

# City of Charlotte

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



## Meeting Agenda

**Monday, July 27, 2020**

**Virtual Meeting**

### **City Council Business Meeting**

*Mayor Vi Lyles*  
*Mayor Pro Tem Julie Eiselt*  
*Council Member Dimple Ajmera*  
*Council Member Tariq Scott Bokhari*  
*Council Member Ed Driggs*  
*Council Member Larken Egleston*  
*Council Member Malcolm Graham*  
*Council Member Reneé Johnson*  
*Council Member James Mitchell*  
*Council Member Matt Newton*  
*Council Member Victoria Watlington*  
*Council Member Braxton Winston II*

**5:00 P.M. CITY COUNCIL BUSINESS MEETING,  
CHARLOTTE-MECKLENBURG GOVERNMENT CENTER,  
VIRTUAL MEETING**

*Call to Order*

*Introductions*

*Invocation*

*Pledge of Allegiance*

## **PUBLIC FORUM**

### **1. Public Forum**

## **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.

## **3. Closed Session (as necessary)**

**4. Consent agenda items 20 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.**

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.

## **PUBLIC HEARING**

## 5. Public Hearing for Centene Corporation Business Investment Grant

### **Action:**

**Conduct a public hearing regarding approval of a Business Investment Grant to Centene Corporation.**

### **Staff Resource(s):**

Tracy Dodson, Economic Development

Frances West, Economic Development

### **Explanation**

- On July 1, 2020, Centene Corporation announced its selection of Charlotte for its east coast headquarters and technology center, resulting in a capital investment of \$1,034,900,790 and the creation of 3,237 jobs to be hired over 10 years with an average wage of \$100,089.
- This action is requesting a public hearing be conducted regarding City Council approval of a not to exceed Business Investment Grant (BIG) of \$31,588,352 over 12 years. Mecklenburg County's not to exceed amount is \$26,023,000 over 10 years, bringing the combined not to exceed city and county grant estimated total to be \$57,611,352.
  - On June 22, 2020, City Council, in Closed Session, indicated its intent to approve a BIG to Centene Corporation.
  - On June 23, 2020, the Mecklenburg County Board of Commissioners, in Closed Session, indicated its intent to approve a BIG to Centene Corporation.
- In addition to the BIG, the State of North Carolina also approved a Job Development Investment Grant in the amount of \$388,000,000 and \$4,531,800 in community college training funds.
- In compliance with NC G.S. § 166A-19.24 *Remote meetings during certain declarations of emergency*, written comments on the public hearing topic will be accepted by the Clerk's Office through July 28, 2020, at 11:59 p.m. Any additional comments received will be provided to Council.
- On August 10, 2020, City Council will be asked to approve the BIG to Centene Corporation.

### **Background**

- Centene Corporation is a leading multi-national healthcare enterprise that is committed to helping people live healthier lives through managing healthcare plans for over 23 million members.
- Centene Corporation is headquartered in St. Louis and is number 42 on the Fortune 500 list.
- Centene Corporation has operations in all 50 states and international markets, with over 69,000 employees.
- Centene Corporation has received the following accolades:
  - Fortune World's Most Admired Companies List (2020),
  - Fortune Companies that Changed the World (2019),
  - Best Place to Work for Disability Inclusion (2019),
  - Best Place to Work by Corporate Equality Index (2020), and
  - Bloomberg Gender-Equality Index (2020).

### **Business Investment Grant**

- The general terms and conditions of this grant include:
  - Actual grant payments are based on the value of the investment as appraised by the Mecklenburg County Tax Office.
  - Property taxes due from Centene Corporation must be paid before a grant payment is made.
  - If Centene Corporation removes the investment from Charlotte during the grant term, it shall pay back 100 percent of the investment grant paid to date.
  - If Centene Corporation moves the investment from Charlotte within 12 years of the end of the Business Investment Program (BIP) grant term, a portion of the grant must be repaid as follows:
    - Within one year of the end of the BIP Term - 90 percent of grant payments

- Within two years of the end of the BIP Term - 75 percent of grant payments
- Within three years of the end of the BIP Term - 60 percent of grant payments
- Within four years of the end of the BIP Term - 45 percent of grant payments
- Within five years of the end of the BIP Term - 30 percent of grant payments
- Within six years of the end of the BIP Term - 20 percent of grant payments
- Within seven to twelve years of the end of the BIP Term - 10 percent of grant payments

**Fiscal Note**

Funding: Business Investment Grant



## 6. Public Hearing on Cameron Commons Area Voluntary Annexation

### **Action:**

**Conduct a public hearing on the Cameron Commons Area voluntary annexation.**

### **Staff Resource(s):**

Taiwo Jaiyeoba, City Manager's Office

Holly Cramer, Planning, Design, and Development

### **Explanation**

- Public hearings to obtain community input are required prior to City Council action on annexation requests.
- A petition has been received from the owner of this 94.65-acre property.
- The property is owned by Samuel Johnson, James Johnson, and K. Sade Ventures, LLC.
- The property is zoned (MX-1) mixed use district and (B-1CD) neighborhood business conditional district.
- The petitioned area consists of seven parcels: PID 05111103, 05111104, 05111109, 05111114, 05111199, 05122178, and 05111105.
- The property is located within Charlotte's extraterritorial jurisdiction and shares boundaries with current city limits.
- The intent of the annexation is to enable the development of 250 single family dwelling units and 288 multi-family residential dwelling units.
- In compliance with NC G.S. § 166A-19.24 *Remote meetings during certain declarations of emergency*, written comments on the public hearing topic will be accepted by the Clerk's Office through July 28, 2020, at 11:59 p.m. Any additional comments received will be provided to Council.
- On August 10, 2020, City Council will be asked to adopt an annexation ordinance to extend the corporate limits to include these properties and assign them to the adjacent City Council District 4.

### **Consistency with City Council Policies**

- The annexation is consistent with the voluntary annexation policy approved by City Council on March 24, 2003.
  - 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 (GIS)

Map (Survey)

[Cameron Commons Area Annexation Revised](#)

[Cameron Commons Site Map](#)

## 7. Public Hearing on Carsen Glen Area Voluntary Annexation

### **Action:**

**Conduct a public hearing on the Carsen Glen Area voluntary annexation.**

### **Staff Resource(s):**

Taiwo Jaiyeoba, City Manager's Office

Holly Cramer, Planning, Design, and Development

### **Explanation**

- Public hearings to obtain community input are required prior to City Council action on annexation requests.
- A petition has been received from the owner of this 21.456-acre property.
- The property is owned by Robert Ferrell, Coretha Ferrell, Lewis Woods, and Marlene Woods.
- The property is zoned (R-3) single family residential district.
- The petitioned area consists of two parcels: PID 03326247 and 03326248.
- The property is located within Charlotte's extraterritorial jurisdiction and does not share boundaries with current city limits.
- The intent of the annexation is to enable the development of 64 single family residential dwelling units.
- In compliance with NC G.S. § 166A-19.24 *Remote meetings during certain declarations of emergency*, written comments on the public hearing topic will be accepted by the Clerk's Office through July 28, 2020, at 11:59 p.m. Any additional comments received will be provided to Council.
- On August 10, 2020, City Council will be asked to adopt an annexation ordinance to extend the corporate limits to include these properties and assign them to the adjacent City Council District 2.

### **Consistency with City Council Policies**

- The annexation is consistent with the voluntary annexation policy approved by City Council on March 24, 2003.
  - 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 (GIS)

Map (Survey)

[New Carsen Glen Area Annexation Map](#)

[Carsen Glen site map](#)

## 8. Public Hearing on McGee Place Area Voluntary Annexation

### **Action:**

**Conduct a public hearing on the McGee Place Area voluntary annexation.**

### **Staff Resource(s):**

Taiwo Jaiyeoba, City Manager's Office

Holly Cramer, Planning, Design, and Development

### **Explanation**

- Public hearings to obtain community input are required prior to City Council action on annexation requests.
- A petition has been received from the owner of this 20.227-acre property.
- The property is owned by Judson Stringfellow.
- The property is zoned (R-4) single family residential district.
- The petitioned area consists of two parcels: PID 02518110 and 02518111.
- The property is located within Charlotte's extraterritorial jurisdiction and does not share boundaries with current city limits.
- The intent of the annexation is to enable the development of 80 single family residential dwelling units.
- In compliance with NC G.S. § 166A-19.24 *Remote meetings during certain declarations of emergency*, written comments on the public hearing topic will be accepted by the Clerk's Office through July 28, 2020, at 11:59 p.m. Any additional comments received will be provided to Council.
- On August 10, 2020, City Council will be asked to adopt an annexation ordinance to extend the corporate limits to include these properties and assign them to the adjacent City Council District 2.

### **Consistency with City Council Policies**

- The annexation is consistent with the voluntary annexation policy approved by City Council on March 24, 2003.
  - 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

Site Map

[McGee Place Area Annexation Map](#)

[McGee Place Annexation Map Site Map](#)

## **POLICY**

### **9. City Manager's Report**

- COVID-19 - Update on City Response and Recovery
- Transportation and Transit Updates
- Strategic Energy Action Plan and American Cities Climate Challenge Update
- Charlotte Business INClusion Annual Report

**BUSINESS****10. FY 2021 Governor's Highway Safety Program Grant for Traffic Safety****Action:**

**Adopt a resolution authorizing the city to accept a grant award of \$25,000 from the Governor's Highway Safety Program.**

**Staff Resource(s):**

Johnny Jennings, Police

Will Farrell, Police

John Reibold, Police

**Explanation**

- This action would allow the Charlotte-Mecklenburg Police Department to accept a grant award of \$25,000 from the Governor's Highway Safety Program (GHSP), which would provide the following:
  - \$19,000 to purchase four additional Light Detection and Ranging (LIDAR) laser speed measurement units used in police vehicles and one radar speed sign to help enforce speed limit laws, and
  - \$6,000 for the Regional Law Enforcement Liaison travel, training, and meeting expenses.
- The grant is for a period of one year. No matching funds are required from the city.
- GHSP requires that City Council adopt a resolution authorizing the acceptance of the grant.

**Fiscal Note**

Funding: General Grants Fund

**Attachment(s)**

Resolution

[Resolution NC Governor's Highway Safety Program Traffic Safety Funding](#)

## 11. Sale of City-Owned Property on Shopton Road

**Action:**

Adopt a resolution approving the sale of 117.16 acres of city-owned property located on Shopton Road to EastGroup Properties, L.P. for \$7,015,000.

**Staff Resource(s):**

Brent Cagle, Aviation

**Explanation**

- This action authorizes the sale of nine vacant parcels of land that total approximately 117.16 acres in Council District 3. The parcels are zoned I-1(CD) and are part of the Federal Aviation Administration's (FAA) Part 150 Noise Program (Noise Program).
- Aviation participates in the FAA's Noise Program. The Noise Program requires airports to purchase properties significantly impacted by noise and put this land back into productive use.
- The city has acquired multiple parcels of land located along Shopton Road as part of the Noise Program.
- On February 7, 2020, the city issued an Invitation to Bid for the sale of this property; five bids were received.
- EastGroup Properties, L.P. was selected as the highest responsive, responsible bidder.-
- Aviation contracted with two appraisers to complete independent appraisals to determine fair market value of the property.
- This sale is contingent upon FAA approval.
- The winning bid and final sale price is \$7,015,000.
- Tax Parcels: 141-071-25, 141-071-26, 141-071-21, 141-071-04, 141-241-07, 141-071-06, 141-071-22, 141-071-23, and 141-071-09.
  - <http://polaris3g.mecklenburqcountync.gov/#mat=111359&pid=14107125&gisid=14107125>
  - <http://polaris3g.mecklenburqcountync.gov/#pid=14107126&gisid=14107126>
  - <http://polaris3g.mecklenburqcountync.gov/#pid=14107121&gisid=14107121>
  - <http://polaris3g.mecklenburqcountync.gov/#mat=106761&pid=14107104&gisid=14107104>
  - <http://polaris3g.mecklenburqcountync.gov/#pid=14124107&gisid=14124107>
  - <http://polaris3g.mecklenburqcountync.gov/#pid=14107106&gisid=14107106>
  - <http://polaris3g.mecklenburqcountync.gov/#pid=14107122&gisid=14107122>
  - <http://polaris3g.mecklenburqcountync.gov/#mat=440277&pid=14107123&gisid=14107123>
  - <http://polaris3g.mecklenburqcountync.gov/#pid=14107109&gisid=14107109>

**Fiscal Note:**

Funding: Proceeds from the sale will be deposited into the Aviation Capital Investment Plan

**Attachment(s)**

Resolution for Land Sale

[East Group RCA Resolution](#)

## 12. South Park - The Loop Infrastructure Reimbursement

### **Action:**

**Authorize the City Manager to negotiate and execute Infrastructure Reimbursement Agreements with developers in an amount not to exceed \$1,500,000 for public infrastructure improvements to build The Loop. Reimbursements will be funded by the South Park Comprehensive Neighborhood Improvement Program.**

### **Staff Resource(s):**

Tracy Dodson, Economic Development  
Fran West, Economic Development  
Monica Holmes, Planning, Design, and Development

### **Explanation**

- The Loop is a three-mile urban trail that creates and connects great places in South Charlotte in Council District 6. The Loop will accommodate bicycles and pedestrians, creating a healthy, vibrant, and convenient activity center.
- In 2019, The Loop Framework Plan was completed that organizes the concept's vision, design elements, and key destinations and coordinates its implementation.
- The Loop will incorporate custom signage, lighting, furnishings, public art, and landscaping to create a dynamic, high-quality experience, a consistent brand, and a unique sense of place for the area.
- The Loop developers will provide public infrastructure improvements such as widened sidewalks and streetscape amenities and will be reimbursed through the city's South Park Comprehensive Neighborhood Improvement Program (CNIP).
- These improvements implement the city's goals of increasing economic development through public-private partnership collaboration, placemaking, and streetscape improvements that promote enhanced pedestrian activity.
- In order to expedite and provide for efficient construction of The Loop improvements, the developers will be responsible for ensuring the agreed upon public improvements are complete to city standards. In return, the city will reimburse the developers for these public improvements in an amount not to exceed a total of \$1,500,000.

### **Charlotte Business INClusion**

The city negotiates subcontracting participation for Infrastructure Reimbursement Agreement contracts after the scopes of work are defined for design and construction services (Part G: Section 2.6 of the Charlotte Business INClusion Policy).

### **Fiscal Note**

Funding: South Park CNIP

### **Attachment(s)**

The Loop Map

[The Loop Map](#)

## 13. General Obligation Bond Referendum

### **Action:**

- A. Adopt bond orders introduced for \$102,732,000 of Street Bonds, \$44,500,000 of Neighborhood Improvement Bonds, and \$50,000,000 of Housing Bonds, and**
- B. Adopt a resolution setting the General Obligation Bond Referendum for November 3, 2020.**

### **Staff Resource(s):**

Kelly Flannery, Finance

### **Explanation**

- On June 8, 2020, City Council adopted the Fiscal Year (FY) 2021 operating budget and FY 2021 - FY 2025 Capital Investment Plan, which included a \$197,232,000 bond referendum in 2020.
- At the same meeting, City Council approved resolutions authorizing staff to proceed with the actions necessary to conduct a General Obligation bond referendum.
- On June 22, 2020, City Council introduced the bond orders and held a public hearing on each of the bond orders for July 13, 2020.
- The current action is the fourth of five City Council actions. This action will specifically:
  - Adopt bond orders for \$102,732,000 of Street Bonds, \$44,500,000 of Neighborhood Improvement Bonds, and \$50,000,000 of Housing Bonds, and
  - Approve a resolution setting the bond referendum for November 3, 2020, and direct staff to publish notice of the referendum.
- The Local Government Commission is scheduled to consider the referendum for approval at its October meeting.
- After November 3, City Council will be asked to adopt a resolution certifying and declaring the results of the special bond referendum. This action will occur after the Mecklenburg Board of Elections certifies the results of the vote.

### **Fiscal Note**

Funding: Municipal Debt Service Fund

### **Attachment(s)**

Bond Orders

Resolution

[Bond Documentation - City of Charlotte - 2020 GO Referendum \(Minutes to Adopt Bond Orders\)](#)

[Bond Documentation - City of Charlotte - 2020 GO Referendum \(Resolution\)](#)



## 14. Storm Water Revenue Bond Refunding

### **Action:**

- A. Adopt a bond order and resolution that makes certain Statements of Fact concerning the refunding of Revenue Bond Anticipation Notes,**
- B. Provide for the issuance of Storm Water Services Revenue Bonds in an amount not to exceed \$116 million to refund the 2018 Bond Anticipation Note,**
- C. Authorize City Officials to take necessary actions to complete the financing, including making the application to the Local Government Commission, and**
- D. Adopt a budget ordinance appropriating \$116 million to the Storm Water Debt Service Fund.**

### **Staff Resource(s):**

Kelly Flannery, Finance

Mike Davis, General Services

### **Explanation**

- This action is replacing short-term debt, the 2018 Bond Anticipation Note (BAN), with long-term permanent debt.
- In 2018, the city obtained a \$115 million BAN to fund projects on an interim basis and planned to convert it to permanent debt at the end of the 24 to 36-month construction period.
- The projects being funded by this refunding are concentrated in two different areas:
  - Storm Drainage Improvement Projects, and
  - Surface Water Quality Projects (pollution control and stream restoration).
- This action does not require rate increases.

### **Fiscal Note**

Funding: Storm Water Debt Service Fund

### **Attachment(s)**

Bond Order

Resolution

Budget Ordinance

[Bond Order - Charlotte Storm Water Fee Revenue Bonds, Series 2020 rev2](#)

[Resolution \(Combines Findings and Approvals\) - Storm Water Fee Revenue Bonds, Series 2020 rev2](#)

[Storm Water BAN Budget Ordinance](#)

## 15. Water and Sewer Revenue Bond Refunding

### Action:

- A. **Adopt a bond order and resolution that makes certain Statements of Fact concerning the refunding of Water Sewer Revenue Bonds and Revenue Bond Anticipation Notes,**
- B. **Provide for the issuance of Water Sewer Revenue Bonds in an amount not to exceed \$405 million to refund outstanding 2009B Revenue Bonds and 2018 Bond Anticipation Note,**
- C. **Authorize City Officials to take necessary actions to complete the financing, including making the application to the Local Government Commission, and**
- D. **Adopt a budget ordinance appropriating \$405 million to the Charlotte Water Revenue Bond Debt Service Fund.**

### **Staff Resource(s):**

Kelly Flannery, Finance

David Czerr, Charlotte Water

### **Explanation**

- This action provides for the refunding of both the 2009B revenue bonds and the 2018 Bond Anticipation Note (BAN). The 2009 bonds are being refinanced at lower rates to achieve savings. The 2018 BAN is replacing short-term debt with long-term permanent debt.
- In 2009, revenue bonds for water and sewer projects totaling \$366 million were issued at a fixed rate. Approximately \$300 million are outstanding and are currently available for refunding.
- In 2018, the city obtained a \$100 million BAN to fund projects on an interim basis and planned to convert it to permanent debt at the end of the 24 to 36-month construction period.
- The projects being funded by this refunding are concentrated in two different areas:
  - Maintenance of existing treatment facilities to ensure reliable treatment process and regulatory compliance, and
  - Rehabilitation and replacement of existing water and sewer infrastructure that has met its useful performance life.
- This action does not require rate increases.
- Later in Fiscal Year 2021, there will be a request for Council to authorize a new program to provide construction period funding for upcoming water and sewer capital improvements.

### **Fiscal Note**

Funding: Charlotte Water Revenue Bond Debt Service Fund

### **Attachment(s)**

Bond Order

Resolution

Budget Ordinance

[Bond Order - Charlotte Water and Sewer Refunding Revenue Bonds, Series 2020 - rev. to v2](#)

[Resolution \(Combines Findings and Approvals\) - Water and Sewer System Refunding Revenue Bonds,](#)

[Charlotte Water Budget Ordinance](#)

## 16. Appropriate Private Developer Funds

### Action:

- A. Approve developer agreements with CUSA N.C. Holdings, L.P. and Sweetgrass Berewick, LLC for traffic signal modifications, and**
- B. Adopt a budget ordinance appropriating \$184,920 in private developer funds for traffic signal installations and improvements.**

### **Staff Resource(s):**

Liz Babson, Transportation  
Charles Abel, Transportation

### **Explanation**

- Private developer agreements and appropriations are needed when a developer is required through the city rezoning process to make traffic signal improvements.
- Funding contributions from private developers must be appropriated prior to the city's initiation of work.
- The \$184,920 in private developer funds is for road modifications, traffic signals, traffic signal modifications and/or upgrades, and other related work associated with the developers' projects. The funding is restricted to the projects noted below:
  - CUSA N.C. Holdings, L.P. contributed \$68,770 for signal modifications at North Davidson Street and Jordan Place (Council District 1), and
  - Sweetgrass Berewick, LLC contributed \$116,150 for signal modifications at Steele Creek Road and Shopton Road (adjacent to Council District 3).
- These developer contributions are based on cost estimates prepared by the Charlotte Department of Transportation (CDOT).
- Any funding contributed by the developer(s) for a signal project that is unused by the city will be refunded back to the developer(s) after project completion.
- CDOT will install and operate these signals as part of the existing signal systems in the area.

### **Fiscal Note**

Funding: Private Developer Contributions

### **Attachment(s)**

Map  
Budget Ordinance

[Traffic Signal Improvements Map](#)

[BO Developer Appropriations 7.27.2020](#)

## 17. Municipal Agreements for NCDOT Asset Maintenance on State Roadways in the City Limits

### Action:

- A. Approve Municipal Agreements with the North Carolina Department of Transportation in the amount of \$1,175,000 for:**
- Sign installation and maintenance on state-maintained streets,
  - Pavement markings installation on state-maintained streets,
  - Traffic signal maintenance on state-maintained streets,
  - Traffic signal retiming on state-maintained streets, and
  - Light-emitting diode (LED) traffic signal display replacements.
- B. Adopt a resolution to authorize the City Manager to execute Municipal Agreements and any subsequent renewals for up to five years with the North Carolina Department of Transportation, and**
- C. Adopt a budget ordinance appropriating \$300,000 from the North Carolina Department of Transportation for LED traffic signal display replacements on state-maintained streets.**

### **Staff Resource(s):**

Liz Babson, Transportation  
Charles Abel, Transportation

### **Explanation**

- The North Carolina Department of Transportation (NCDOT) administers a statewide asset maintenance program on state roadways within municipal jurisdictions.
- Through municipal agreements, NCDOT reimburses the city for maintenance of certain state assets on state-maintained streets within the city limits.
  - The city maintains signs and pavement markings for approximately 500 miles of NCDOT roads in Charlotte.
  - The city maintains a total of 876 traffic signals in Charlotte, 524 (60 percent) of which are on state-maintained streets.
- The city has entered into similar maintenance agreements with NCDOT for over 25 years.
- NCDOT will reimburse the city annually for the following items:
  - (Schedule A) Sign installation and maintenance up to \$50,000,
  - (Schedule B) Pavement markings installation and maintenance up to \$25,000,
  - (Schedule C) Traffic signal maintenance up to \$600,000, and
  - (Schedule D) Traffic signal retiming up to \$200,000.
- The Schedule C signal maintenance municipal agreement separately outlines that the city will replace LED traffic signal displays on state-maintained streets. Expenditures for FY21 are anticipated to be \$300,000 and are funded in advance by NCDOT.

### **Charlotte Business INclusion**

Municipal Agreements are exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

### **Fiscal Note**

Funding: Transportation Operating Budget

### **Attachment(s)**

Resolution  
Budget Ordinance

[FY21 Resolution Schedules A-D](#)

[BO NCDOT Maintenance 7.27.20](#)

## 18. Resolution to Close a Portion of the Alleyway Between 21st Street and 22nd Street

**Action:**

Adopt a resolution and close a portion of the alleyway between 21st Street and 22nd Street

**Staff Resource(s):**

Liz Babson, Transportation

Casey Mashburn, Transportation

**Explanation**

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way 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.
- A public hearing for this resolution was held on July 13, 2020. No comments from the public were received.

**Petitioner**

WP East Acquisitions, LLC

**Attachment(s)**

Map

Resolution

[Alleyway btw 21st & 22nd St Abandonment Map](#)

[Resolution to Close 07.27.2020](#)

## 19. August 2020 City Council Augmented Meeting Schedule

### **Action:**

- A. **Approve the August 2020 City Council Augmented Virtual Regular Meeting Schedule, and**
- B. **Authorize the City Clerk, or her designee, to adjust the August 2020 City Council Augmented Virtual Regular Meeting Schedule in accordance to the status of North Carolina's phased reopening.**

### **Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

### **Explanation**

- North Carolina General Statute §143-318.12 requires that the City Clerk maintain on file a schedule of the City Council's regular meetings and that the approved schedule be posted to the city's website. If a schedule is duly adopted and filed, no further notice of regular meetings is necessary.
- Due to the COVID-19 pandemic, the City Council Meeting Schedule has been augmented to accommodate a virtual meeting format for August 2020.
- Effective Friday, May 22, 2020, North Carolina moved into Safer at Home Phase 2 of lifting COVID-19 restrictions.
- This phase is currently scheduled to run through 5:00 p.m. Friday, August 7, 2020.
- Phase 2 limits indoor gatherings to 10 people per room.
- Action B provides the City Clerk, or her designee, the authorization to adjust the most recently approved meeting schedule, in accordance with any updated meeting restrictions.

### **Attachment(s)**

August 2020 City Council Augmented Virtual Regular Meeting Schedule

[August 2020 City Council Augmented Virtual Regular Meeting Schedule](#)

## CONSENT

### 20. Alarm Registration and Management Services

**Action:**

- A. Approve a contract with Central Square Technologies, LLC for Alarm Registration and Management 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):**

Johnny Jennings, Police  
Ryan Jackson, Police  
Jeremiah Blow, Police

**Explanation**

- Charlotte-Mecklenburg Police Department outsources the management of the city's false alarm ordinance, which requires alarm system owners to register their alarms.
- Excessive false alarms at residential and commercial properties create an undue burden on limited police resources. City Council adopted a false alarm ordinance, effective May 1996, to establish reasonable expectations of alarm users ensuring that they are held responsible for the use of their alarm systems.
- The service provider ensures that all registration and permit requirements as outlined in the ordinance are met by alarm user and is responsible for collecting all fines for excessive false alarms.
- On April 28, 2020, the city issued a Request for Proposals (RFP); one response was received.
  - Central Square Technologies, LLC best meets the city's needs in terms of experience, cost, and responsiveness to RFP requirements.
  - An estimated \$600,000 in false alarm fees are collected annually with the service provider keeping 88 percent of the fees.

**Charlotte Business INCLUSION**

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

These contracts meet the provisions of (a) - No subcontracting opportunities

**Fiscal Note**

Funding: Police Operating Budget

## 21. Citywide Vehicles and Equipment Cooperative Purchasing Contracts

### Action:

- A. Approve the purchase of vehicles and equipment from cooperative contracts,
- B. Approve unit price contracts with the following vendors for the purchase of heavy equipment for an initial term of one year under the North Carolina Sheriff's Association:
- Young's Truck Center (NCSA Contract 20-04-0506),
  - Carolina Industrial Equipment (NCSA Contract 20-04-0506),
  - Aquip LLC (NCSA Contract 21-05-0506),
  - Maintainer Corporation (NCSA Contract 21-05-0506),
  - Virginia Truck Body (NCSA Contract 21-05-0506),
- C. Approve unit price contracts with the following vendors for the purchase of vehicles and equipment for an initial term of one year under Sourcewell:
- Ascendum Machinery (Sourcewell Contract 040319-GRD),
  - Charlotte Tractor (Sourcewell Contract 040319-KBA),
  - Ascendum Machinery (Sourcewell Contract 041719-CEC),
  - Vermerr Mid-Atlantic LLC (Sourcewell Contract 050119-VRM),
  - Bergkamp Inc. (Sourcewell Contract 052417-BGK),
  - Cemen Tech Inc. (Sourcewell Contract 052417-CMT), and
- D. Authorize the City Manager to extend the contracts for additional terms as long as the cooperative contracts are in effect, at prices and terms that are the same or more favorable than those offered under the cooperative contracts.

### **Staff Resource(s):**

Phil Reiger, General Services  
Kay Elmore, General Services  
Chris Trull, General Services

### **Explanation**

- These contracts will enable the purchase of vehicles and equipment, including heavy-duty cab and chassis, street maintenance equipment, sewer cleaning equipment, mini excavators, skid-steer loaders, utility vehicles, forklifts, and heavy-duty construction equipment.
- Police and Fire vehicles are not included in these contracts.
- City vehicles and equipment are assessed on an annual basis to determine replacement needs based on a rating of vehicle usage, age, maintenance costs, and condition.
- G.S. 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 that can be utilized on a local, regional, and national level.
- Total annual expenditures are estimated to be \$5,624,000.

### **Charlotte Business INClusion**

These are cooperative purchasing contracts and are exempt (Part A: Appendix 27 of the Charlotte Business INClusion Policy).

### **Fiscal Note**

Funding: General and Enterprise Capital Equipment Funds



## 22. Generator System Installation at Lee S. Dukes and Mallard Creek Treatment Plants

### **Action:**

**Approve a contract in the amount of \$15,862,589 to the lowest responsive bidder PC Construction Company for generator system installation at Lee S. Dukes and Mallard Creek Treatment Plants.**

### **Staff Resource(s):**

David Czerr, Charlotte Water

Ron Hargrove, Charlotte Water

Carl Wilson, Charlotte Water

### **Explanation**

- This project will install generator systems, related equipment, and structures at the Lee S. Dukes Water Treatment Plant in the Town of Huntersville (adjacent to Council District 2) and the Mallard Creek Wastewater Treatment Plant in northeast Charlotte (Council District 4).
- On March 9, 2020, the city issued an Invitation to Bid; three bids were received.
- PC Construction Company was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by first quarter 2022.

### **Charlotte Business INclusion**

Established MSBE Goal: 10.00%

Committed MSBE Goal: 0.37%

MSBE Participation to Date: 11.39%

PC Construction Company did not meet the established subcontracting goal at time of bid but earned the required Good Faith Effort points (Part B: Section 3 of the Charlotte Business INclusion Policy). PC Construction Company has committed \$58,000 or approximately 0.37% of the total contract amount to the following certified firm:

- VHM Contracting, LLC (MBE, SBE) (\$58,000) (demolition)

PC Construction Company continues to work towards increasing their participation and, subsequent to the Bid Opening, has committed an additional \$1,748,438 or approximately 11.02% to the following certified firms:

- Armstrong Mechanical Services, Inc. (SBE) (\$747,000) (hvac)
- HG Global Service, Inc. (SBE) (\$500,000) (metal fabrications)
- Premiere Concrete Supply (WBE, SBE) (\$260,000) (concrete and rebar material)
- All Systems Restored HVAC & Electrical, LLC (MBE, SBE) (\$153,000) (plumbing)
- VHM Contracting, LLC (MBE, SBE) (\$42,000) (demolition)
- Silverback Brothers, LLC (MBE, SBE) (\$25,000) (hauling)
- Elite Environmental Services, Inc. (SBE) (\$21,438) (erosion control)

### **Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

## 23. Goose Creek Sanitary Sewer Extension to Fairview Road Construction

### **Action:**

**Approve a guaranteed maximum price of \$6,267,275.31 to Crowder Constructors Inc. dba Crowder Construction Company for Design-Build construction services for the Goose Creek Sanitary Sewer Extension to Fairview Road project.**

### **Staff Resource(s):**

David Czerr, Charlotte Water

Ron Hargrove, Charlotte Water

Carl Wilson, Charlotte Water

### **Explanation**

- Crowder Constructors Inc. dba Crowder Construction Company has developed a guaranteed maximum price (GMP) for construction of approximately 6,600 linear feet of 8 to 16-inch sanitary sewer in the Town of Mint Hill (adjacent to Council District 5).
- The Town of Mint Hill requested sanitary sewer service for future development near and around Veterans Memorial Park, which will also provide residents with failing septic systems or properties not served by septic systems the ability to receive service.
- On November 26, 2018, City Council approved a contract with Crowder Constructors Inc. dba Crowder Construction Company for Design-Build design services. Based on the design, a GMP for construction services was developed.
- The project is anticipated to be complete by third quarter 2021.

### **Charlotte Business INCLUSION**

The city negotiates participation for Design-Build contracts after the firm is selected and scopes of work are defined for design and construction services (Part G: Section 2.7 of the Charlotte Business INCLUSION Policy). Crowder Constructors Inc. dba Crowder Construction Company has committed \$874,406 or approximately 13.95% of the total contract for Design-Build construction services to the following certified firms:

- AMP Utility Distribution Services, Inc. (WBE, SBE) (\$182,898) (pipe material supply)
- Fuller & Co. Construction, LLC (SBE) (\$141,658) (construction tunneling)
- Capstone Civil Engineering, Inc. (MBE, SBE) (\$136,800) (blast monitoring services)
- Express Logistics Services, Inc (MBE, SBE) (\$122,400) (stone supply)
- Mid-Atlantic Erosion, Inc. (MBE, SBE) (\$82,100) (erosion control installations)
- Sanders Constructors, Inc. (SBE) (\$77,800) (clearing & grubbing)
- Martin Landscaping Co, Inc. (MBE, SBE) (\$50,000) (seeding and mulching)
- Lil Associates II, Inc (MBE, SBE) (\$39,000) (minority and small business consulting)
- Yellow Duck Marketing (WBE, SBE) (\$23,000) (project communications)
- PicTec, Inc. (WBE, SBE) (\$18,750) (project scheduling services)

### **Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

### **Attachment(s)**

Map

[Goose Creek Sanitary Sewer Extension Map](#)

## 24. Paw Creek Force Main Upgrades Construction

### **Action:**

**Approve a guaranteed maximum price of \$10,700,038 to State Utility Contractors, Inc. for Design-Build construction services for the Paw Creek Force Main Upgrades project.**

### **Staff Resource(s):**

David Czerr, Charlotte Water  
Ron Hargrove, Charlotte Water  
Carl Wilson, Charlotte Water

### **Explanation**

- State Utility Contractors, Inc. has developed a guaranteed maximum price (GMP) for construction of the improvements and relocation of the force main for the Paw Creek Pump Station, serving areas in northwest Mecklenburg County (adjacent to and including Council Districts 2 and 3).
- These improvements will upgrade and relocate the force main to enhance the reliability of the station and to accommodate future projected flows in the area, including flows from the City of Mount Holly until the Stowe Regional Water Resource Recovery Facility is constructed.
- On January 14, 2019, City Council approved a contract with State Utility Contractors, Inc. for Design-Build design services. Based on the design, a GMP for construction services was developed.
- The project is anticipated to be complete by fourth quarter 2021.

### **Charlotte Business INclusion**

The city negotiates participation for Design-Build contracts after the firm is selected and scopes of work are defined for design and construction services (Part G: Section 2.7 of the Charlotte Business INclusion Policy). State Utility Contractors, Inc. has committed \$1,202,000 or approximately 11.23% of the total contract for construction services to the following certified firms:

- Fuller & Co. Construction, LLC (SBE) (\$925,000) (boring and jack)
- Sanders Constructors, Inc. (SBE) (\$75,500) (clearing)
- Buffkin Trucking, Inc. (MBE, SBE) (\$60,000) (hauling)
- CES Group Engineers, LLP (WBE, SBE) (\$54,000) (surveying, construction staking)
- GDC Supplies Equipment & Contracting, LLC (MBE, SBE) (\$30,000) (traffic control)
- Soggy Bottom Erosion Control, LLC (SBE) (\$30,000) (erosion control)
- Maybury Fencing, Inc. (WBE, SBE) (\$14,500) (fencing)
- Gavel & Dorn Engineering, PLLC (SBE) (\$13,000) (materials testing)

### **Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

### **Attachment(s)**

Map

[PCFMU - MAP](#)

## 25. Process Improvement Design Services for Irwin Creek and Sugar Creek Wastewater Treatment Plants

### **Action:**

**Approve a contract for \$883,665 with HDR Engineering Inc. of the Carolinas for professional engineering services for process improvements for the Irwin Creek and Sugar Creek Wastewater Treatment Plants.**

### **Staff Resource(s):**

David Czerr, Charlotte Water

Ron Hargrove, Charlotte Water

Carl Wilson, Charlotte Water

### **Explanation**

- This contract will provide professional engineering services to design process improvements at the Irwin Creek Wastewater Treatment Plant (WWTP) (Council District 3) and the Sugar Creek WWTP (Council District 6) based on evaluations and recommendations provided by HDR Engineering Inc. of the Carolinas under the previously approved process improvements study.
- Infrastructure and equipment associated with disinfection and pumping processes are nearing the end of their useful lives.
- On January 14, 2019, City Council approved a contract for a process improvements study with HDR Engineering Inc. of the Carolinas for the Irwin Creek and Sugar Creek WWTPs.
- It is anticipated that a construction contract will be presented to City Council for approval in third quarter 2021.

### **Charlotte Business INclusion**

The city negotiates subcontracting participation after the firm is selected for this services contract (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). HDR Engineering Inc. of the Carolinas has committed \$33,475 or approximately 3.79% of the total contract amount to the following certified firms:

- CES Group Engineers, LLP (WBE, SBE) (\$22,000) (surveying and civil engineering design services)
- Froehling & Robertson, Inc. (MBE) (\$9,475) (geotechnical design services)
- Richa Graphics (MBE, SBE) (\$2,000) (print and reproduction services)

### **Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

## 26. CATS Light Rail Emergency Response Vehicle

### **Action:**

**Approve a contract in the amount of \$529,449 to the lowest responsive bidder Western Star Trucks of Delmarva, LLC for the purchase of a light rail emergency response vehicle and parts.**

### **Staff Resource(s):**

John Lewis, CATS

Allen Smith, CATS

### **Explanation**

- The CATS Emergency Response Vehicle (ERV) is for the rescue of disabled light rail vehicles (LRVs) and streetcars.
- The ERV will push, tow, or pull a LRV or Streetcar from the right-of-way allowing revenue service not to be hindered. The vehicle can also carry equipment to any disabled vehicle enabling personnel to put any vehicle back in service from incidents or accidents that may occur.
- On January 13, 2020, the city issued an Invitation to bid; two bids were received.
- Western Star Trucks of Delmarva, LLC was selected as the lowest responsive, responsible bidder.

### **Disadvantaged Business Enterprise**

No goals shall be established on Contracts where: (a) there are no subcontracting opportunities identified for the Contract; or (b) there are no DBEs certified to perform the scopes of work that the city regards as realistic opportunities for subcontracting.

These contracts meet the provisions of (a) - No subcontracting opportunities

### **Fiscal Note**

Funding: CATS Capital Investment Plan

## 27. E-Builder Project Management System

### **Action:**

- A. **Approve the purchase of e-Builder project management software licenses, maintenance, support, and related professional services from a federal contract as authorized by G.S. 143-129 (e)(9a),**
- B. **Approve an amendment to a contract with e-Builder, Inc., a subsidiary of Trimble Inc., for the purchase of e-Builder licenses, maintenance, support, and other professional services for up to four years under GSA Contract GS-35F-408AA, which is currently due to expire on May 30, 2023, and**
- C. **Authorize the City Manager to purchase additional software and services as needed to optimize the city's use of the system and to extend the use of the contract for as long as the federal contract is in effect, at prices and terms that are the same or more favorable than those offered under the federal contract.**

### **Staff Resource(s):**

John Lewis, CATS  
Kelly Goforth, CATS

### **Federal Contract Exception:**

G.S. 143-129(e)(9a) allows local governments to purchase from contracts established by the United States government, including any federal agency, if the contractor is willing to extend the same or more favorable prices, terms, and conditions as those established under the federal contract.

### **Explanation**

- The e-Builder system was initially implemented for the LYNX Blue Line Extension project in July 2012 for project cost control and reporting, construction administration, change management, and document control.
- The successful use of e-Builder by CATS led to its adoption by Aviation and Charlotte Water, and e-Builder has been adopted as a component of the City's long-term enterprise technology strategy.
- CATS intends to continue using e-Builder as a best practice project management tool to manage its capital projects, including the LYNX Silver Line Project, as well as to track various internal approval processes.
- City Council approved the original purchase of e-Builder licenses for CATS on July 23, 2012, and on April 14, 2014, approved the continued purchase of licenses for a term of three years with an optional one term extension.
- The vendor is willing to provide e-Builder licenses to the city at the same or better terms as established in the federal contract.
- Annual expenditures for the software, maintenance, and support are estimated to be \$100,000. Expenditures for professional services of approximately \$100,000 are planned for FY2021.

### **Disadvantaged Business Enterprise**

No goals shall be established on Contracts where: (a) there are no subcontracting opportunities identified for the Contract; or (b) there are no DBEs certified to perform the scopes of work that the city regards as realistic opportunities for subcontracting.

These contracts meet the provisions of (a) - No subcontracting opportunities

### **Fiscal Note**

Funding: CATS Operating Budget

## 28. Airport Passenger Common-Use Lounge Lease

### **Action:**

- A. Approve a 10-year lease with ALD Development Corp. (dba Airport Dimensions) at Charlotte Douglas International Airport, and**
  
- B. Authorize the City Manager to renew the lease for up to two additional, five-year terms consistent with the purpose for which the lease was approved.**

### **Staff Resource(s):**

Brent Cagle, Aviation

Haley Gentry, Aviation

### **Explanation**

- Upon completion of the Airport Concourse A Expansion project in 2018, the Airport gained additional leasable space available for use.
- On October 29, 2019, the Airport issued a Request for Proposals for a Common-Use Passenger Lounge; four responses were received.
- ALD Development Corp. (dba Airport Dimensions) best meets the city's needs in terms of experience, design concept, and cost.
- Annual rent is based on the greater of the minimum annual guarantee of \$1,600,000 or 28 percent of the gross revenues.
- The total 10-year estimated lease value is \$16,000,000.

### **Airport Concessions Disadvantaged Business Enterprise**

The Airport Concessions Disadvantaged Business Enterprise (ACDBE) participation goal is established at 25.00% and based on the total eligible expenses for goods and services. ALD Development Corp. (dba Airport Dimensions) has agreed to utilize certified ACDBE firms in order to meet or exceed the goal established for the duration of this contract. The obligations of both the city and ALD Development Corp. (dba Airport Dimensions) under this contract shall be subject to the provision of all federal regulations relating to the ACDBE program.

### **Fiscal Note**

Funding: Revenue will be deposited into Aviation's Operating Fund

## 29. Bond Issuance Approval for Albemarle Landing

### **Action:**

**Adopt a resolution granting INLIVIAN's request to issue multi-family housing revenue bonds, in an amount not to exceed \$14,000,000, to finance the development of an affordable housing development known as Albemarle Landing.**

### **Staff Resource(s):**

Pamela Wideman, Housing and Neighborhood Services

### **Explanation**

- This action will not obligate the city financially or impact the Capital Investment Plan and is requested to satisfy Section 147(f) of the Internal Revenue Service Code of 1986, which requires the issuance of housing bonds be approved by the local governmental unit with jurisdiction over the area where the development is located.
- INLIVIAN (formerly the Charlotte Housing Authority) is requesting that City Council adopt a resolution authorizing the issuance of multi-family housing revenue bonds for Albemarle Landing, a 128-unit new construction affordable housing development, to be developed, owned, and operated by South Creek Development, LLC, a North Carolina limited liability company.
- The development will be located at 5800 Albemarle Road in Council District 5 and will serve households earning up to 80 percent of the Area Median Income (AMI) with income averaging 60 percent of AMI for the entire development.
- The INLIVIAN bonds, which are not to exceed \$14,000,000, will be used to finance land acquisition and construction of the development.
- There is no Housing Trust Fund allocation or other city financial support affiliated with this development or the approval of this bond issuance.

### **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 land acquisition and construction 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 \$14,000,000 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 does not have a direct interest.

### **Attachment(s)**

City of Charlotte Resolution

INLIVIAN Resolution for Albemarle Landing and Summary of Public Hearing

[Albemarle Landing Resolution and Summary of PH.pdf](#)



## 30. Bond Issuance Approval for Fairmarket Plaza

### **Action:**

**Adopt a resolution granting INLIVIAN's request to issue multi-family housing revenue bonds, in an amount not to exceed \$10,100,000, to finance the acquisition, rehabilitation and equipping of an affordable housing development known as Fairmarket Plaza.**

### **Staff Resource(s):**

Pamela Wideman, Housing and Neighborhood Services

### **Explanation**

- This action will not obligate the city financially or impact the Capital Investment Plan and is requested to satisfy Section 147(f) of the Internal Revenue Service Code of 1986, which requires the issuance of housing bonds be approved by the local governmental unit with jurisdiction over the area where the development is located.
- INLIVIAN (formerly the Charlotte Housing Authority) is requesting that City Council adopt a resolution authorizing the issuance of multi-family housing revenue bonds for Fairmarket Plaza Apartments, a 121-unit multifamily residential rental facility for the purpose of financing acquisition, rehabilitation, and equipping by EREG Fairmarket Plaza LP, a North Carolina limited partnership.
- The development is located at 6427 The Plaza in Council District 5 and will serve households earning up to 80 percent of the Area Median Income (AMI) with income averaging 60 percent of AMI for the entire development.
- The INLIVIAN bonds, which are not to exceed \$10,100,000, will be used to finance acquisition, rehabilitation, and equipping of the development.
- There is no Housing Trust Fund allocation or other city financial support affiliated with this development or the approval of this bond issuance.

### **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, rehabilitation, and equipping 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 \$10,100,000 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 does not have a direct interest.

### **Attachment(s)**

City of Charlotte Resolution

INLIVIAN Resolution for Fairmarket Plaza and Summary of Public Hearing

[Fairmarket Plaza - City Council Approval in Principle and Certificate of PH.pdf](#)

## 31. Bond Issuance Approval for Freedom Flats

### **Action:**

**Adopt a resolution granting INLIVIAN's request to issue multi-family housing revenue bonds, in an amount not to exceed \$28,000,000, to finance the development of an affordable housing development known as Freedom Flats.**

### **Staff Resource(s):**

Pamela Wideman, Housing and Neighborhood Services

### **Explanation**

- This action will not obligate the city financially or impact the Capital Investment Plan, and is requested to satisfy Section 147(f) of the Internal Revenue Service Code of 1986, which requires the issuance of housing bonds be approved by the local governmental unit with jurisdiction over the area where the development is located.
- INLIVIAN (formerly the Charlotte Housing Authority) is requesting that City Council adopt a resolution authorizing the issuance of multi-family housing revenue bonds for Freedom Flats, a 220 -unit new construction affordable housing development, to be developed, owned, and operated by ECG Freedom, LP, a North Carolina limited partnership.
- The development will be located at 4925 Freedom Drive in Council District 3 and will serve households earning up to 80 percent of the Area Median Income (AMI) with income averaging 60 percent of AMI for the entire development.
- The INLIVIAN bonds, which are not to exceed \$28,000,000, will be used to finance land acquisition and construction of the development.
- There is no Housing Trust Fund allocation or other city financial support affiliated with this development or the approval of this bond issuance.

### **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 land acquisition and construction 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 \$28,000,000 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 does not have a direct interest.

### **Attachment(s)**

City of Charlotte Resolution

INLIVIAN Resolution for Freedom Flats Apartments and Summary of Public Hearing

[Freedom Flats Resolution and Certificate and Summary.pdf](#)

## 32. Bond Issuance Approval for North Tryon Homes

### **Action:**

**Adopt a resolution granting INLIVIAN's request to issue multi-family housing revenue bonds, in an amount not to exceed \$22,000,000, to finance the development of an affordable housing development known as North Tryon Homes.**

### **Staff Resource(s):**

Pamela Wideman, Housing and Neighborhood Services

### **Explanation**

- This action will not obligate the city financially or impact the Capital Investment Plan and is requested to satisfy Section 147(f) of the Internal Revenue Service Code of 1986, which requires the issuance of housing bonds be approved by the local governmental unit with jurisdiction over the area where the development is located.
- INLIVIAN (formerly the Charlotte Housing Authority) is requesting that City Council adopt a resolution authorizing the issuance of multi-family housing revenue bonds for North Tryon Homes, a 180-unit new construction affordable housing development, to be developed, owned, and operated by North Tryon Homes, LLC, a North Carolina limited liability company.
- The development will be located at 5301 North Tryon Street in Council District 4 and will serve households earning up to 80 percent of the Area Median Income (AMI) with income averaging 60 percent of AMI for the entire development.
- The INLIVIAN bonds, which are not to exceed \$22,000,000 will be used to finance land acquisition and construction of the development.
- The bonds are part of the developer's financing plan that includes a \$2,000,000 Housing Trust Fund allocation approved by City Council on July 22, 2019.

### **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 land acquisition and construction 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 \$22,000,000 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 does not have a direct interest.

### **Attachment(s)**

City of Charlotte Resolution

INLIVIAN Resolution for North Tryon Homes and Summary of Public Hearing

[N. Tryon City Resolution and Summary of PH.pdf](#)

### 33. Bond Issuance Approval for South Village Apartments

**Action:**

**Adopt a resolution granting INLIVIAN's request to issue multi-family housing revenue bonds, in an amount not to exceed \$12,000,000, to finance the development of an affordable housing development known as South Village Apartments.**

**Staff Resource(s):**

Pamela Wideman, Housing and Neighborhood Services

**Explanation**

- This action will not obligate the city financially or impact the Capital Investment Plan and is requested to satisfy Section 147(f) of the Internal Revenue Service Code of 1986, which requires the issuance of housing bonds be approved by the local governmental unit with jurisdiction over the area where the development is located.
- INLIVIAN (formerly the Charlotte Housing Authority) is requesting that City Council adopt a resolution authorizing the issuance of multi-family housing revenue bonds for South Village Apartments, an 82-unit new construction affordable housing development, to be developed, owned, and operated by Scaleybark Apartments, LLC, a North Carolina limited liability company.
- The development will be located at the intersection of Whitton Street and Dewitt Lane in Council District 3 and will serve households earning up to 80 percent of the Area Median Income (AMI) with income averaging 60 percent of AMI for the entire development.
- The INLIVIAN bonds, which are not to exceed \$12,000,000, will be used to finance land acquisition and construction of the development.
- The bonds are part of the developer's financing plan that includes a \$3,000,000 Housing Trust Fund allocation approved by City Council on July 22, 2019, and a City land contribution valued at \$2,570,000.

**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 land acquisition and construction 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 \$12,000,000 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 does not have a direct interest.

**Attachment(s)**

City of Charlotte Resolution

INLIVIAN Resolution for South Village Apartments and Summary of Public Hearing

[South Village Resolution and Summary of PH.pdf](#)

## 34. Meeting Minutes

**Action:**

Approve the titles, motions, and votes reflected in the Clerk's record as the minutes of:

- June 01, 2020 Strategy Session,
- June 08, 2020 Business Meeting/Budget Adoption,
- June 15, 2020 Zoning Meeting,
- June 22, 2020 Business Meeting, and
- July 06, 2020 Strategy Session.

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**PROPERTY TRANSACTIONS****35. Property Transactions - Hertford Road 1528, Parcel #1**

**Action:** Approve the following Acquisition: Hertford Road 1528, Parcel #1

**Project:** Hertford Road 1528, Parcel #1

**Program:** Hertford Road 1528

**Owner(s):** Daniel K Cottingham Jr and Christina B Cottingham

**Property Address:** 1528 Hertford Road

**Total Parcel Area:** 12,448 sq. ft. (0.286 ac.)

**Property to be acquired by Easements:** 1,430 sq. ft. (0.033 ac.) in Storm Drainage Easement plus 764 sq. ft. (0.018 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** None

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 153-061-19

<http://polaris3g.mecklenburgcountync.gov/#mat=47164&pid=15306119&qsid=15306119>

**Purchase Price:** \$76,050

**Council District:** 1

## 36. Property Transactions - Providence Road Sidewalk Improvement (Greentree Drive to Knob Oak Lane), Parcel #16

**Action:** Approve the following Acquisition: Providence Road Sidewalk Improvement (Greentree Drive to Knob Oak Lane), Parcel #16

**Project:** Providence Road Sidewalk Improvement (Greentree Drive to Knob Oak Lane), Parcel #16

**Program:** Providence Road Sidewalk Improvement (Greentree Drive to Knob Oak Lane)

**Owner(s):** James Ernest McGhee, Jr. and Linda M McGhee

**Property Address:** 1601 Cavendish Court

**Total Parcel Area:** 22,362 sq. ft. (0.513 ac.)

**Property to be acquired by Fee:** 1,974 sq. ft (0.045 ac.)

**Property to be acquired by Easements:** 2,328 sq. ft. (0.053 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** Fence

**Landscaping to be impacted:** Trees, bushes, and various plantings

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 183-082-05

<http://polaris3g.mecklenburqcountync.gov/#mat=49733&pid=18308205&qsid=18308205>

**Purchased Price:** \$56,550

**Council District:** 6

## 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.