing supply.
- The recommended developments meet all submission requirements. Additionally, the following guiding principles were adhered to in the evaluation of the proposals:
 - Ensuring affordable, multi-family housing developer experience,
 - Creating mixed-income developments in areas of opportunity,
 - Achieving long-term affordability, and
 - Maximizing the leverage of available resources.
- Additionally, the NCHFA will base their final tax credit awards on:
 - Market demand and local housing needs,
 - Ability to serve qualified residents for the longest affordability period,
 - Design and quality of construction, and
 - Financial structure and long-term viability.

Item C

- On November 9, 2021, the city issued a Request for Proposals for the city-owned property at 7202 South Boulevard (parcel identification number 205-173-03) (City Property).
- On February 14, 2022, City Council authorized staff to work with The NRP Group to finalize their preliminary affordable housing development proposal for a multi-family affordable housing development (Arrowood Homes) on the City Property, to include potential city financial support through a future RFP, and negotiating conveyance of the City Property.
- The NRP Group has requested city gap funding, reflected in Action Items A and B, for the Arrowood Homes multi-family affordable housing development, with a ground lease of the City Property.
- The ground lease transactions will include:
 - An option to ground lease, with an initial term through August 10, 2024, and two additional extensions upon mutual agreement of the parties, the first for a period of 180 days and the second for 90 days.
 - A long-term ground lease with basic terms including:
 - Lessee: Arrowood Homes Owner, LLC (an affiliate of NRP Group)
 - Term: 99 years
 - Rent: \$1.00/year
 - Affordable Housing: Development of 120 multifamily housing units affordable to households earning 80 percent and below the area median income (AMI) as proposed in Actions A and B.

Item D

- Ascent Housing, or an affiliate, proposes to acquire and renovate Swan Run Apartments, including creating new long-term rental subsidies for 30 percent AMI households.
- Swan Run is a 92-unit existing multi-family NOAH development at 4600 Swan Meadow Lane (parcel identification numbers 211-273-21, 211-541-08, and 211-274-01) (NOAH Property).
- Of the total 28 units that will serve households earning 30 percent and below of the AMI, Ascent Housing has agreed to set aside 14 units for 30 percent AMI households that do not have existing vouchers or other forms of rental assistance, through the city's NOAH Rental Subsidy Program.
- The city will commit to annual funding for the length of the NOAH Property's 20-year deed restriction at an amount not to exceed the development's annual city property tax bill. The maximum amount of reimbursement will be adjusted each year in correspondence with the actual amount of the current year's property taxes. In 2022, the development's city property tax bill is \$20,590.46.
- The rental subsidies will pay the difference between what the resident household can afford (30 percent of their income) and the lesser of the Swan Run Apartments asking rent or Fair Market

Rent.

- The city's funds will be provided to Housing Collaborative, a local non-profit organization, who will identify eligible tenants and administer the NOAH rental subsidy on behalf of the city.
- The city's rental subsidies are contingent upon approval by the Mecklenburg County Board of County Commissioners to provide rental subsidies for the county's portion of the property taxes.

Background

- On August 27, 2018, City Council adopted the Housing Charlotte Framework, which recommends expanding the supply of high-quality rental housing by building affordable housing, preserving existing NOAH, and promoting family self-sufficiency initiatives.
- On February 25, 2019, City Council approved the Guidelines for Evaluation and Disposition of City Owned Land for Affordable Housing.
- On March 25, 2019, City Council approved the Guidelines for preserving NOAH.
- On November 8, 2021, City Council approved the NOAH Rental Subsidy Program Guidelines.
- On June 13, 2022, City Council adopted the U.S. Department of Housing and Urban Development's Annual Action Plan (Plan) which identifies the need for affordable, safe, and decent housing for low-and-moderate income families and reaffirms the goals of the Housing Charlotte Framework.
- The recommended city support is consistent with the strategies outlined in these city policies including the City-Owned Real Estate and Facilities Policy, demonstrates local alignment with state-supported affordable housing developments, and allows for local leveraging of tax credit awards and the use of best practices to further the city's housing goals.

City Council Discussion

City Council received a briefing on the affordable housing development support requests during their September 11, 2023 Action Review.

Charlotte Business INclusion

All HTF funded projects and their developers are subject to M/W/S/BE goals determined based on the amount of the HTF allocations received.

Fiscal Note

Funding: General Capital Investment Plan, Community Development Block Grant, HOME Investment Partnerships Program, Housing Opportunity for Persons with AIDS.

Attachment(s)

September 11, 2023 Action Review Presentation
Resolution

[9.11.2023 Action Review Presentation - Affordable Housing Funding Recommendations](#)

[Resolution - Option and Ground Lease Arrowood Homes 7202 South Blvd](#)

16. Freedom Fighting Missionaries Housing Support Grant

Action:

- A. Approve the use of \$2,000,000 from the Coronavirus State and Local Fiscal Recovery Fund for Freedom Fighting Missionaries to support housing security and stability for low-income criminal justice-involved residents, and**
- B. Authorize the City Manager to execute, amend and renew contracts as needed to complete these transactions.**

Staff Resource(s):

Shawn Heath, Housing & Neighborhood Services

Explanation

- On June 15, 2023, the city issued a Housing Support Grant opportunity to provide financial support to eligible medium-sized and/or emerging non-profit organizations that demonstrate the ability to reduce the severity of homelessness or housing instability in Charlotte. Organizations could apply for up to \$2.5 million for projects or programming in support of housing security and stability for low-income residents.
- In response to the grant opportunity, 15 proposals from eligible organizations were received. The city assessed each of the 15 proposals based on:
 - Track record of delivering programming in underserved communities,
 - Focus on Corridors of Opportunity areas of influence,
 - Emphasis on populations facing housing instability (such as justice-involved residents),
 - Demonstrated ability to implement and sustain the proposed project/program,
 - Other confirmed funding sources to support the project/program, and
 - Community support for the project/programming.
- Based on a review of the proposals, Freedom Fighting Missionaries (FFM) was one of five organizations recommended for funding.
- FFM exists to provide services and resources to criminal justice involved persons, including access to emergency and permanent housing as a key aspect of achieving self-sufficiency.
- Proposed funding would be used for a combination of affordable housing for families in the 30 percent to 80 percent area median income (AMI) range, and supportive services for FFM clients.
- The affordable housing projects include Missionary Grove, a proposed 16 unit for-rent townhome development located at 5735 East W.T. Harris Boulevard (parcel identification number 107-152-05) in Council District 5, and Sardony Lane Townhomes, a proposed 21 unit for-rent townhome development located at 2135 East W.T. Harris Boulevard (parcel identification number 105-372-20) in Council District 4.
 - Both townhome projects will serve criminal justice involved families earning 30 percent to 80 percent of the AMI and have a 30-year affordability commitment.
 - Residents will receive ongoing case management services, must maintain employment, attend financial literacy workshops, and participate in homeownership counseling.
 - Both townhome developments will meet established land use requirements and will not require further council action.
- Supportive services may be in support of FFM's full client base, across any of its core service areas for formerly incarcerated and criminal justice involved persons: identification assistance (i.e., vital records necessary for employment, healthcare, and housing); healthcare access; employment readiness; housing access.
- Other funders supporting FFM's housing work include Mecklenburg County, Local Initiatives Support Corporation (LISC), Wells Fargo, Ally Bank, United Way of Greater Charlotte, and other private sector and philanthropic entities.

City Council Discussion

- On May 22, 2023, staff shared the proposed Housing Support Grant program concept with City Council.

- City Council received an overview of the Housing Support Grant recommendations at its August 28, 2023 business meeting.
- On September 11, 2023, Council voted to approve four of the recommended funding requests and to defer consideration of the FFM funding request to allow additional time for FFM to conduct community engagement activities.

Charlotte Business INClusion

These contracts are exempt under the CBI program.

Fiscal Note

Funding: American Rescue Plan Act (ARPA) Funds

Attachment(s)

August 28, 2023 Housing Support Grant presentation

Map - Missionary Grove

Map - Sardony Lane

[Presentation - Housing Support Grant Recommendations 8.28.23 Action Review](#)

[Map - Freedom Fighting Missionaries at The Grove Church](#)

[Map - Freedom Fighting Missionaries at Sardony Place](#)

17. Amend Restrictive Covenants for Property on Starwood Avenue

Action:

- A. Adopt a resolution to amend the restrictive covenants on property located at 10742 Starwood Avenue (parcel identification numbers 105-271-74 and 105-271-75) to:**
- **Modify the type of permissible affordable units to include townhomes,**
 - **Increase the required number of affordable units from one to two,**
 - **Extend the timeframe for completion of development of the affordable units, and**
- B. Authorize the City Manager, or his designee, to execute all documents necessary to complete this transaction.**

Staff Resource(s):

Shawn Heath, Housing & Neighborhood Services
Phil Reiger, General Services
Greg Crawford, General Services

Explanation

- On August 10, 2020, City Council approved the sale of approximately 0.6 acres of city-owned property located on Starwood Avenue (parcel identification numbers 105-271-74 and 105-271-75) in Council District 5 to A-Plus Realty, Inc., for the development of two single-family residential homes. The parcels were part of the Willow Creek Wastewater Treatment Plant and were no longer needed.
- On January 22, 2021, the city conveyed the property to A-Plus Realty, Inc. The transaction included the following restrictive covenants:
 - At least one of the two proposed single-family units must be affordable to a household earning 80 percent of the area median income (AMI) and eligible to participate in the House Charlotte program,
 - The affordable unit will include a 15-year affordability period, and
 - The developer would have three years to complete the improvements for occupancy (by January 21, 2024), or the property would revert back to the city.
- A-Plus Realty, Inc. later acquired approximately 3.012 acres of adjacent land (parcel identification numbers 105-271-97 and 105-271-99) creating a total combined development opportunity of approximately 3.612 acres (development site).
- On July 31, 2023, A-Plus Realty, Inc. sold the development site to Northway Homes, LLC, a private homebuilder based in Charlotte. Northway Homes, LLC plans to build a for-sale townhome development on the development site.
- Northway Homes, LLC, has requested the following changes to the restrictive covenants:
 - Allow the affordable units to be developed as townhome units (instead of single-family units).
 - At least two of the proposed townhome units on the development site will be affordable to households earning 80 percent of the AMI. These affordable townhome units will be in lieu of the previously required affordable single-family home.
 - Extend the reversionary restriction for the original two city-owned parcels for an additional two years, to January 21, 2026. This extension takes into consideration Northway Homes, LLC's recent acquisition of the property.

Attachment(s)

Map
Resolution

[Map - Amend Restrictive Covenants for Property on Starwood Ave.pdf](#)

[Resolution - Starwood Avenue](#)

18. Adopt Resolution on Refunding Arena Certificates of Participation

Action:

- A. Adopt a resolution authorizing and approving the issuance of Refunding Arena Certificates of Participation Series 2003F and 2013G up to \$100,000,000, and calling for the execution and delivery of various documents necessary to complete the financing, and**
- B. Adopt a Budget Ordinance appropriating \$100,000,000 in bond proceeds to the Tourism Debt Service Fund.**

Staff Resource(s):

Teresa Smith, Finance
Matthew Hastedt, Finance

Explanation

- This action is needed to authorize the issuance of up to \$100,000,000 for refunding of outstanding Arena Certificates of Participation (COPs) Series 2003F and 2013G:
 - Approximately \$78,000,000 of the refunding proceeds will be used to refund the existing 2013G COPs for savings and to fund a termination fee related to a pay-fixed rate interest rate agreement.
 - Approximately \$22,000,000 from the refunding will be used to refund outstanding 2003F COPs.
- This action will:
 - Provide information required for Local Government Commission (LGC) approval of the financing,
 - Provide approval to the City Manager and the Authorized Officers named in the Resolution to take necessary actions to complete the financing and related documentation for the life of the debt, and
 - Appropriate the bond proceeds to the Tourism Debt Service Fund.
- The Local Government Commission will consider approval of this action at its October meeting.

Fiscal Note

Funding: Tourism Fund

Attachment(s)

Resolution
Budget Ordinance

[Resolution - Charlotte Governmental Facilities Refunding COPs, Series 2023B - rev. to v1](#)

[2023 Arena Refunding Budget Ordinance](#)

CONSENT

19. Firefighting Nozzles and Hoses

Action:

- A. Approve a unit price contract with Rhinehart Fire Services for the purchase of Akron Nozzles and Snap-Tite Hoses 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):

Reginald Johnson, Fire
Damian Owens, Fire

Explanation

- To ensure safety, nozzle and hose combinations are replaced on average every ten years, consistent with the apparatus replacement cycle. Additionally, various hose and nozzle items are replaced throughout the year due to normal wear and tear.
- On June 6, 2023, the city issued an Invitation to Bid; three bids were received.
- Rhinehart Fire Services was selected as the lowest responsive, responsible bidder.
- The prices stated in the Price Schedule shall remain fixed for the Initial Term. At renewal, price increases may be considered based on increases in the cost of materials in accord with the Consumer Price Index.
- Annual expenditures are estimated to be \$125,000.

Charlotte Business INclusion

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

Fiscal Note

Funding: General Capital Equipment Fund

20. Vendor Change for Previously Approved Purchase of Specialized Equipment Truck

Action:

- A. **Approve the purchase of a customized Police Command Bomb Truck from a cooperative contract,**
- B. **Approve a unit price contract with Emergency Vehicles, Inc. for the purchase of a customized Police Bomb Truck and related equipment for a term of two years under the Houston-Galveston Area Council Cooperative Program (H-GAC Contract FS12-19 Public Services 19-01178), and**
- C. **Authorize the City Manager to extend the contract for additional terms as long as the cooperative contract is in effect, at prices and terms that are the same or more favorable than those offered under the cooperative contact.**

Staff Resource(s):

Johnny Jennings, Police

Dave J. Johnson, Police

Explanation

- At the July 10, 2023 Council Business Meeting, Council approved the purchase of a replacement truck. This request has been revised to authorize a contract with a different vendor, Emergency Vehicles, Inc, that also has a Houston-Galveston Area Council Cooperative Program contract in place.
- The change in vendors is being requested due to the fact that Emergency Vehicles, Inc. was able to commit to better pricing and is able to meet the delivery schedule needed to comply with federal grant funding deadlines.
- The special service vehicle is needed for bomb squad related operations. Over the past three years CMPD has received over 300 bomb squad service calls for service and the bomb truck has been deployed to over 80 of the calls.
- The city's current bomb truck has reached the end of its lifecycle and needs to be replaced. The current truck is over 20 years old and has multiple mission critical items that are broken or unserviceable.
- The type of truck that is proposed for purchase comes with numerous safety features that are not available on other similar types of vehicles. This type of truck comes with more standard safety features, rollover protection, is more durable, and is specifically designed for this purpose.
- The vehicle will be a regional asset that will serve not just the City of Charlotte and Mecklenburg County but also the other 10 counties within the Urban Area Security Initiative (UASI) region and other counties where CMPD is currently the primary bomb squad response unit.
- NC General Statute Section 143-129(e)(3) allows local governments to purchase from formally organized cooperative purchasing contracts.
- A cooperative purchasing agreement results from the consolidation and competitive solicitation of multiple public agency requirements. By aggregating common needs all agencies are able to leverage economies of scale, such as volume discounts, improved terms and conditions, reduced administrative costs, and access to professional and technical expertise.
- Expenditures are estimated to be \$1,000,000.

Charlotte Business INclusion

This is a cooperative purchasing contract and is exempt from the CBI Program.

Fiscal Note

Funding: General Grants Fund

21. Corridors of Opportunity Emerging Developers Training Program Support

Action:

- A. Authorize the City Manager, or his designee, to negotiate and execute a contract for up to \$600,000 with Local Initiatives Support Corporation for the operation, administration, and management of the currently named Corridors of Opportunity Emerging Real Estate Developers training program, and**
- B. Authorize the City Manager, or his designee, to execute, amend, and renew contracts and other documents as needed to complete this transaction.**

Staff Resource(s):

Tracy Dodson, City Manager's Office

Monica Holmes, Planning, Design & Development

Explanation

- This initiative is in support of the city's ongoing efforts to provide training for minority development professionals to engage in the corridors.
- The Corridors of Opportunity Emerging Real Estate Developers Training Program is being established to address challenges faced by emerging real estate developers, with a focus on minority-owned developers, specifically:
 - Access to Capital: Emerging minority developers possess less personal or family wealth and critical investor and banking connections and face significant obstacles in accessing capital, particularly from traditional financial institutions.
 - Access to Networks: Emerging minority developers disproportionately lack the access to and relationships with robust professional industry networks that would offer them advantages in the real estate development industry and ecosystem.
 - Lagging Development Project Progression: Due to the difficulty in obtaining necessary funding, many emerging minority developers are not able to advance their development projects in a timely manner. The inability to complete development projects can hinder their economic impact in the City of Charlotte and the Corridors of Opportunity.
- The goal of the program is to train and support diverse professionals over three years to dramatically accelerate the number of credit-worthy developers ready to utilize capital and advance their projects, with a focus on MWSBEs and/or developers active in the Corridors of Opportunity.
- The program fulfills one of the recommendations from the Corridors of Opportunity Employment Study:
 - Create an Equitable Development Program: Create curricula to train and certify minority development professionals to engage in the corridors
- The program will be managed by Local Initiatives Support Corporation (LISC). LISC will provide and oversee:
 - Market assessments,
 - Cohort application process,
 - Applicant recruitment,
 - Marketing,
 - Program planning and implementation,
 - Site orientation,
 - Technical support,
 - Coaches, training and orientation, and
 - Shark tank pitch contest.
- The Charlotte Business INCLUSION Office will work closely with LISC to ensure eligible city-certified MWSBEs are supported through training and capital access.

- The estimated total cost of the program over three years is \$700,000. Private sector partner, LISC, will provide all other funds needed to launch and maintain the program.
- The city's contribution to the program will support the start-up, operation, administration, and management of the program.
- The program is expected to provide training, coaching, mentorship, access to credit enhancement funds, access to capital, real-time assistance with deals in the project pipeline, and access to networking events with experienced real estate developers, both local and national, over three years.
- The program will include a spring and fall cohort each year.
- LISC will coordinate with local universities with real estate programs to create a pipeline of applicants for the program.
- A waiver of a competitive solicitation process for services may be granted on a limited basis when deemed appropriate and in the city's best interest.
- A waiver has been approved for these services based on limited vendors with required qualifications as LISC has developed a unique model to implement the program.

Background

- On March 11, 2021, in response to the COVID-19 public health emergency, President Biden signed the American Rescue Plan Act of 2021 (ARPA), which included the Coronavirus State and Local Fiscal Recovery Fund. Charlotte was one of almost 1,000 cities across the nation that received these funds.
- On February 14, 2022, Council authorized the use of up to \$3,000,000 of ARPA funds to implement recommendations associated with the Employment Study for the City's Corridors of Opportunity.

Charlotte Business INclusion

This contract is exempt under the CBI Program.

Fiscal Note

Funding: American Rescue Plan Act (ARPA) Funds

Attachment(s)

Corridors of Opportunity Employment Study Recommendations Report
September 11, 2023 Corridors of Opportunity Action Review Presentation

[Corridors of Opportunity Employment Study \(2021\)](#)

[9.11.2023 Action Review - Corridors of Opportunity Update](#)

22. Rectangular Rapid Flashing Beacons Installation

Action:

Approve a contract in the amount of \$1,527,731.70 to the lowest responsive bidder Lumin8 Transportation Technologies, LLC, for the Rectangular Rapid Flashing Beacons Installation project.

Staff Resource(s):

Debbie Smith, Transportation

David Smith, Transportation

Bryan Tarlton, Transportation

Explanation

- The Strategic Mobility Plan (SMP), adopted by Council in June 2022, outlines the mobility policies to achieve a safe, connected, equitable, sustainable, prosperous, and innovative transportation network for Charlotte.
- These devices align with the Vision Zero goals, one of the key objectives in the SMP, of providing safe crossings for pedestrians in mid-block and other uncontrolled locations.
- Rectangular rapid flashing beacons (RRFBs) are an innovative way to warn motorists of pedestrians crossing at mid-block locations. RRFBs use amber light emitting diodes with a rapid flash pattern to supplement warning signs at unsignalized intersections or mid-block crosswalks.
- RRFBs offer significant safety and cost benefits because they achieve high rates of driver yielding compliance in comparison to other flashing beacons.
- The contract will include the purchase and installation of the RRFB systems, including associated infrastructure improvements.
- On June 13, 2023, the city issued an Invitation to Bid; five bids were received.
- Lumin8 Transportation Technologies, LLC was selected as the lowest responsive, responsible bidder.

Charlotte Business INclusion

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

Fiscal Note

Funding: General Capital Investment Plan

23. Parking Citation Management System and Related Services

Action:

- A. Authorize the City Manager to renew the existing contract with Passport Labs, Inc. for parking citation management and related services with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved, and**
- B. Authorize the City Manager to purchase such additional software licenses, services, hardware, maintenance, and support as required to maintain the system for as long as the city uses the system.**

Staff Resource(s):

Debbie Smith, Transportation
Allison Naftel, Transportation
Haley Gentry, Aviation
Jerome Woodard, Aviation

Explanation

- On June 11, 2018, City Council approved a contract with Passport Labs, Inc. for the purchase of software, managed services, and equipment for a parking citation Management System.
- The requested authorization for annual contract renewal will allow software maintenance and continuation of advanced customization and enhancements to further support the service needs and customer experience.
- Passport Labs, Inc. is a mobility management software and payment company that provides customizable parking and permit technology solutions for various city parking operations.
- Passport Labs, Inc.'s digital solution provides real-time data, reporting, and a straightforward customer-facing portal. Use of this software system has improved the issuance and collection of parking citations and permits for the city.
- Waiver of a competitive solicitation process for services may be granted on a limited basis when deemed appropriate and in the city's best interest. A waiver has been approved for these services based on continuity of service and the need for ongoing support and maintenance of the existing software.
- Price adjustments may be considered based on legitimate and justified increases in the cost of doing business.
- Total annual expenditures are estimated to be \$250,000.

Charlotte Business INclusion

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

Fiscal Note

Funding: Transportation and Aviation Operating Budgets

24. Construct University Research Park Sidewalk

Action:

Approve a contract in the amount of \$1,156,273.25 to the lowest responsive bidder Sealand Contractors Corp. for the University Research Park Sidewalk project.

Staff Resource(s):

Phil Reiger, General Services

Jennifer Smith, General Services

Explanation

- The University Research Park Sidewalk project will improve pedestrian safety and mobility around University Research Park in Council District 4.
- The contract includes the construction of concrete sidewalk and shared-use paths in three locations:
 - Medical Plaza Drive between Harris Boulevard and Mallard Creek Road,
 - The intersection of David Taylor Drive and Claude Freeman Drive to the intersection of Governor Hunt Road and David Taylor Drive, and
 - Claude Freeman Drive from the intersection of David Taylor Drive and Claude Freeman Drive to the first business entrance at the right side of Claude Freeman Drive.
- The improvements include but are not limited to curb ramps, retaining wall, storm drainage system, and water line relocation.
- On July 3, 2023, the city issued an Invitation to Bid; five bids were received.
- Sealand Contractors Corp. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by third quarter 2024.

Charlotte Business INclusion

Established MBE Goal: 8.00%

Committed MBE Goal: 8.00%

Sealand Contractors Corp. met the established contract goal and has committed 8.00% (\$92,510) of the total contract amount to the following certified firm(s):

- Streeter Trucking Company, Inc. (MBE, SBE) (\$92,510) (hauling)

Established SBE Goal: 16.00%

Committed SBE Goal: 16.00%

Sealand Contractors Corp. met the established contract goal and has committed 16.00% (\$185,040) of the total contract amount to the following certified firm(s):

- On Time Construction, Inc. (WBE, SBE) (\$80,700) (concrete, masonry)
- Whitesell Trucking, Inc. (SBE) (\$68,865) (clearing, grubbing)
- AMP Utility Distribution Services, LLC (WBE, SBE) (\$19,240) (utility material)
- Cochise Trucking (SBE) (\$6,500) (hauling)
- Pentacle Inc (WBE, SBE) (\$3,040) (hauling)
- Erosion Defence LLC (SBE) (\$6,695) (erosion control)

Fiscal Note

Funding: General Capital Investment Plan

Attachment(s)

Map

[Map - Construct University Research Park Sidewalk.pdf](#)

25. Water and Sanitary Sewer Service Installations

Action:

Approve a contract in the amount of \$11,538,945.00 to the lowest responsive bidder Propst Construction for the Water and Sanitary Sewer Service Installations project contract 2.

Staff Resource(s):

Angela Charles, Charlotte Water

David Czerr, Charlotte Water

Keri Cantrell, Charlotte Water

Explanation

- The contract is for small diameter water and sanitary sewer service installations and service dismantlements.
- On July 6, 2023, the city issued an Invitation to Bid (ITB); one bid was received.
 - NC General Statute Section 143-132 prohibits municipalities from awarding construction contracts over \$500,000 without receiving at least three competitive bids from the initial advertisement of the contract. The city may subsequently award the contract even if re-advertisements result in fewer than three competitive bids.
- On August 3, 2023, the ITB was re-issued; two bids were received.
- Propst Construction was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by third quarter 2025.

Charlotte Business INclusion

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

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

26. Regional Express Bus Service Agreement Renewal with Union County

Action:

- A. Adopt a resolution ratifying the Interlocal Agreement with Union County for Regional Express Bus Services, for an initial term of one year, and**
- B. Authorize the City Manager to renew the agreement for up to four, one-year terms and to amend the agreement consistent with the purpose for which the agreement was approved.**

Staff Resource(s):

Brent Cagle, CATS

Jason Lawrence, CATS

Pamela White, CATS

Explanation

- The Charlotte Area Transit System (CATS) currently operates regional express bus services to Union County (adjacent to Council District 5).
- The current interlocal agreement with Union County expires October 1, 2023.
- As part of the Metropolitan Transit Commission adopted policies, Union County will reimburse the city for 50 percent of net costs for regional express bus services between their respective jurisdiction and Uptown Charlotte.
- The total estimated year one contract cost of the bus service is \$187,766. Annual renewals will be adjusted for inflation and/or service level changes.
- Benefits of the Regional Express Shuttle and Bus Services include:
 - Maintaining mobility for residents of Charlotte and the respective jurisdictions,
 - Helping Charlotte meet air quality attainment goals, and
 - Reducing the number of vehicles trips within Mecklenburg County on an annual basis.

Charlotte Business INclusion

This is an Interlocal Agreement contract and is exempt from the CBI Program.

Fiscal Note

Funding: CATS Operating Budget

Attachments

Resolution

[2023 Resolution](#)

27. Airport Baggage Handling System Operation, Maintenance, and Repair Contract Amendment

Action:

Approve contract amendment #6 for \$1,717,767.48 to the contract with Siemens Postal, Parcel & Airport Logistics, LLC for maintenance, operation, and repair of the Baggage Handling System.

Staff Resource(s):

Haley Gentry, Aviation

Jack Christine, Aviation

Explanation

- The Airport Baggage Handling Systems sorts and screens over four million pieces of checked baggage annually and requires software system updates and parts replacement to ensure ongoing operations.
- On September 10, 2018, City Council approved a contract with Siemens Postal, Parcel & Airport Logistics, LLC for Baggage Handling System Operation, Maintenance, and Repair Services, with expenses estimated to be \$3,821,562 annually.
- The contract has since been amended for the following reasons:
 - Amendment #1 to amend language allowing temporary reduction in staff due to COVID 19
 - Amendment #2 to exercise 1st contract renewal
 - Amendment #3 to exercise 2nd contract renewal
 - Amendment #4 to extend contract term for an additional 3 months through January 31, 2024
 - Amendment #5 in the amount of \$471,233 to add additional staff to improve system capacity during peak operations.
- The amendment will add additional funds for parts replacement and repairs that allow for continued maintenance and reliability of the Baggage Handling System.
- The total value of this contract including all amendments is \$22,773,550.04.
- The activity is occurring on Airport property.

Fiscal Note

Funding: Aviation Community Investment Plan and Aviation Operating Budget

Charlotte Business INclusion

The city negotiates contract participation after the proposal selection process.

Siemens Postal, Parcel & Airport Logistics, LLC has committed 11.70% (\$200,979) of the total contract amount to the following certified firm(s):

- Link Staffing Services (SBE) (\$200,979) (personal services, jam runners, manual encoders, and porters)

28. Airport Concourse E Public Area Renovations Construction

Action:

- A. Approve a contract in the amount of \$44,221,875.00 to the lowest responsive bidder Edison Foard, LLC for the Concourse E Public Area Renovations project, and**
- B. Approve contract amendment #1 for \$1,903,726 to the contract with The Wilson Group Architects, PA for construction administration services for the construction phase of the Concourse E Public Area Renovations project.**

Staff Resource(s):

Haley Gentry, Aviation
Jack Christine, Aviation

Background

- Concourse E needs modernization to maintain optimal efficiencies and to rehabilitate and renovate select elements to align the concourse with the remainder of the terminal.
- The project is primarily funded by a \$32.2 million Federal Bipartisan Infrastructure Law Grant under the competitive Airport Terminals Program.
- The project is anticipated to be complete by fourth quarter of fiscal year 2027.
- The activity is occurring on Airport property.

Explanation

Action A

- The contract will provide for renovations to the public areas of Concourse E.
- Specific work includes complete restroom renovations, new acoustical ceilings, epoxy terrazzo flooring in the main passenger circulation areas and new carpet in the hold room spaces, new Airport standard signage and wayfinding, and upgrades to the mechanical, plumbing and electrical work to support the renovation.
- On June 15, 2023, the city issued an Invitation to Bid; four bids were received.
- Edison Foard, LLC was selected as the lowest responsive, responsible bidder.

Action B

- On July 11, 2022, City Council approved a contract with The Wilson Group Architects, PA in the amount of \$2,370,536 to provide design services for the Concourse E Public Areas Renovation project.
- Amendment #1 includes construction administration services, including design-related items such as submittal reviews, request for information responses, as-built final drawings, material acceptance testing, and other design changes for the duration of construction.
- The new value of the contract is \$4,274,262.

Disadvantaged Business Enterprise (DBE) and Charlotte Business INclusion (CBI):

Action A:

Established DBE Goal: 12.00%
Committed DBE Goal: 24.87%

Edison Foard, LLC exceeded the established subcontracting goal, and has committed 24.87% (\$11,000,000) of the base bid amount to the following certified firm(s):

- Besco Electrical (DBE) (\$11,000,000) (electrical work)

Action B:

The city required Proposers to submit an MWSBE Participation Plan outlining their solicitation and utilization efforts.

The Wilson Group Architects, PA has committed 6.58% (\$125,280) of the total amendment amount to the following certified firm(s):

- Hartranft Lighting Design (WBE) (\$35,280) (lighting design)
- Saber Engineers (SBE) (\$90,000) (mechanical and electrical engineering)

Fiscal Note

Funding: Aviation Capital Investment Plan

29. Airport Fixed Base Operator Electric Aircraft Tugs

Action:

- A. Approve the purchase of Electric Towbarless Aircraft Tugs by the sole source exemption,**
- B. Approve a contract with JBT Lektro for the purchase of Electric Towbarless Aircraft Tugs for the 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

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

Explanation

- The Fixed Based Operator (FBO) at the Airport requires additional and replacement electric aircraft tugs. The electric aircraft tugs are essential for the safe and efficient movement of aircraft from leased hangar space and ramp at the FBO.
- JBT Lektro is the only manufacturer and distributor of Lektro Tugs. The FBO already has a fleet of seven Lektro tugs. Lektro's product is essential in maintaining standardization as introduction of another product would result in additional costs to implement and train staff on usage and maintenance of equipment.
- Lektro tugs range between \$54,000 to \$223,000. Over the next three years, the Airport anticipates acquiring two tugs per year to replace existing equipment and supplement the existing fleet.
- Annual expenditures are estimated to be \$350,000.
- Price adjustments may be considered based on legitimate and justified increases in the cost of doing business.
- The activity is occurring on Airport property.

Charlotte Business INclusion

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

Fiscal Note

Funding: Aviation Capital Investment Plan

30. Reimbursement Agreement for Aviation Communication Facilities

Action:

Authorize the City Manager to execute a reimbursement agreement with the Federal Aviation Administration for New Aviation Communication Facilities.

Staff Resource(s):

Haley Gentry, Aviation

Jack Christine, Aviation

Background

- Aviation is currently in the design phase for the Fourth Parallel Runway Program, which will enhance airfield capacity and operational efficiency.
- The Radio Transmitter and Receiver (RTR) provides antennas for radio communications for aircraft on the ground. The RTR sites must be relocated to support the new Fourth Parallel Runway.
- The reimbursable agreement provides for design and implementation services from the Federal Aviation Administration (FAA) to establish two new RTR sites, and to modify the FAA's airfield fiber loop.
- Aviation will reimburse the FAA for the cost of the work, which is estimated to be \$1,990,979.
- The activity is occurring on Airport property.

Disadvantaged Business Enterprise (DBE):

The Federal DBE Program neither requires nor permits goals for every contract. There is no DBE goal for this contract. This is solely a reimbursable agreement to the Federal Aviation Administration (FAA) and there are no subcontracting opportunities.

Fiscal Note

Funding: Aviation Capital Investment Plan

PROPERTY TRANSACTIONS

31. Aviation Property Transactions - Eaton Circle

Action: Approve the following Acquisition: Aviation Master Plan

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

Project: Aviation Master Plan

Owner(s): Northway Homes, LLC

Property Address: Eaton Circle

Total Parcel Area: 9,453 sq. ft (0.217 ac.)

Property to be acquired by Easements: None

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: N1-B

Use: Single-family Residential

Parcel Identification Number(s): 115-073-29

<https://polaris3g.mecklenburgcountync.gov/#pid=11507329&qsid=11507329>

Purchase Price: \$40,000, and all relocation benefits in compliance with Federal, State or Local regulations.

Council District: 3

32. Property Transactions - Dobson Drive Storm Drainage Improvement Project, Parcel # 6

Action: Approve the following Condemnation: Dobson Drive Storm Drainage Improvement Project, Parcel # 6

Project: Dobson Drive Storm Drainage Improvement Project

Owner(s): Florentina Sanchez Gomez

Property Address: 828 Corwin Drive

Total Parcel Area: 10,400 sq. ft. (0.239 ac.)

Property to be acquired by Easements: 1,501 sq. ft. (0.034 ac.) Storm Drainage Easement, 650 sq. ft. (0.015 ac.) Sanitary Sewer Easement and 947 sq. ft. (0.022 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: N1-B

Use: Neighborhood 1 Zoning District

Parcel Identification Number: 089-192-14

<https://polaris3g.mecklenburgcountync.gov/#mat=201770&pid=08919214&qisid=08919214>

Appraised Value: \$11,850

Property Owner's Concerns: The property owner is concerned about the amount of compensation offered and the city has been unable to reach an agreement with the owner. The property owner has requested to discontinue all acquisition efforts prior to condemnation proceedings.

City's Response to Property Owner's Concerns: At the specific request of the owner, the city has discontinued negotiations at this time, however the city remains open to further settlement discussions upon the property owner's request.

Recommendation: The recommendation is to proceed to condemnation during which time negotiations can continue, mediation is available, and if necessary, just compensation can be determined by the court.

Council District: 1

Attachment(s): Map

[Map - Dobson Drive SDI, Parcel # 6](#)

33. Property Transactions - Dobson Drive Storm Drainage Improvement Project, Parcel # 11

Action: Approve the following Condemnation: Dobson Drive Storm Drainage Improvement Project, Parcel # 11

Project: Dobson Drive Storm Drainage Improvement Project

Owner(s): Ramiro R. Rios and Lisa J. Rios

Property Address: 5935 Amberly Lane

Total Parcel Area: 14,914 sq. ft. (0.342 ac.)

Property to be acquired by Easements: 1,130 sq. ft. (0.026 ac.) Storm Drainage Easement and 1,888 sq. ft. (0.043 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Fence

Landscaping to be impacted: Trees, various plantings and ground cover

Zoned: N1-B

Use: Neighborhood 1 Zoning District

Parcel Identification Number: 089-191-48

<https://polaris3g.mecklenburgcountync.gov/#mat=158186&pid=08919148&qsid=08919148>

Appraised Value: \$14,975

Property Owner's Concerns: Property owner is unresponsive.

City's Response to Property Owner's Concerns: The city presented an updated offer to the property owner in the amount of the appraised value but has not received a response and has been unable to contact the property owner since January of 2023.

Recommendation: The recommendation is to proceed to condemnation during which time negotiations can continue, mediation is available, and if necessary, just compensation can be determined by the court.

Council District: 1

Attachment(s): Map

[Map - Property Transactions - Dobson Drive SDIP, Parcel # 11](#)

34. Property Transactions - Monroe Road Multiuse Path, Parcel # 18

Action: Approve the following Acquisition: Monroe Road Multiuse Path, Parcel # 18

Project: Monroe Road Multiuse Path (MUP), Parcel # 18

Program: Monroe Road MUP

Owner(s): Luis Alberio Loaiza and Luz K. Garzon

Property Address: 5533 Monroe Road

Total Parcel Area: 14,924 sq. ft. (0.343 ac.)

Property to be acquired by Easements: 406 sq. ft. (0.009 ac.) Sidewalk Utility Easement and 1077 sq. ft. (0.025 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: OFC

Use: Office Flex Campus Zoning District

Parcel Identification Number: 163-021-48

<https://polaris3g.mecklenburgcountync.gov/#mat=151874&pid=16302148&qisid=16302148>

Purchase Price: \$14,750

Council District: 5

35. Property Transactions - Monroe Road Multiuse Path, Parcel # 23

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

Project: Monroe Road Multiuse Path (MUP), Parcel # 23

Program: Monroe Road MUP

Owner(s): Divine Health Academy, LLC

Property Address: 5633 Monroe Road

Total Parcel Area: 20,208 sq. ft. (0.464 ac.)

Property to be acquired by Easements: 230 sq. ft. (0.005 ac.) Sidewalk Utility Easement, 159 sq. ft. (0.004 ac.) Storm Drainage Easement and 1173 sq. ft. (0.027 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: OFC

Use: Office Flex Campus Zoning District

Parcel Identification Number: 163-021-54

<https://polaris3g.mecklenburgcountync.gov/#mat=153349&pid=16302154&qisid=16302154>

Purchase Price: \$12,000

Council District: 5

36. Property Transactions - Sanitary Sewer to serve 6753 & 6763 Lebanon Road, Parcel # 5

Action: Approve the following Acquisition: Sanitary Sewer to serve 6753 & 6763 Lebanon Road, Parcel # 5

Project: 8-inch Sanitary Sewer (SS) to serve 6753 & 6763 Lebanon Road, Parcel # 5

Program: 8-inch SS to serve 6753 & 6763 Lebanon Road

Owner(s): Heath B. Howie, Jr. and Ruth Sharon Terrell Howie

Property Address: 6511 Lebanon Road, Mint Hill

Total Parcel Area: 62,028 sq. ft. (1.424 ac.)

Property to be acquired by Easements: 2,496 sq. ft. (0.057 ac.) Sanitary Sewer Easement and 1,412 sq. ft. (0.032 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R

Use: Residential District

Parcel Identification Number: 135-231-27

<https://polaris3g.mecklenburgcountync.gov/#mat=170905&pid=13523127&qisid=13523127>

Purchase Price: \$11,000

Council District: Adjacent to Council District 5

Adjournment

REFERENCES

37. Reference - Charlotte Business INclusion Policy

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

Part A: Administration and Enforcement

Part A: Section 2.3: Targeted Outreach and Designated Contracts for Small Business Enterprises (SBEs).

When feasible, the Charlotte Business INclusion (CBI) Office may designate certain Contracts or categories of Contracts in which solicitation efforts will be directed only to SBEs. In designating Contracts for targeted outreach or SBE participation, the CBI Office takes into account the size and scope of the Contract and the availability of SBEs to provide the applicable services or products.

Part A: Section 3.1: Subcontracting Goals. The city shall establish one or more Subcontracting Goals for all Construction Contracts of 200,000 or more and for all Architecture, Engineering, and Surveying Contracts of \$100,000 or more. Contracts estimated to be less than these thresholds are exempt from the goal setting process.

Appendix Section 20: Contract: For the purposes of establishing a (Minority, Women, and Small Business Enterprise (MWSBE) subcontracting goal on a Contract, the following are examples of contract types:

- Any agreement through which the city procures services from a Business Enterprise, other than Exempt Contracts.
- Contracts include agreements and purchase orders for (a) construction, re-construction, alteration, and remodeling; (b) architectural work, engineering, surveying, testing, construction management, and other professional services related to construction; and (c) services of any nature (including but not limited to general consulting and technology-related services), and (d) apparatus, supplies, goods, or equipment.
- The term "Contract" shall also include Exempt Contracts for which an SBE, Minority Business Enterprise (MBE), or Women Business Enterprise (WBE) Goal has been set.
- Financial Partner Agreements, Development Agreements, Infrastructure Improvement Agreements, Design-Build, and Construction Manager-at-Risk Agreements shall also be deemed "Contracts," but shall be subject to the provisions referenced in the respective Parts of the Charlotte Business INclusion Program Policy.

Appendix Section 27: Exempt Contracts: Contracts that fall within one or more of the following categories are "Exempt Contracts" and shall be exempt from all aspects of the Charlotte Business INclusion Policy:

No Competitive Process Contracts: Contracts or purchase orders that are entered into without a competitive process, or entered into based on a competitive process administered by an entity other than the city, including but not limited to contracts that are entered into by sole sourcing, piggybacking, buying off the North Carolina State contract, buying from a competitive bidding group purchasing program as allowed under G.S. 143-129(e)(3), or using the emergency procurement procedures established by the North Carolina General Statutes.

Managed Competition Contracts: Managed competition contracts pursuant to which a city department or division competes with Business Enterprises to perform a city function.

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

Federal Contracts Subject to Disadvantaged Business Enterprise (DBE) Requirements: Contracts that are subject to the U.S. Department of Transportation Disadvantaged Business Enterprise Program as set forth in 49 CFR Part 26 or any successor legislation.

State Funded Contracts Subject to the State’s MWBE Requirements: Contracts that are subject to an MWBE Goal set by the State of North Carolina pursuant to N.C. Gen. Stat. 143-128.2.

Financial Partner Agreements with DBE or MWBE Requirements: Contracts that are subject to a DBE program or minority and women business development program maintained by a Financial Partner.

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

Contracts for Legal Services: Contracts for legal services, unless otherwise indicated by the City Attorney.

Contracts with Waivers: Contracts for which the City Manager or CBI Program Manager waives the CBI Program requirements (such as when there are no MWSBE subcontracting opportunities on a Contract).

Special Exemptions: Contracts where the department and the CBI Program Manager agree that the department had no discretion to hire an MWSBE (e.g., emergency contracts or contracts for banking or insurance services) shall be Exempt Contracts.

Appendix Section 35: Informal Contracts: Contracts that are estimated to be less than the following dollar thresholds prior to issuance of the City Solicitation Documents:

- Construction Contracts: \$500,000, and
- Service Contracts and Commodities Contracts: \$100,000.

Part B: Construction and Commodities Contracts

Part B: Section 2.1: When the city sets a Subcontracting Goal, each Bidder must either: (a) meet each Subcontracting Goal; or (b) comply with the Good Faith Negotiation and Good Faith Efforts requirements for each unmet Subcontracting Goal. Failure to comply constitutes grounds for rejection of the Bid. The City Solicitation Documents will contain certain forms that Bidders must complete to document having met these requirements.

Part B: Section 2.3: No Goals When There Are No Subcontracting Opportunities. The city shall not establish Subcontracting Goals for Contracts where: a) there are no subcontracting opportunities identified for the Contract; or b) there are no MBEs, WBEs, or SBEs (as applicable) to perform scopes of work or provide products or services that the city regards as realistic opportunities for subcontracting.

Part C: Service Contracts

Part C: Section 2.1(a) Subcontracting Goals: No Goal When There Are No MWSBE Subcontracting Opportunities. The city shall not establish Subcontracting Goals for Service Contracts where (a) there are no subcontracting opportunities identified for the Contract; or (b) there are no MWBEs or SBEs certified to perform the scopes of work that the city regards as realistic opportunities for subcontracting.

Part C: Section 2.1(b) and 2.1(c): The city may require each Proposer to submit with its Proposal one or more of the following: (a) a Participation Plan describing how Proposer intends to solicit MWSBE participation; (b) the Proposer’s Committed Subcontracting Goals; and (c) an affidavit listing the MWBEs or SBEs it intends to use on the Contract.

Part C: Section 2.1(h) Negotiated Goals: The city may seek to negotiate Subcontracting Goals after Proposals have been submitted.

Part D: Post Contract Award Requirements

Part D: Section 6: New Subcontractor Opportunities/Additions to Scope/Contract Amendments

If a Contractor elects to subcontract any portion of a Contract that the Contractor did not previously identify to the city as a subcontracting opportunity, or if the scope of work on a Contract increases for any reason in a manner that creates a new MWSBE subcontracting opportunity, the city shall either (a) notify the Contractor that there will be no Supplemental MWSBE Goal for the new work; or (b) establish and notify the Contractor of a Supplemental MWSBE Goal for the new work.

Part F: Financial Partners

Part F: Section 4: Financial Partners shall undertake the following outreach efforts with respect to MWBEs and SBEs:

- 4.1 Notify MWBEs and SBEs of any contracting or procurement opportunities that may exist in the Financial Partner's business for which there are MWBEs and SBEs listed in the city's database; and
- 4.2 Request advice and assistance from the CBI Office as to what additional SBE measures might be helpful if and when it becomes apparent that outreach alone will be insufficient to meet the Financial Partner's MWBE and SBE Goal; and
- 4.3 Follow such additional measures as the CBI Office reasonably recommends.

Part G: Alternative Construction Agreements

Part G: Section 2.7: Prior to City Council's vote to award the Alternative Construction Agreement, the Program Manager and the Company shall negotiate and agree on proposed MWSBE Goals for the Project and on a Participation Plan that describes the outreach and efforts the Company will be required to undertake to meet the MWSBE subcontracting goals.

38. 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.

39. 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.