

City of Charlotte

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



Meeting Agenda

Monday, February 8, 2021

Electronic Regular Meeting Hosted from Room 267

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 Greg Phipps
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,
ELECTRONIC REGULAR MEETING HOSTED FROM ROOM
267**

Call to Order

Introductions

Invocation

Pledge of Allegiance

1. Mayor and Council Consent Item Questions and Answers

Staff Resource(s):

Marie Harris, Strategy and Budget

Time: 5 minutes

Synopsis

Mayor and Council may ask questions about Consent agenda items.

2. Action Review Agenda Overview

Staff Resource(s):

Marcus Jones, City Manager

3. Transformational Mobility Network Update

Staff Resource(s):

Taiwo Jaiyeoba, City Manager's Office

Kelly Flannery, Finance

Time: 10 minutes - Presentation; 20 minutes - Discussion

Explanation

- Provide an update on the Transformation Mobility Network program.

[Transformational Mobility Network Update](#)

4. Source of Income Discrimination

Staff Resource(s):

Pamela Wideman, Housing and Neighborhood Services

Time: 10 minutes - Presentation; 20 minutes - Discussion

Explanation

- Provide an overview of the recommended strategy for addressing source of income discrimination.

[Source of Income Discrimination](#)

5. Closed Session (as necessary)

CONSENT

- 6. Consent agenda items 23 through 41 may be considered in one motion except for those items removed by a Council member. Items are removed by notifying the City Clerk.**

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

7. Public Hearing on a Resolution to Close an Alleyway off Royal Court Parallel to East Morehead Street

Action:

Conduct a public hearing to close an alleyway off Royal Court parallel to East Morehead 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 proposed action removes land from public right-of-way and attaches it to the adjacent property.
- The alleyway to be closed is located in Council District 1.
- 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 February 9, 2021, at 11:59 p.m. Any additional comments received will be provided to Council.

Petitioner

Bridgewood Houston Property Group

Right-of-Way to be Abandoned

An alleyway off Royal Court parallel to East Morehead Street

Reason

Per the petition submitted by Bridgewood Houston Property Group, the abandonment of the alley would allow the adjoining parcels to utilize the unopened and unused alley for future redevelopment. The city has no objections.

Notification

As part of the city's notification process, and in compliance with NC G.S. 160A-299, the Charlotte Department of Transportation submitted this abandonment petition for review by the public and city departments.

Adjoining property owner(s)

OAR Properties, LLC - No objections

Carl Ellington, Jr. - No objections

Mary Ellington Sailors - No objections

McDowell/Cochrane - No objections

Jean Lamb - No objections

Janet Hall - No objections

Carl Ellington, 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

[2020-26A Alleyway off Royal Court Abandonment Map](#)

POLICY

8. Hospitality Revenue Capital Investment Policy

Action:

- A. **Adopt a Hospitality Revenue Capital Investment Policy to be used for prioritization of hospitality revenue-supported capital investments, and**
- B. **Authorize the City Manager to make administrative updates to the policy consistent with the original intent of the policy.**

Committee Chair:

Ed Driggs, Budget and Effectiveness

Staff Resource(s):

Kelly Flannery, Chief Financial Officer

Background

- Based on priorities set at Council's 2020 Annual Strategy Meeting, a referral was made to the Budget and Effectiveness Committee to develop a process to evaluate capital projects funded by hospitality taxes which are restricted to specific uses by the state.
- The city collects hospitality taxes that are restricted per state legislation to expenditures for specified purposes. These revenues are budgeted and accounted for in the Convention Center Tax and Tourism and Hall of Fame Tax funds.
- Hospitality tax revenues are an important component to the city's economic development program and strategic plan. Tourism related capital facilities and infrastructure are important legacies that serve current and future generations. A properly prepared capital plan is essential to the continued delivery of services to citizens and businesses and to the future health of the hospitality funds.

Proposed Policy

- The Hospitality Revenue Capital Investment Policy is designed to define fund balance and debt parameters, establish an evaluation process, and define reporting requirements.
 - Fund balance and debt parameters: These will serve as key metrics in evaluating the funding of capital investments within the hospitality funds. These key parameters will ensure the long-term fiscal health of the funds.
 - Evaluation process: All capital investment opportunities will be evaluated through specific criteria to confirm alignment with Council priorities and to provide transparency when committing current or future debt affordability. The evaluation process will consider economic development, financing, and socio-political criteria.
 - Reporting: Regular reporting and evaluation on approved investments and in-process investments will be performed to establish financial accountability, enhance operational effectiveness, and promote transparency.

Committee Discussion

- The Budget and Effectives Committee (Committee) received information and held discussions on issues and consideration for a policy at the July 21, 2020; August 18, 2020; and December 1, 2020 Committee meetings.
- On December 1, 2020, the Committee voted unanimously in favor of advancing the proposed revisions to full City Council (*Johnson was absent*).
- At the February 1, 2021 Council Strategy Session, Council received a presentation highlighting the proposed changes.

Attachment(s)

Proposed Hospitality Revenue Capital Investment Policy

[Hospitality Revenue Capital Investment Policy - RCA Attachment](#)

9. Legacy Commission Recommendations

Action:

Approve the Great Neighborhoods Committee recommendation to approve and begin implementation of the revised Legacy Commission recommendations.

Committee Chair:

Malcolm Graham, Great Neighborhoods Chair

Staff Resource(s):

Tiffany Blackwell, Strategy and Budget

Pamela Wideman, Housing and Neighborhood Services

Explanation

- In January 2020, the Legacy Commission was established with the charge of engaging in a comprehensive study of street names and monuments in the City of Charlotte that honor a legacy of Confederate soldiers, slaveowners, and segregationists.
- The Legacy Commission developed its recommendations for City Council through a detailed historical examination of the naming of streets and monuments and a detailed historical explanation of all recommended changes.
- At the December 14, 2020 City Council Business Meeting, the Legacy Commission presented its final report, including recommendations for Council's consideration.
- Recommendations by the Legacy Commission include changing street names and reimagining civic spaces to create a new symbolic landscape that is representative of the dynamic and diverse city Charlotte has become and reflective of the inclusive vision it strives to achieve. Additional information can be found on the city's website at <https://charlottenc.gov/Mayor/Pages/Legacy-Commission.aspx>.
- Public input was collected through surveys and a public hearing conducted during the January 4, 2021 City Council Business Meeting.
- At the January 11, 2021 City Council Annual Strategy Meeting, the Legacy Commission's recommendations were referred to the Great Neighborhoods Committee for consideration.

Committee Discussion

- On January 20, 2021, the Great Neighborhoods Committee voted to recommend adoption of the Legacy Commission recommendations to full Council with a revision to include a pilot case to develop a process for changing the name of a street. (Bokhari, Eiselt, Graham, and Watlington for; Winston opposed)

Next Steps

- Next steps include:
 - Develop a pilot program that outlines a process for changing street names,
 - Support neighborhoods and developers' efforts that petition name changes based on ties to slavery, the Confederacy, white supremacy, or glorification of the Antebellum South,
 - Submit the Mellon Foundation funding application,
 - Connect and support with efforts to install the lynching memorial from the National Memorial for Peace and Justice that commemorates the deaths of Joe McNeely and Willie McDaniel, the two documented lynching's in Charlotte, and
 - Analyze impact of the remaining proposed recommendations to Charlotte residents and city policies.

Attachment(s)

Legacy Commission Recommendations Overview

December 14, 2020 Business Meeting Presentation

Legacy Commission Final Report

[Legacy Commission Recommendations Overview](#)

[12.14 Legacy Commission Recommendations Presentation](#)

[Legacy Commission Final Report](#)

10. City Manager's Report

BUSINESS

11. Emergency Rental and Utility Assistance in Response to COVID-19

Action:

- A. **Adopt a budget ordinance appropriating \$26,714,160 from the U.S. Department of Treasury for Emergency Rental and Utility Assistance in the General COVID-19 Assistance Fund, and**
- B. **Authorize the City Manager to execute any necessary contracts related to the Emergency Rental and Utility Assistance Program.**

Staff Resource(s):

Pamela Wideman, Housing and Neighborhood Services

Explanation

- To help address the economic impacts of the COVID-19 pandemic, Congress included funds for emergency rental and utility assistance in H.R. 133, the FY 2021 Consolidated Appropriations Act (Act).
- As a result of the Act, the city received a total of \$26,714,160 in federal funding to provide emergency rental and utility assistance.
- The proposed uses for this funding are restricted by guidance from the U.S. Department of Treasury.
- A minimum of 90 percent of the funds (\$24,042,744) must be spent on direct financial assistance.
- The proposed funding uses are:
 - Utility Assistance (electric, gas, and water): \$7,934,105 to provide assistance to approximately 15,000 households across the three utilities. The utilities assistance will be allocated as follows:
 - Approximately \$2.6 million for Duke Energy, \$3.6 million for Charlotte Water, and \$1.7 million for Piedmont Natural Gas with the flexibility to adjust these amounts based on usage and demand.
 - Rental Assistance: \$16,108,639 to provide assistance to approximately 5,300 households.
- Direct financial assistance can be provided for the following types of expenses:
 - Rent, including up to three months of prospective rent, and rental arrears;
 - Utilities and utilities arrears; and
 - Any other housing-related expenses incurred that are directly or indirectly associated with COVID-19, as defined by the Treasury Secretary.
- Assistance may be provided for up to 12 months, and an additional three months of assistance may be accessed if the extra months are needed to ensure housing stability and funds remain available.
- Eligible households are defined as renter households which:
 - have a household income not more than 80 percent of Area Median Income (AMI);
 - have one or more household members who can demonstrate a risk of experiencing homelessness or housing instability; and
 - have one or more household members who qualify for unemployment benefits or experienced financial hardship due, directly or indirectly, to the pandemic.
- Of the eligible households, the city must prioritize households whose incomes do not exceed 50 percent of AMI as well as renter households that include an individual who is currently unemployed and has been unemployed for 90 or more days.
- Landlords and property owners can assist renters in applying for assistance or, with consent, apply for rental assistance on behalf of renters.
- The remaining 10 percent of the funds (\$2,671,416) will be used for program administration.
- Funds generally expire on December 31, 2021, but any unobligated funds are subject to a yet-to-be determined recapture and reallocation process after September 29, 2021.
- This program will leverage the work of the Charlotte-Mecklenburg Housing Partnership (CMHP) and SocialServe who are currently working to help residents find and maintain stable, affordable housing.

Fiscal Note

General COVID-19 Assistance Fund

Attachment(s)

Rental Assistance Budget Ordinance

[Rental Assistance Budget Ordinance](#)

12. Set a Public Hearing on Airport 2021 General Airport Revenue Bonds and Bond Anticipation Notes

Action:

- A. Adopt an initial findings resolution and authorize the Chief Financial Officer to make appropriate application to the Local Government Commission for issuance of General Airport Revenue Bonds not to exceed \$500,000,000 and revenue bond anticipation notes not to exceed \$300,000,000, and**
- B. Adopt a resolution setting a public hearing on February 22, 2021, for this financing as required by Internal Revenue Service regulations.**

Staff Resource(s):

Haley Gentry, Aviation
Kelly Flannery, Finance

Explanation

- Authorize the issuance of up to \$500,000,000 in revenue bonds, which is comprised of up to \$250,000,000 in General Airport Revenue Bonds (GARBs) to provide permanent financing for projects listed below, including expenses funded with short-term construction-period financing issued in 2019, and up to \$250,000,000 in refunding Series 2010A-B and Series 2011A-B for debt service savings.
- This action would also authorize a new construction period financing program for up to \$300,000,000 in short-term notes to provide financing for other projects that are in the design phase; it is expected that permanent financing for these projects will be secured in two or three years.
- The 2021 GARBs will provide long-term financing for the following or other similar projects which are part of the Aviation Capital Investment Plan:
 - Terminal Lobby Expansion,
 - Concourse E Expansion,
 - Central Energy Plant,
 - Atrium Life Safety, and
 - Field Maintenance Building Renovation.
- The 2021 Bond Anticipation Notes will provide short-term financing for the following or other similar projects:
 - Concourse A Expansion Phase 2,
 - Terminal Lobby Expansion,
 - Terminal Lobby Roof,
 - Terminal Lobby Canopy,
 - North End Around Taxiway and Relocation,
 - Taxiway F Extension, Deice Pad, and Taxiway South Cross Field, and
 - Concourse E Dual Taxilanes.
- Long and short-term financing authorized by these actions is secured by Airport revenue, and the Airport's signatory airlines have approved the projects.
- Prior to issuing this debt, a third-party feasibility study will be completed to indicate that sufficient revenues are forecasted to be available to repay the debt.
- Debt issuances must be approved by the Local Government Commission (LGC). Action A authorizes the city to submit an application for the issuances to the LGC for approval.
- Internal Revenue Service regulations require a public hearing on new, tax-exempt, debt-funded projects. Action B sets a public hearing for February 22, 2021.

Fiscal Note

Funding: Airport Debt Service Fund

Attachment(s)

Initial Findings Resolution

[Initial Findings Resolution](#)

13. Business Investment Grant for InterContinental Capital Group

Action:

Approve the city's Business Investment Grant to InterContinental Capital Group for a not to exceed amount of \$109,661 over seven years.

Staff Resource(s):

Tracy Dodson, City Manager's Office

Fran West, Economic Development

Explanation

- InterContinental Capital Group is a direct lending mortgage bank that specializes in home financing and residential properties. Founded in 2005, InterContinental Capital Group is headquartered in Melville, New York.
- On December 22, 2020, InterContinental Capital Group announced it would expand its existing operations in Charlotte.
- InterContinental Capital Group has committed to a capital investment of \$5,844,450 and creation of 500 jobs to be hired over five-years with an average wage of \$87,500.
- In addition to 500 new jobs, 120 current positions will be retained for the term of the grant.
- This action is requesting City Council approval of a not to exceed Business Investment Grant (BIG) of \$109,661 over seven years.
 - During the week of November 2, 2020, City Council indicated their intent to approve this BIG during council discussions.
- In addition to the BIG, the State of North Carolina also approved a Job Development Investment Grant in the amount of \$7,694,250 and \$650,000 in community college training funds.
- On January 25, 2021, a public hearing was held on the BIG for InterContinental Capital Group. No comments from the public were received.

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 InterContinental Capital Group must be paid before a grant payment is made.
 - If InterContinental Capital Group removes the investment from Charlotte during the grant term, it shall pay back 100 percent of the investment grant paid to date.
 - If InterContinental Capital Group moves the investment from Charlotte within seven 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 years of the end of the BIP Term - 10 percent of grant payments

Fiscal Note

Funding: Business Investment Grant

14. 2020 Charlotte-Mecklenburg Hazard Mitigation Plan

Action:

- A. **Adopt a resolution approving the 2020 Charlotte-Mecklenburg Multi-Jurisdictional Hazard Mitigation Plan, and**
- B. **Vest the Charlotte-Mecklenburg Emergency Management Office with the following tasks:**
- **Inform all concerned parties of the action;**
 - **Cooperate with federal, state, and local agencies and private firms which undertake to study, survey, map, and identify floodplain areas, and cooperate with neighboring communities with respect to management of adjoining floodplain areas in order to prevent exacerbation of existing hazard impacts;**
 - **Continue oversight of the Radiological Emergency Preparedness program and countywide hazardous materials, also addressed in the plan; and**
 - **Appoint the Charlotte-Mecklenburg Emergency Management Office (in collaboration with the city's Storm Water Services and Planning, Design, and Development departments) to assure that the Charlotte-Mecklenburg Multi-Jurisdictional Hazard Mitigation Plan is reviewed annually and every five years to assure compliance with state and federal regulations.**

Staff Resource(s):

Reginald T. Johnson, Fire
Jerry Winkles, Fire
Robert W. Graham, Fire

Explanation

- The purpose of the five-year Charlotte-Mecklenburg Hazard Mitigation Plan is to mitigate the impact of identified natural hazard risks.
- Section 322 of the Federal Disaster Mitigation Act of 2000 states that local governments must develop an All-Hazards Mitigation Plan in order to receive Hazard Mitigation Grant funds and other disaster-related assistance funding.
- The multi-jurisdictional Hazard Mitigation Plan includes the City of Charlotte, Mecklenburg County, and six adjoining jurisdictional towns, all of whom must approve independently.
- To date, the plan has been approved by the State of North Carolina and the Federal Emergency Management Agency.
- The proposed 2020 Hazard Mitigation Plan is available for review upon request.

Attachment(s)

Resolution

[Resolution](#)

15. Nominations to the Business Advisory Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term beginning upon appointment and ending April 28, 2022.
 - Carol Phillips did not meet attendance requirements.
- One appointment for a three-year term beginning April 29, 2021, and ending April 28, 2024.
 - Damiko Faulkner is eligible and interested in reappointment.
- Two appointments for three-year terms recommended by the Charlotte Regional Business Alliance beginning April 29, 2021, and ending April 28, 2024.
 - Lindsey Haaser-Braciale is eligible and interested in reappointment.
 - Mclean Godley is eligible and interested in reappointment.
- One appointment for a three-year term recommended by the Certified SBE-Hispanic Contractors Association beginning upon appointment and ending April 28, 2023.
 - Domenico Santilli is eligible but not interested in reappointment.

Attachment(s)

Business Advisory Committee Applications

16. Nominations to the Charlotte Business INClusion Advisory Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a two-year term for an At-Large representative beginning March 1, 2021, and ending February 28, 2023.
 - Jamal Cook is eligible and interested in reappointment.
- One appointment for a two-year term for an At-Large representative for a Prime Construction Company beginning March 1, 2021, and ending February 28, 2023.
 - Chyna Green is eligible and interested in reappointment.
- One appointment for a two-year term for a Black Chamber of Commerce representative beginning upon appointment and ending February 28, 2022.
 - Michelle Keaton-Barrow is eligible but not interested in reappointment.
- One appointment for a two-year term for a Carolinas Association of General Contractors representative beginning March 1, 2021, and ending February 28, 2023.
 - William Stricker has served two terms and is ineligible for reappointment.
- One appointment for a partial term for a Latin American Chamber of Commerce representative beginning upon appointment and ending February 28, 2022.
 - Johanna Suarez has resigned.
- One appointment for a two-year term for a National Association of Women Business Owners representative beginning March 1, 2021, and ending February 28, 2023.
 - Nicole Reina is eligible and interested in reappointment.

Attachment(s)

Charlotte Business INClusion Advisory Committee Applications

17. Nominations to the Community Relations Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- Two appointments for partial terms beginning upon appointment and ending June 20, 2022.
 - LaToya Evans did not meet attendance requirements.
 - Gary Leake did not meet attendance requirements.

Attachment(s)

Community Relations Committee Applications

18. Nominations to the Historic District Commission

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term for a Resident Owner of Heritage Court beginning upon appointment and ending December 31, 2023.
 - James Jordan has resigned.

Attachment(s)

Historic District Commission Applications

19. Nominations to the Neighborhood Matching Grants Fund

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a Business Representative for a two-year term beginning April 16, 2021, and ending April 15, 2023.
 - Jamal Cook is eligible and interested in reappointment.
- One appointment for a Neighborhood Representative from within program boundaries (Northwest, Northeast, Southeast, Southwest) for a two-year term beginning April 16, 2021, and ending April 15, 2023.
 - Diane Langevin is eligible and interested in reappointment.
- One appointment for a Non-profit Sector Representative for a partial term beginning upon appointment and ending April 15, 2022.
 - Shannon McKnight did not meet attendance requirements.

Attachment(s)

Neighborhood Matching Grants Fund Applications

20. Nominations to the Privatization/Competition Advisory Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- Seven appointments for two-year terms beginning March 2, 2021, and ending March 1, 2023.
 - Parker Cains has served two terms and is ineligible for reappointment.
 - Sarah Cherne has served two terms and is ineligible for reappointment.
 - Eric Cohen has served two terms and is ineligible for reappointment. However, the board would like the member to serve for a third term. See memo for details.
 - Johnell Holman has served two terms and is ineligible for reappointment.
 - Angela Shealy is eligible and interested in reappointment.
 - William Turner has served two terms and is ineligible for reappointment.
 - Alexander Vuchnich has served two terms and is ineligible for reappointment.

Attachment(s)

Privatization/Competition Advisory Committee Applications

21. Nominations to the Transit Services Advisory Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term in the Local/Express Service Passenger category beginning upon appointment and ending January 31, 2023.
 - Lawrence Hillebrand did not meet attendance requirements.
- One appointment for a three-year term in the Neighborhood Organizational Leader category beginning February 1, 2021, and ending January 31, 2024.
 - Samuel Grundman is eligible and interested in reappointment.
- One appointment for a three-year term in the Suburban Employer Served by Charlotte Transit category beginning February 1, 2021, and ending January 31, 2024.
 - Leroy Fields is eligible and interested in reappointment.
- One appointment for a partial term in the Vanpool Rider category beginning upon appointment and ending January 31, 2022.
 - Parker Cains has resigned.

Attachment(s)

Transit Services Advisory Committee Applications

22. Nominations to the Zoning Board of Adjustment

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- Two appointments for three-year terms as Alternate Members beginning January 30, 2021, and ending January 31, 2024.
 - Emma Allen has resigned.
 - Terry Brown, Jr. has resigned.
- Two appointments for three-year terms beginning January 30, 2021, and ending January 31, 2024.
 - Eric Sanderson is eligible and interested in reappointment.
 - Douglas Wilson is eligible and interested in reappointment.

Attachment(s)

Zoning Board of Adjustment Applications

CONSENT

23. SAFE Charlotte Professional Consulting Services

Action:

- A. **Authorize the City Manager to negotiate and execute a contract for \$600,000 with RAND Corporation for SAFE Charlotte professional consulting services for a term of five months, and**
- B. **Authorize the City Manager to amend the contract with possible price adjustments consistent with the purpose for which the contract was approved, and**
- C. **Authorize the sharing of specified CMPD personnel data and records with RAND Corporation for the purpose of research and analysis in support of the SAFE Charlotte Plan.**

Staff Resource(s):

Victoria O. Johnson, City Manager's Office

Explanation

- On October 26, 2020, City Council adopted the SAFE (*Safety and Accountability for Everyone*) Charlotte Plan which includes six public safety recommendations for the city to reimagine the approach to policing and violence prevention.
- SAFE Charlotte recommendations #2, 3, and 4 call for the city to work with an external partner to:
 - develop recommendations to convert low-risk sworn duties to non-uniform units;
 - expand the Community Policing Crisis Response Team (CPCRT) and develop a non-sworn officer responder model for mental health and homeless calls; and
 - provide an independent analysis of police-civilian contact, including police calls and responses.
- Some of the data required to carry out these analyses includes CMPD personnel records, which may be released by City Council pursuant to North Carolina General Statute 160A-168(c2), for statistical, research or teaching purposes when the institution certifies that no information will be released which would identify employees.
- CMPD and the City Manager's Office will work with RAND to ensure that personnel name data remains anonymous, and the executed agreement will include a required certification similar to the attached sample certification to safeguard personnel data.
- On December 4, 2020, the city issued a Request for Proposals (RFP); 11 responses were received.
- RAND Corporation best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.

Charlotte Business INclusion

Established MSBE Goal: 20.00%

Committed MSBE Goal: 20.00%

RAND Corporation met the established subcontracting goal and has committed 20.00% (\$120,000) of the total contract amount to the following certified firms (Part C: Section 2.1 of the Charlotte Business INclusion Policy):

- Transcription Plus, LLC (SBE) (\$6,600) (interview transcriptions)
- Amplify Consulting, LLC (MBE, SBE) (\$113,400) (stakeholder engagement)

Fiscal Note

Funding: General Fund Operating Budget

Attachment(s)

Draft Certification to Safeguard Personnel Data

[Draft Certification to Safeguard Personnel Data](#)

24. Citywide Uniform Rentals and Other Related Services

Action:

- A. **Approve a unit price contract with Rental Uniform Service of Statesville, Inc. dba Sunshine Uniform Service for uniform rentals and other related services for an initial term of two years, and**
- B. **Authorize the City Manager to renew the contract for up to two, two-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Phil Reiger, General Services

Kay Elmore, General Services

Explanation

- Various city departments use a service provider to supply uniforms and other garments through a rental and laundering program. The garments include certain specifications, such as standard field or supervisory garments, flame-resistant, or high-visibility garments.
- Departments also utilize the service provider for various supplies, including mats, shop rags, degreaser, and dust mops.
- The service provider completes a weekly laundering of garments, which includes delivery and pickup of garments at city facilities and completion of repairs or uniform replacements as needed.
- On October 30, 2020, the city issued a Request for Proposals (RFP); three responses were received.
- Rental Uniform Service of Statesville, Inc. dba Sunshine Uniform Service best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$750,000.

Charlotte Business INclusion

Rental Uniform Service of Statesville, Inc. dba Sunshine Uniform Service is a city certified WBE.

Established WBE Goal: 5.00%

Committed WBE Goal: 5.00%

Rental Uniform Service of Statesville, Inc. dba Sunshine Uniform Service has met the established subcontracting goal and has committed 5.00% (\$225,000) of the total contract amount to the following certified firm: (Part C: Section 2.1 of the Charlotte Business INclusion Policy):

- Earl Tindol Ford (WBE) (\$225,000) (delivery vehicles and replacement parts)

Fiscal Note

Funding: Various Departments' Operating Budgets

25. Construct Hinsdale-Tinkerbell Storm Drainage Improvement Project

Action:

Approve a contract in the amount of \$8,455,760.50 to the lowest responsive bidder Onsite Development, LLC for the Hinsdale-Tinkerbell Storm Drainage Improvement Project.

Staff Resource(s):

Angela Charles, Charlotte Water
Mike Davis, Storm Water Services
Matt Gustis, Storm Water Services

Explanation

- This project will improve deteriorating pipe in the roadway and reduce flooding of properties and structures in the McMullen Creek watershed with boundaries of Wamath Drive to the north, Belchasse Street and Stocktie Road to the south, McMullen Creek to the east, and Sharon Road to the west, in Council District 6.
- Construction will include the installation of storm drainage, drainage system rehabilitation, water/sanitary sewer, curb, gutter, and driveways.
- On November 4, 2020, the city issued an Invitation to Bid; five bids were received.
- Onsite Development, LLC was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by third quarter 2023.

Charlotte Business INclusion

Established MBE Goal: 8.00%

Committed MBE Goal: 8.00%

Onsite Development, LLC met the established MBE subcontracting goal and has committed 8.00% (\$676,515) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Affordable Source Trucking, LLC (MBE, SBE) (\$225,505) (hauling)
- MTS Trucking Inc. (MBE, SBE) (\$225,505) (hauling)
- Streeter Trucking Company, Inc. (MBE, SBE) (\$225,505) (hauling)

Established SBE Goal: 20.00%

Committed SBE Goal: 20.00%

Onsite Development, LLC met the established SBE subcontracting goal and has committed 20.00% (\$1,691,170) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- AMP Utility Distribution Services, LLC (WBE, SBE) (\$700,000) (materials)
- LJR Concrete LLC (SBE) (\$275,000) (concrete)
- Solanos Trucking Company, Inc. (SBE) (\$333,085) (hauling)
- Tony's Trucking Inc. (MBE, SBE) (\$333,085) (hauling)
- Combs Tree Removal (SBE) (\$50,000) (tree removal)

Fiscal Note

Storm Water Capital Investment Plan

Attachment(s)

Map

[Construct Hinsdale Tinkerbell Storm Drainage Improvement Project](#)

26. Construct Storm Water Repair and Improvement Project

Action:

Approve a contract in the amount of \$3,671,345 to the lowest responsive bidder OnSite Development, LLC for the Storm Water Repair and Improvement FY 2021-B project.

Staff Resource(s):

Angela Charles, Charlotte Water
Mike Davis, Storm Water Services
Susan Tolan, Storm Water Services

Explanation

- This contract is part of an ongoing program to provide repairs and/or improvements to storm drainage systems.
- Approximately 25 projects may be constructed from this contract, within a contract term that may not exceed 24 months. The number of projects may vary depending on the nature and extent of the repairs constructed.
- On October 30, 2020, the city issued an Invitation to Bid; four bids were received.
- OnSite Development, LLC was selected as the lowest responsive, responsible bidder.

Charlotte Business INclusion

Established MBE Goal: 10.00%

Committed MBE Goal: 10.01%

Onsite Development, LLC has identified MBEs on its project team and for each work order issued, committed 10.01% of the total contract amount to the following certified firms:

- Affordable Source Trucking, LLC (MBE, SBE) (hauling)
- MTS Trucking Inc. (MBE, SBE) (hauling)
- Streeter Trucking Company, Inc. (MBE, SBE) (hauling)

Established SBE Goal: 20.00%

Committed SBE Goal: 20.01%

Onsite Development, LLC has identified SBEs on its project team and for each work order issued, committed 20.01% of the total contract amount to the following certified firms:

- AMP Utility Distribution Services, LLC (WBE, SBE) (materials)
- LJR Concrete LLC (SBE) (concrete)
- Combs Tree Service LLC (SBE) (tree removal)
- Solanos Trucking Company, Inc. (SBE) (hauling)
- Tony's Trucking Inc. (SBE) (hauling)

Fiscal Note

Funding: Storm Water Capital Investment Plan

27. Sanitary Sewer Rehabilitation Professional Services

Action:

- A. Approve unit price contracts for Fiscal Year 2021 sanitary sewer rehabilitation professional services for an initial term of one year with the following companies:**
- **Frazier Engineering, P.A.,**
 - **Freese and Nichols, Inc., and**
- B. Authorize the City Manager to renew the contracts for up to three, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

Angela Charles, Charlotte Water
Jackie Jarrell, Charlotte Water
Scott Clark, Charlotte Water

Explanation

- These contracts will provide for professional services for the on-going Sanitary Sewer Rehabilitation Program. The work will include continued program management and development in the areas of planning, evaluating, design, construction management, records management, and performance monitoring.
- On September 22, 2020, the city issued a Request for Qualifications (RFQ); five responses were received.
- The companies selected are the best qualified firms to meet the city's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- Total annual expenditures are estimated to be \$2,400,000.

Charlotte Business INclusion

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

Frazier Engineering, P.A. has committed \$100,000 or approximately 5.00% of the \$2,000,000 estimated annual contract amount to the following certified firms:

- Survey and Mapping Control, Inc. (SBE) (\$80,000) (surveying)
- Boyle Consulting Engineers, PLLC (SBE) (\$20,000) (geotechnical)

Freese and Nichols, Inc. has committed \$20,000 or approximately 5.00% of the \$400,000 estimated annual contract amount to the following certified firms:

- Stewart Engineering, Inc. (MBE) (\$12,000) (subsurface utility engineering, geotechnical)
- Pipe Pros. LLC, PLLC (SBE) (\$8,000) (sewer maintenance services)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

28. Water Main Replacement Contract

Action:

- A. Approve a unit price contract with Dallas 1 Construction, LLC for the Fiscal Year 2021 Water Main Replacement Contract 1 for an initial term of one year, and**
- B. Authorize the City Manager to renew the contract for up to three, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Angela Charles, Charlotte Water
Jackie Jarrell, Charlotte Water
Scott Clark, Charlotte Water

Explanation

- This contract will facilitate the replacement of water distribution infrastructure as needed. The primary function is to replace water lines to improve water quality and flow requirements throughout the distribution system.
- Charlotte Water maintains approximately 4,300 miles of water distribution lines and approximately 279,000 active water service connections.
- On November 18, 2020, the city issued an Invitation to Bid (ITB); two bids were received.
 - G.S. 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 December 22, 2020, the ITB was re-issued; two bids were received.
- Dallas 1 Construction, LLC was selected as the lowest responsive, responsible bidder.
- Annual expenditures are estimated to be \$2,167,291.
- Possible price adjustments will be based on the Engineering News Record Construction Cost Index.

Charlotte Business INclusion

Established MBE Goal: 2.00%

Committed MBE Goal: 2.08%

Dallas 1 Construction, LLC met the established MBE subcontracting goal and has committed \$45,000 or approximately 2.08% of the total contract amount to the following certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Love Family First (MBE, SBE) (\$15,000) (traffic control)
- Sun King Trucking, LLC (MBE, SBE) (\$15,000) (hauling)
- Martin Landscaping Company, Inc. (MBE, SBE) (\$10,000) (fertilizing, seeding, mulching)
- Green Pastures Lawn Care Services, LLC (MBE, SBE) (\$5,000) (fertilizing, seeding, mulching)

Established SBE Goal: 7.00%

Committed SBE Goal: 7.15%

Dallas 1 Construction, LLC met the established SBE subcontracting goal and has committed \$155,000 or approximately 7.15% of the total contract amount to the following certified firm (Part B: Section 3 of the Charlotte Business INclusion Policy):

- C and D Utility (SBE) (\$155,000) (water main construction)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

29. Valve Assessment and Rehabilitation Services

Action:

- A. Approve a unit price contract with Kemp Construction, Inc. for valve assessment and rehabilitation services for an initial term of one year, and**

- B. Authorize the City Manager to renew the contract for up to four, 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):

Angela Charles, Charlotte Water

Jackie Jarrell, Charlotte Water

Scott Clark, Charlotte Water

Explanation

- This contract will facilitate the assessment and rehabilitation of existing water and sanitary sewer valves. Rehabilitation will extend the service life of valves and limit service disruptions.
- On October 26, 2020, the city issued a Request for Proposals (RFP); two responses were received.
- Kemp Construction, Inc. best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$120,000.

Charlotte Business INClusion

Per Charlotte Business INClusion Policy: Part B: Section 2.3, 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: Charlotte Water Capital Investment Plan

30. Bond Issuance Approval for Ashley Flats

Action:

Adopt a resolution granting INLIVIAN's request to issue multi-family housing revenue bonds, in an amount not to exceed \$20,500,000, to finance the development of an affordable housing development to be known as Ashley 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 is requesting that City Council adopt a resolution authorizing the issuance of multi-family housing revenue bonds for Ashley Flats, a 150-unit new construction affordable housing development to be developed, owned, and operated by ECG Ashley, LP, a North Carolina limited partnership.
- The development will be located at 2104 Ashley Road 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 \$20,500,000, 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.

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 \$20,500,000 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 Ashley Flats

[City of Charlotte Resolution](#)

[INLIVIAN Resolution for Ashley Flats](#)

31. Bond Issuance Approval for Dillehay Courts Apartments

Action:

Adopt a resolution granting INLIVIAN's request to issue multi-family housing revenue bonds, in an amount not to exceed \$17,500,000, to finance the development of an affordable housing development to be known as Dillehay Courts 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 to be approved by the local governmental unit with jurisdiction over the area where the development is located.
- This action further supports City Council's April 27, 2020, approval of a \$2,000,000 Housing Trust Fund allocation.
- INLIVIAN is requesting that City Council adopt a resolution authorizing the issuance of multi-family housing revenue bonds for Dillehay Courts Apartments, a 144-unit new construction affordable housing development to be developed, owned, and operated by Horizon Development Properties, Inc. (HDP), a North Carolina limited liability corporation and INLIVIAN's nonprofit affiliate.
- The existing Dillehay Courts apartments are being demolished and will be replaced with the new construction units financed with the bonds.
- 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 April 27, 2020.
- The development will be located at 324 West 30th Street in Council District 1 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. Of the 144 new units, 36 will serve households that earn 30 percent of AMI or less.
- The INLIVIAN bonds, which are not to exceed \$17,500,000, will be used to finance land acquisition and construction of the development.

Background

- The developer applied for four percent low income housing tax credits and housing bond allocation capacity from the North Carolina Housing Finance Agency to finance the 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 \$17,500,000 for the development. Tax credit and bond allocations are subject to federal income limits and set-aside rules and include deed restrictions.
- INLIVIAN, as a public housing authority, is duly authorized to issue housing bonds to finance developments that serve persons of low and moderate income, including developments in which it has an indirect interest through a wholly owned subsidiary.

Attachment(s)

City of Charlotte Resolution

INLIVIAN Resolution for Dillehay Courts Apartments

[City of Charlotte Resolution](#)

[INLIVIAN Resolution for Dillehay Courts Apartments](#)

32. Bond Issuance Approval for Evoke Living at Arrowood Apartments

Action:

Adopt a resolution granting INLIVIAN's request to issue multi-family housing revenue bonds, in an amount not to exceed \$19,800,000, to finance the development of Evoke Living at Arrowood 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 to be approved by the local governmental unit with jurisdiction over the area where the development is located.
- This action further supports City Council's April 27, 2020 approval of a Housing Trust Fund allocation of \$2,000,000 for the development's construction.
- INLIVIAN is requesting that City Council adopt resolutions authorizing the issuance of multi-family housing revenue bonds for Evoke Living at Arrowood Apartments, a 168-unit new construction affordable housing development. Of the 168 new units, 34 will serve households that earn 30 percent of the Area Median Income (AMI) or less.
- 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 April 27, 2020.
- Crosland SEC and Horizon Development Properties, Inc. (HDP), a North Carolina limited liability corporation and INLIVIAN's nonprofit affiliate, are the developers and the project will be located at 325 West Arrowood Road in Council District 3.
- The INLIVIAN bonds, which are not to exceed \$19,800,000, will be used to finance land acquisition and construction of the development.

Background

- The North Carolina Housing Finance Agency approved a four percent tax credit and a bond allocation capacity totaling \$19,800,000 for the Evoke Living at Arrowood Apartments.
- INLIVIAN, as a public housing authority, is duly authorized to issue housing bonds to finance developments that serve persons of low and moderate income, including developments in which it has an indirect interest through a wholly owned subsidiary.

Attachment(s)

City of Charlotte Resolution

INLIVIAN Resolution for Evoke Living at Arrowood Apartments

[City of Charlotte Resolution](#)

[INLIVIAN Resolution for Evoke Living at Arrowood Apartments](#)

33. Resolution of Intent to Abandon Cecil Street

Action:

- A. **Adopt a Resolution of Intent to abandon Cecil Street, and**
- B. **Set a Public Hearing for March 22, 2021.**

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 status and attaches it to the adjacent property.
- The road is located in Council District 1.

Petitioners

Midtown Area Partners II, LLC

Attachment(s)

Map
Resolution

[Cecil St Abandonment Map Revised](#)

[Resolution of Intent 02.08.2021](#)

34. Meeting Minutes

Action:

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

- **January 04, 2021 Business Meeting, and**
- **January 07, 2021 Legislative Briefing.**

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

PROPERTY TRANSACTIONS

35. Property Transactions - Parkwood Avenue Streetscape, Parcel #3, 4, 5 and 6

Action: Approve the following Condemnation: Parkwood Avenue Streetscape, Parcel #3, 4, 5 and 6

Project: Parkwood Avenue Streetscape, Parcel #3, 4, 5 and 6

Program: Parkwood Avenue Streetscape

Owner(s): Thomas R. Hunter, Carroll E. Hunter, and Linda Hunter

Property Address: 1100, 1104, and 1108 North Caldwell Street and 1111 North Davidson Street

Total Parcel Area: 125,165 sq. ft. (2.87 ac.)

Property to be acquired by Fee: 2,933 sq. ft. (0.07 ac.) Fee Simple

Property to be acquired by Easements: 4,134 sq. ft. (0.10 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: TOD-UC

Use: Transit Oriented District - Urban Center

Tax Code: 081-065-01, 081-065-10, 081-065-09, 081-065-07

<https://polaris3g.mecklenburgcountync.gov/#mat=12417&pid=08106501&qisid=08106501>

<https://polaris3g.mecklenburgcountync.gov/#mat=13295&pid=08106510&qisid=08106510>

<https://polaris3g.mecklenburgcountync.gov/#mat=13572&pid=08106509&qisid=08106509>

<https://polaris3g.mecklenburgcountync.gov/#mat=456300&pid=08106507&qisid=08106507>

Appraised Value: \$206,800

Property Owner's Concerns: None

City's Response to Property Owner's Concerns: N/A

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

Council District: 1

36. Property Transactions - Parkwood Avenue Streetscape, Parcel #10

Action: Approve the following Condemnation: Parkwood Avenue Streetscape, Parcel #10

Project: Parkwood Avenue Streetscape, Parcel #10

Program: Parkwood Avenue Streetscape

Owner(s): Kyle Short and Meggan Short

Property Address: 401 East 15th Street

Total Parcel Area: 9,038 sq. ft. (0.21 ac.)

Property to be acquired by Fee: 640 sq. ft. (0.01 ac.) Fee Simple

Property to be acquired by Easements: 1,426 sq. ft. (0.03 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: TOD-NC

Use: Transit Oriented District - Neighborhood Center

Tax Code: 081-061-01

<https://polaris3g.mecklenburgcountync.gov/#mat=120287&pid=08106101&qisid=08106101>

Appraised Value: \$45,325

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

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

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

Council District: 1

37. Property Transactions - Parkwood Avenue Streetscape, Parcel #11

Action: Approve the following Condemnation: Parkwood Avenue Streetscape, Parcel #11

Project: Parkwood Avenue Streetscape, Parcel #11

Program: Parkwood Avenue Streetscape

Owner(s): Elizabeth Grillo and Thomas B Miller

Property Address: 0 Parkwood Avenue

Total Parcel Area: 3,901 sq. ft. (0.09 ac.)

Property to be acquired by Easements: 1,030 sq. ft. (0.02 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-8

Use: Single-family Residential

Tax Code: 081-075-03

<https://polaris3g.mecklenburgcountync.gov/#pid=08107503&gisid=08107503>

Appraised Value: \$10,025

Property Owner's Concerns: None

City's Response to Property Owner's Concerns: N/A

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

Council District: 1

38. Property Transactions - Parkwood Avenue Streetscape, Parcel #14

Action: Approve the following Acquisition: Parkwood Avenue Streetscape, Parcel #14

Project: Parkwood Avenue Streetscape, Parcel #14

Program: Parkwood Avenue Streetscape

Owner(s): James L. Atkinson

Property Address: 405 East 19th Street

Total Parcel Area: 9,422 sq. ft. (0.22 ac.)

Property to be acquired by Fee: 1,686 sq. ft. (0.04 ac.) Fee Simple

Property to be acquired by Easements: 1,427 sq. ft. (0.03 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: R-8

Use: Single-family Residential

Tax Code: 081-075-15

<https://polaris3g.mecklenburgcountync.gov/#mat=121824&pid=08107515&qisid=08107515>

Purchase Price: \$53,700

Council District: 1

39. Property Transactions - Parkwood Avenue Streetscape, Parcel #15

Action: Approve the following Acquisition: Parkwood Avenue Streetscape, Parcel #15

Project: Parkwood Avenue Streetscape, Parcel #15

Program: Parkwood Avenue Streetscape

Owner(s): John W. McBride and Debbie W. McBride (AKA: Debbie S. McBride)

Property Address: 1607 Julia Maulden Place

Total Parcel Area: 12,222 sq. ft. (0.28 ac.)

Property to be acquired by Fee: 1,612 sq. ft. (0.037 ac.) Fee Simple

Property to be acquired by Easements: 2,078 sq. ft. (0.05 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-8

Use: Single-family residential

Tax Code: 081-075-22

<https://polaris3g.mecklenburgcountync.gov/#mat=50237&pid=08107522&qisid=08107522>

Purchased Price: \$24,976

Council District: 1

40. Property Transactions - XCLT Davidson to Matheson, Parcel #1

Action: Approve the following Acquisition: XCLT Davidson to Matheson, Parcel #1

Project: XCLT Davidson to Matheson, Parcel #1

Program: XCLT Davidson to Matheson

Owner(s): 2100 North Davidson LLC

Property Address: 2100 and 2116 North Davidson Street

Total Parcel Area: 50,047 sq. ft. (1.15 ac.)

Property to be acquired by Easements: 2,740 sq. ft. (0.063 ac.) Sidewalk Utility Easement, 433 sq. ft. (0.01 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: TOD-MO

Use: Transit Oriented Development - Mixed Use

Tax Code: 083-048-01

<https://polaris3g.mecklenburgcountync.gov/#mat=601788&pid=08304801&qisid=08304801>

Purchase Price: \$69,650

Council District: 1

41. Property Transactions - XCLT Davidson to Matheson, Parcel #2

Action: Approve the following Acquisition: XCLT Davidson to Matheson, Parcel #2

Project: XCLT Davidson to Matheson, Parcel #2

Program: XCLT Davidson to Matheson

Owner(s): Supportive Housing Communities Inc

Property Address: 2120 North Davidson Street

Total Parcel Area: 49,976 sq. ft. (1.147 ac.)

Property to be acquired by Easements: 2,856 sq. ft. (0.066 ac.) Sidewalk Utility Easement, 473 sq. ft. (0.011 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Sign

Landscaping to be impacted: Trees

Zoned: TOD-NC

Use: Transit Oriented District - Neighborhood Center

Tax Code: 083-048-09

<https://polaris3g.mecklenburgcountync.gov/#mat=72618&pid=08304809&gisid=08304809>

Purchase Price: \$84,144

Council District: 1

Adjournment

REFERENCES

42. 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.

43. Reference - Property Acquisitions and Condemnations

- The city has negotiated in good faith to acquire the properties set forth below.
- For acquisitions, the property owner and staff have agreed on a price based on appraisals and/or estimates.
- In the case of condemnations, the value was established by an independent, certified appraisal followed by a third-party appraisal review.
- Real Estate staff diligently attempts to contact all property owners by:
 - Sending introductory letters via regular and certified mail,
 - Making several site visits,
 - Leaving door hangers and business cards,
 - Seeking information from neighbors,
 - Searching the internet,
 - Obtaining title abstracts, and
 - Leaving voice messages.
- For most condemnation cases, the city and the property owner(s) have been unable to reach a settlement. In some cases, condemnation is necessary to ensure a clear title to the property.
- If the City Council approves the resolutions, the City Attorney's office will initiate condemnation proceedings. As part of the condemnation process, real estate staff and the City Attorney's Office will continue to negotiate, including court-mandated mediation, in an attempt to resolve the matter. Most condemnation cases are settled by the parties prior to going to court.
- If a settlement cannot be reached, the case will proceed to a trial before a judge or jury to determine "just compensation."
- Full text of each resolution is on file with the City Clerk's Office.
- The definition of easement is a right created by grant, reservation, agreement, prescription, or necessary implication, which one has in the land of another, it is either for the benefit of land, such as right to cross A to get to B, or "in gross," such as public utility easement.
- The term "fee simple" is a synonym for ownership and is an estate under which the owner is entitled to unrestricted powers to dispose of the property, and which can be left by will or inherited.

44. Reference - Property Transaction Process

Property Transaction Process Following City Council Approval for Condemnation

The following overview is intended to provide further explanation for the process of property transactions that are approved by City Council for condemnation.

Approximately six weeks of preparatory work is required before the condemnation lawsuit is filed. During this time, the city continues to negotiate with the property owner in an effort to reach a mutual settlement.

- If a settlement is reached, the condemnation process is stopped, and the property transaction proceeds to a real estate closing.
- If a settlement cannot be reached, the condemnation lawsuit is filed. Even after filing, negotiations continue between the property owner and the city's legal representative. Filing of the condemnation documents allows:
 - The city to gain access and title to the subject property so the capital project can proceed on schedule.
 - The city to deposit the appraised value of the property in an escrow account with the Clerk of Court. These funds may be withdrawn by the property owner immediately upon filing, and at any time thereafter, with the understanding that additional funds transfer may be required at the time of final settlement or at the conclusion of litigation.
- If a condemnation lawsuit is filed, the final trial may not occur for 18 to 24 months; however, a vast majority of the cases settle prior to final trial. The city's condemnation attorney remains actively engaged with the property owner to continue negotiations throughout litigation.
 - North Carolina law requires that all condemnation cases go through formal non-binding mediation, at which an independent certified mediator attempts to facilitate a successful settlement. For the minority of cases that do not settle, the property owner has the right to a trial by judge or jury in order to determine the amount of compensation the property owner will receive.