

# **City of Charlotte**

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



## **Meeting Agenda**

**Monday, March 22, 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. Closed Session (as necessary)**

## **CONSENT**

- 3. Consent agenda items 15 through 53 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.

## **AWARDS AND RECOGNITIONS**

### **4. Brain Injury Awareness Month**

**Action:**

Council member Johnson will read a proclamation recognizing March 2021 as Brain Injury Awareness Month.

### **5. Child Abuse Prevention Month Proclamation**

**Action:**

Mayor Lyles will read a proclamation recognizing April 2021 as Child Abuse Prevention Month.

## **POLICY**

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

[COVID 19 Federal Stimulus American Rescue Plan Act of 2021](#)

[Strategic Energy Action Plan Updates](#)

## **BUSINESS**

## 7. Affordable Housing Development Support Requests

### Action:

- A. **Adopt a resolution authorizing the transfer of vacant parcels to subsidiaries of DreamKey Partners, Inc. (formerly the Charlotte-Mecklenburg Housing Partnership, Inc.). Seven vacant parcels of land located on or near LaSalle Street ("Phoenix Rising") will be conveyed to CMHP Phoenix Rising, LLC, and 12 vacant parcels of land, together with their allocated interest in one common area parcel located on or near LaSalle Street ("Vantage Pointe"), to CMHP Vantage Pointe, LLC, for the purpose of developing a minimum of 37 affordable, for-sale units in the two separate affordable housing developments which are located along the Beatties Ford Road Corridor,**
- B. **Approve an amount up to \$1,895,000 in Federal HOME funds for the affordable housing developments ("Vantage Pointe" and "Phoenix Rising"), and**
- C. **Authorize the City Manager, or his designee, to negotiate and execute all necessary documents to complete the transactions in conformity herewith.**

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

Tony Korolos, General Services

Phil Reiger, General Services

Pamela Wideman, Housing and Neighborhood Services

### **Explanation**

- On August 27, 2018, City Council adopted the Housing Charlotte Framework (Framework), which includes three pillars as a strategy for expanding and improving the supply of affordable housing in the Charlotte community: building new affordable housing, preserving existing affordable housing, and supporting family-self-sufficiency initiatives.
- Approval of this request is consistent with the Framework and will create a minimum of 37 newly constructed affordable homeownership opportunities along the Beatties Ford Road Corridor, one of the city's Corridors of Opportunity.
- Approval of this request supports the city's Corridors of Opportunity work and will assist in mitigating gentrification along the Beatties Ford Corridor by providing new homeownership opportunities for low- and moderate-income homebuyers.
- Federal HOME funds in the amount of approximately \$750,000 will be used to develop Vantage Pointe and approximately \$1.14 million will be used to develop Phoenix Rising. Funds will be used for construction and infrastructure of new housing units ultimately providing homeownership opportunities to low and moderate income households.

### Site A (Phoenix Rising)

- The city currently owns seven parcels located at or near 2201 LaSalle Street in Council District 2, currently zoned UR-2 (Urban Residential). The seven parcels are identified as follows: 075-036-69, 075-036-70, 075-036-71, 075-036-72, 075-036-73, 075-036-74, and 075-036-75.
- An appraisal of the parcels completed in January 2021 established a fair market value of \$425,000.
- Approval of this action provides a complete development solution for the property. A minimum of 25 housing units will be constructed and sold to low- and moderate-income buyers eligible to participate in the HouseCharlotte and Community Heroes down payment assistance programs.
- A 20-year deed restriction will ensure the affordability of these units.
- On October 8, 2020, the city issued a Request for Qualifications (RFQ); five responses were received.
- DreamKey Partners, Inc. is the best qualified firm to meet the city's needs on the basis of their demonstrated competence and qualification of professional services in response to RFQ requirements.

### Site B (Vantage Pointe)



- The city currently owns 12 buildable parcels and has allocated interest in one common area parcel by virtue of ownership of the 12 parcels in the Vantage Pointe subdivision located at 2026 LaSalle Street in Council District 2, currently zoned UR-2 (Urban Residential). The 12 buildable parcels are identified as follows: 075-037-35, 075-037-36, 075-037-37, 075-037-38, 075-037-39, 075-037-40, 075-037-15, 075-037-16, 075-037-17, 075-037-18, 075-037-19 and 075-037-20. The common area parcel is identified as 075-037-41.
- An appraisal of the parcels completed in January 2021 established a fair market value of \$430,000.
- Approval of this action allows for the construction of 12 new units that will be sold to low- and moderate-income buyers eligible to participate in the HouseCharlotte and Community Heroes down payment assistance programs.
- A 20-year deed restriction will ensure the affordability of these units.
- On August 25, 2020, the city issued a Request for Proposals (RFP); two responses were received.
- DreamKey Partners, Inc. best meets the city's needs in terms of demonstrated qualifications, experience, cost, and responsiveness to RFP requirements.

**Background**

- On July 13, 2020, City Council approved the FY 2021 Housing and Urban Development (HUD) Annual Action Plan. This plan describes how the city plans to use HUD funding during the current fiscal year. Support of nonprofit housing developments is included in the approved plan.
- Additionally, the use of city-owned land allows for additional leveraging of both local and federal housing funds. This strategy is recognized as a best practice used across the country to assist in expanding the supply of affordable housing and is consistent with the City Council's approved Housing Framework, City-Owned Real Estate and Facilities Policy, as well as the Guidelines for Evaluation and Disposition of City-Owned Land for Affordable Housing.

**Charlotte Business INclusion**

This is a contract with a waiver of solicitation for services and is exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

**Fiscal Note**

HOME Investment Partnership Program

**Attachments**

Map

Resolution

[Map Affordable Housing Development Support Requests](#)

[Resolution to Sale - both 3.12.21 ak clean](#)

## 8. Interlocal Agreement for Sanitary Sewer and Storm Drainage Improvements

### **Action:**

**Adopt a resolution ratifying an interlocal agreement with Atrium Health for the construction of a new sanitary sewer interceptor and storm drainage system improvements as part of the Atrium Health CMC Main Expansion and Greenway Improvements project.**

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

Angela Charles, Charlotte Water  
David Czerr, Charlotte Water  
Mike Davis, Storm Water Services

### **Explanation**

- Atrium Health is in the process of designing improvements for its Main Campus location located in Council District 1.
- These improvements are scheduled for construction starting in 2021 and include the construction of a new bed tower and other significant improvements.
- The project also includes widening and upgrading the Little Sugar Creek Greenway, in collaboration with Mecklenburg County.
- The Atrium Health improvements are in close proximity to an existing 48-inch sanitary sewer line segment of the Upper Little Sugar Creek Interceptor and a storm drainage system, both of which currently have capacity constraints.
- Charlotte Water and Storm Water Services determined that it would be most cost effective, less disruptive to the community, and in the best interest of the city to enter into an agreement with Atrium Health for the installation of approximately 4,000 linear feet of 66-inch sanitary sewer and upsize the storm drainage system as part of the Atrium Health CMC Main Expansion project.
- Under the agreement, the sanitary sewer installation and storm drainage improvements will be funded by Charlotte Water and Storm Water Services and installed as part of the Atrium-Greenway improvements through direct construction cost payments to Atrium Health.
- Construction of the sanitary sewer line and storm drainage improvements is anticipated to start second quarter 2021.

### **Fiscal Note**

Funding: Charlotte Water Capital Investment Plan and Storm Water Capital Investment Plan

### **Attachment(s)**

Map

Resolution

[Map-Municipal Agreement for Sanitary Sewer and Storm Drainage Improvements](#)

[Resolution](#)

## 9. Water System Repairs Change Order

### **Action:**

- A. **Approve change order #1 for \$750,000 to State Utility Contractors, Inc. for water system repairs, and**
- B. **Adopt a budget ordinance appropriating \$750,000 from fund balance in the Charlotte Water Operating Fund to the Charlotte Water Capital Projects Fund for emergency repairs.**

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

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

### **Explanation**

- The contract provides for planned, unplanned, and critical repairs to the water distribution and sanitary sewer collection systems.
- This change order is necessary to allow the contractor to continue with planned work under the contract. A large portion of the contract was utilized for an unforeseen event after a fiber contractor caused a 24-inch water main along Mallard Creek Church Road to rupture (Council District 4). The water main needed to be repaired immediately due to major impacts to traffic flow and water services in the area.
- On July 24, 2017, City Council approved a contract with State Utility Contractors, Inc. for water and sanitary sewer system repairs.
- The new total value of the contract is \$12,418,640.89.

### **Charlotte Business INclusion**

All additional work involved in this Change Order will be performed by State Utility Contractors, Inc. and their existing subcontractors (Part D: Section 6 of the Charlotte Business INclusion Policy).

### **Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

### **Attachment(s)**

Budget Ordinance

[Budget Ordinance-Water and Sanitary Sewer System Repairs Change Order](#)

## 10. Airport 2021 General Airport Revenue Bonds and Bond Anticipation Notes

### Action:

- A. Adopt a resolution authorizing and approving issuance of revenue bonds not to exceed \$500,000,000 and revenue bond anticipation notes not to exceed \$300,000,000 and calling for the execution and delivery of various documents necessary to complete the sale, and**
- B. Adopt a Supplemental Bond Order.**

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

Haley Gentry, Aviation  
Kelly Flannery, Finance

### **Explanation**

- At its February 8, 2021 meeting, City Council authorized the application to the Local Government Commission for debt issuance to fund Aviation Capital Investment Plan projects and to refund existing debt and set the public hearing for General Airport Revenue Bonds (GARBs) expected to be issued in May 2021.
- At its February 22, 2021 meeting, City Council held a public hearing related to the issuance. In compliance with NC G.S. 166A-19.24, *Remote meetings during certain declarations of emergency*, written comments on the public hearing topic were accepted by the Clerk's Office through February 23, 2021, at 11:59 p.m. Any additional comments received were provided to Council.
- The issuance of up to \$500,000,000 in revenue bonds is comprised of up to \$250,000,000 in 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.
- The new construction period financing program for up to \$300,000,000 in short-term notes provides financing for other projects that are in the design phase; it is expected that permanent financing for these projects will be secured in two to 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.
- With the City Council approval, it is anticipated the Local Government Commission will approve this action at its April meeting.
- This action will provide approval to the City Manager and the Authorized Officers named in the Resolution to take necessary actions to complete the financing and related documentation for the

life of the debt.

**Fiscal Note**

Funding: Airport Debt Service Fund

**Attachment(s)**

Series Resolutions

Supplemental Bond Order

[Series Resolution \(including Appendix A\) - City of Charlotte, NC Airport Revenue Bonds, Series 2021AF](#)

[Supplemental Bond Order, Number 1 - City of Charlotte, NC Airport Revenue Bonds \(3 22 21\) - rev. t](#)

[Series Resolution w Appendix A - City of Charlotte, NC Airport Revenue BAN 2021 - rev. to v4](#)

## 11. Appropriate Private Developer Funds

### **Action:**

**Adopt a budget ordinance appropriating \$157,800 in private developer funds for traffic signal installations and improvements from the following developers:**

- **PRIII-LIV UNCC Apartments, LP,**
- **Sharon Academy, LLC,**
- **Denali REF, LLC,**
- **Woodlawn Park Land, LP, and**
- **Centene Management Company, LLC.**

### **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 \$157,800 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:
  - PRIII-LIV UNCC Apartments, LP contributed \$61,295 for signal modifications at North Tryon Street and Orchard Trace Lane (Council District 4).
  - Sharon Academy, LLC contributed \$13,225 for signal modifications at Tyvola Road and Wedgewood Drive (Council District 6).
  - Denali REF, LLC contributed \$10,000 for a new signal at Lakeview Road and Beatties Ford Road (Council District 2).
  - Woodlawn Park Land, LP contributed \$65,780 for signal relocation and pedestrian device upgrade at Woodlawn Road and Nations Crossing Road (Council District 3).
  - On December 14, 2020, City Council approved a developer agreement and the appropriation of \$55,000 from Centene Management Company, LLC for traffic signal modifications. Centene Management Company, LLC contributed an additional \$7,500 for a new traffic signal at 2820 Governor Hunt Road (Council District 4).
- 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 Ordinances

[TrafficSignalImprovements\\_021821](#)

[Private Developer Funds 3.22.21](#)

## **PUBLIC FORUM**

### **12. Public Forum**

## **PUBLIC HEARING**



## 13. Public Hearing on a Resolution to Close Cecil Street

### **Action:**

**Conduct a public hearing to close Cecil Street.**

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

Liz Babson, Transportation

Krystal Bright, Transportation

### **Explanation**

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation (CDOT) received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The proposed action removes land from public right-of-way and attaches it to the adjacent property.
- The road 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 March 23, 2021, at 11:59 p.m. Any additional comments received will be provided to Council.

### **Petitioner**

Midtown Area Partners II, LLC

### **Right-of-Way to be Abandoned**

Cecil 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 North Carolina General Statute 160A-299, CDOT 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

[2020-02A Cecil St Abandonment Map Revised](#)

## 14. Public Hearing on the Draft Charlotte Future 2040 Comprehensive Plan

### **Action:**

**Conduct a public hearing on the draft Charlotte Future 2040 Comprehensive Plan.**

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

Taiwo Jaiyeoba, City Manager's Office

Alysia Osborne, Planning, Design, and Development

### **Explanation**

- On October 31, 2021, the City of Charlotte released the draft Charlotte Future 2040 Comprehensive Plan (Plan) for public review and comment.
- The Plan is a living document that has integrated community input and best practices into a framework that will guide our city's decision-making and investment in both the near- and long-term.
- This Plan addresses topics that affect how the Charlotte community will shape and experience the built environment of its city for decades to come.
- It also addresses how the built city can better reflect and advance community values around topics like equity, transportation, quality of life, economic development, jobs, affordable housing, health, safety, and sustainability.
- Public input is being requested on the Plan prior to subsequent adoption by City Council in 2021.
- 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 March 23, 2021, at 11:59 p.m. Any additional comments received will be provided to Council.

### **Background**

- In the Winter 2018 to Spring 2019, the first phase of the Comprehensive Plan development process began with a focus on Charlotte's history, existing conditions, and community vision and values.
- The second phase (Summer 2019 - Fall 2019) focused on growth strategies; examining the implication of concentrating future growth along corridors, in and around major activity centers, or in and around neighborhood nodes.
- The third phase (Winter 2019 - Fall 2020) focused on the development of policies, projects, and programs around the city's future growth strategies and overall vision. During this phase the community, and particularly the Plan Ambassadors and Strategic Advisors, weighed in on the ten main goals and objectives that form the policy framework; the data and conclusions from the Equitable Growth Framework; and the ten Place Types.
- In the fourth phase, (Fall 2020 - Spring 2021) the draft Plan document was released and reviewed by the Charlotte City Council and the community. During this six-month review process feedback was collected in a variety of ways from many voices throughout Charlotte.
- The final Plan will be edited to incorporate the feedback received.
- Over the course of the planning process, the team had 500,000 plus interactions with over 5,500 voices through more than 25 methods of engagement. An additional 370 key stakeholders, including community leaders, local businesses and non-profit representatives, advocacy groups, major employers, local institutions, and neighborhood groups from across Charlotte provided feedback.
- The Plan also includes an Implementation Strategy which highlights and details a variety of critical actions and procedures that will be necessary to realize the community's vision.
- The Implementation Strategy outlines the relationship the Plan has to other system-wide and sub-geography plans, the Unified Development Ordinance (UDO) and mapping of zoning districts, and ensures public and private investments are contributing to accomplishing the

- community's goals.
- Additional information can be found on the Charlotte Future 2040 Comprehensive Plan website at: <https://cltfuture2040.com/>.

**Attachment(s)**

Charlotte Future 2040 Comprehensive Plan Business Meeting Presentation

[Presentation](#)

## CONSENT

## 15. SAFE Charlotte Grant Program

### Action:

- A. Authorize the City Manager to negotiate and execute a contract with United Way of Central Carolinas, Inc. for the SAFE Charlotte Grant Program for an initial term of 15 months, and**
- B. Authorize the City Manager to renew the contract for up to one, one-year term, with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

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

Victoria O. Johnson, City Manager's Office  
Pamela Wideman, Housing and Neighborhood Services

### **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 Plan Recommendation #1 calls for the city to provide \$1 million to help Charlotte-based non-profits address violence in the community.
- On February 15, 2021, the city entered into a contract with the United Way of the Central Carolinas, Inc. (UWCC) for administrative services for the SAFE Charlotte Grant Program.
- UWCC was chosen to administer the grant on behalf of the city as the organization who best meets the city's needs in terms of qualifications, experience, cost, and established local non-profit partnerships in Charlotte.
- A waiver of a competitive solicitation process for services may be granted on a limited basis when deemed appropriate and in the city's best interest. A waiver has been approved for these services based on time constraints to launching the grant program as well as a limited pool of local vendors with the capacity and required qualifications to carry out the scope of work.
- UWCC will run an open RFP and select 20 Charlotte-based nonprofits whose proposals best support the community priorities identified in the SAFE Charlotte Plan.
  - Funding areas include youth services; employment training; services for youth and caregivers; and supportive services for domestic violence victims, and
  - Services will be open for City of Charlotte Residents at or below 80 percent area median income (AMI).
- The Program will be funded by both the Community Development Block Grant (CDBG) and the General Fund Operating Budget. The total expenditures for the initial term will be \$1,000,000.
  - Community Development Block Grant (CDBG)
    - The City of Charlotte receives CDBG funding annually as entitlement recipient of the U.S. Department of Housing and Urban Development (HUD).
    - HUD allows CDBG funds to be used for activities that build stronger more resilient communities.
    - \$850,000 of CDBG funding will be used to support the violence prevention services of the 20 grantees (\$42,500 each).
    - Allowable funding areas include youth services, employment training; services for youth and caregivers; and supportive services for domestic violence victims.
    - Direct services will be available to City Households at or below 80 percent AMI.
  - General Fund Operating Budget
    - \$150,000 will be contracted to 20 grantees (\$7,500 each) alongside CDBG funding for program expense incurred but ineligible for reimbursement under the CDBG Grant.

### **Fiscal Note**

Funding: Community Development Block Grant and General Fund Operating Budget

## 16. #MeetCharlotte Marketing Services

### **Action:**

- A. Authorize the City Manager to negotiate and execute contracts for brand expansion and marketing services for an initial term of one year with the following companies:**
- Mythic,
  - APCO Worldwide, and
- B. Authorize the City Manager to renew the contracts for up to one, one-year term with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

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

Tracy Dodson, City Manager's Office  
Frances West, Economic Development  
Jason Schneider, Charlotte Communications and Marketing

### **Explanation**

- The CLT Host 2020, LLC (committee) was formed to support the execution of the Republican National Convention.
- On January 25, 2021, City Council accepted a \$1 million grant from the committee to build upon and expand the #MeetCharlotte brand and marketing materials created by the committee, bringing awareness to the city and the Charlotte region.
- The city will partner with the Charlotte Regional Business Alliance and qualified companies to build well-developed and innovative marketing campaigns and strategies to leverage the #MeetCharlotte brand.
- The services will be used to focus efforts in increasing awareness of Charlotte to keep the city and the region competitive for new economic development projects.
- On February 26, 2021, the city issued a Request for Proposals (RFP); 11 responses were received.
- The companies selected best meet the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Expenditures are estimated to be \$1 million consistent with grant funding.

### **Charlotte Business INclusion**

These are federally funded contracts and are exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

### **Fiscal Note**

Funding: Neighborhood Development Grants Fund

## 17. Traffic Signal Detection Equipment

### Action:

- A. **Authorize the City Manager to negotiate and execute a contract with Econolite Control Products, Inc. to provide traffic signal detection equipment 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):**

Liz Babson, Transportation

Terry Gortney, Transportation

### **Explanation**

- The Charlotte Department of Transportation (CDOT) maintains more than 850 traffic signals. Many are equipped with advanced detection technologies to detect all types of roadway users.
- Over the years, CDOT has used a variety of detection equipment and now seeks to upgrade and standardize detection equipment across the city.
- On June 5, 2020, the city issued a Request for Proposals (RFP); five responses were received.
- Econolite Control Products, Inc. best meets the city's needs in terms of qualifications, experience, cost, responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$250,000.

### **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 scope of work that the city regards as realistic opportunities for subcontracting.

This contract meets the provision (a) - No subcontracting opportunities.

### **Fiscal Note**

Funding: General Capital Investment Plan



## 18. Automated Security Gate and Fencing Services

### Action:

- A. **Approve a unit price contract with Hartsell Bros. Fence Co., Inc. for automated security gate and fencing maintenance and on-call installation and repair 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):**

Phil Reiger, General Services

David Wolfe, General Services

John Mrzygod, General Services

### **Explanation**

- The city uses fencing and motorized gates at many of its facilities, structures, and assets.
- Routine monthly maintenance is performed on these gates to keep them operating properly and eliminate service interruptions.
- In addition to routine maintenance, a one-hour response time for emergency service is required on all gates in the system, 365 days per year, 24 hours per day.
- Installation of new or replacement gates, gate operators, and associated fencing is also sometimes needed.
- On December 7, 2020, the city issued a Request for Proposals (RFP); one response was received.
- Hartsell Bros. Fence Co., Inc. meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$810,000.

### **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.

This contract meets the provision of (a) - No subcontracting opportunities.

### **Fiscal Note**

Funding: Various Departments' Operating Budgets

## 19. Building Automation Controls Maintenance and Services

### **Action:**

- A. Approve unit price contracts for building automation controls maintenance and services for an initial term of three years to the following:**
- Carolina Building Controls, LLC,
  - Schneider Electric Buildings America, Inc., and
- B. Authorize the City Manager to renew the contracts for up to two, 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):**

Phil Reiger, General Services  
David Wolfe, General Services  
John Mrzygod, General Services  
Reenie Askew, Innovation and Technology

### **Explanation**

- General Services is responsible for maintaining a building portfolio that includes more than 150 buildings, including offices, fire stations, police division offices, equipment shops, parking structures, storage facilities, and other various buildings.
- Many of these facilities have building automation systems that are a computerized network of intelligent electronic devices designed to monitor and control various building systems and optimize their efficiency. These systems reduce the amount of energy needed to maintain buildings by controlling run times and maximum motor efficiencies.
- These contracts will be used for routine maintenance services and on-call services as needed.
- On December 9, 2020, the city issued a Request for Proposals (RFP); three responses were received.
- The companies selected best meet the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$800,000.

### **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.

This contract meets the provision of (a) - No subcontracting opportunities.

### **Fiscal Note**

Funding: General Services Operating Budget

## 20. City Facilities Solar Panel Installation Project

### **Action:**

**Approve a contract in the amount of \$1,602,640 to the lowest responsive bidder Renu Energy Solutions, LLC for the City Facilities Solar Panel Installation project.**

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

Phil Reiger, General Services  
Sarah Hazel, General Services  
Heather Bolick, General Services

### **Explanation**

- This contract will include the design, engineering, and installation of solar panels, including both roof-mounted and ground-mounted arrays, which collectively represent approximately 874.4 kilowatts direct current of total solar capacity.
- Once constructed, these solar panel installations will annually generate over one million kilowatt-hours of zero-carbon electricity, which is equivalent to powering 114 homes with clean, renewable energy.
- The solar panel installations, funded in the FY 2021 Budget, support City Council's Resolution for a Sustainable and Resilient Charlotte, with a goal of sourcing 100 percent of the city's energy use from zero-carbon sources by 2030.
- The solar panel installations have a projected energy cost savings of approximately \$3 million over the 25-year life of the systems.
- The installations will include Charlotte Mecklenburg Police Department (CMPD), Charlotte Fire Department (Fire), and Charlotte Department of Transportation (CDOT) facilities including:
  - CDOT Street Maintenance, 4411 Northpointe Industrial Boulevard (Council District 2),
  - CFD Station #43, 421 Clanton Road (Council District 3),
  - CFD Fire Headquarters, 500 Dalton Avenue (Council District 2),
  - CFD Logistics, 1501 North Graham Street (Council District 2),
  - CMPD, 1419 North Graham Street (Council District 2),
  - CMPD, 5809 Independence Boulevard (Council District 5),
  - CMPD, 11217 Providence Road West (Council District 7),
  - CMPD, 2227 Westinghouse Boulevard (Council District 3),
  - CMPD, 2550 West Boulevard (Council District 3), and
  - CMPD, 4150 Wilkinson Boulevard (Council District 3).
- On February 1, 2021, the city issued an Invitation to Bid; five bids were received.
- Renu Energy Solutions, LLC was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by fourth quarter 2022.

### **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 provision of (a) - No subcontracting opportunities.

### **Fiscal Note**

Funding: General Capital Investment Plan

### **Attachment(s)**

Map

[Map City Facilities Solar Panel Installation Project](#)

## 21. Construct McDonald Road Storm Drainage Improvement Project

### **Action:**

**Approve a contract in the amount of \$876,764.03 to the lowest responsive bidder United of Carolinas, Inc. for the McDonald Road Storm Drainage Improvement project.**

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

Angela Charles, Charlotte Water  
Mike Davis, Storm Water Services  
Stewart Edwards, Storm Water Services

### **Explanation**

- This project will improve deteriorating pipe in the roadway and reduce flooding of properties in the Paw Creek watershed with boundaries of Freedom Drive to the southwest and the Alexander Heights neighborhood to the north and east in Council District 3.
- Construction will include the installation of storm drainage, sanitary sewer, water main, curb, gutter, and driveways.
- On January 11, 2021, the city issued an Invitation to Bid; four bids were received.
- United of Carolinas, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by fourth quarter 2021.

### **Charlotte Business INclusion**

Established MBE Goal: 8.00%

Committed MBE Goal: 8.10%

United of Carolinas, Inc. has exceeded the established MBE subcontracting goal and has committed 8.10% (\$71,000) of the total contract amount to the following MBE certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Sun King Trucking, LLC (MBE, SBE) (\$11,000) (hauling)
- RAH Trucking, Inc. (MBE, SBE) (\$10,000) (hauling)
- Cesar A Leon, LLC (MBE, SBE) (\$50,000) (hauling)

Established SBE Goal: 20.00%

Committed SBE Goal: 20.07%

United of Carolinas, Inc. has exceeded the established SBE subcontracting goal and has committed 20.07% (\$176,000) of the total contract amount to the following SBE certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- RRC Concrete, Inc. (MBE, SBE) (\$108,000) (concrete work, general construction)
- Pentacle, Inc. (WBE, SBE) (\$20,000) (fence installation)
- Whitesell Trucking, Inc. (SBE) (\$31,000) (site work, general construction)
- Silverback Brothers LLC (MBE, SBE) (\$17,000) (hauling)

### **Fiscal Note**

Funding: Storm Water Capital Investment Plan

### **Attachment(s)**

Map

[Map Construct McDonald Road Storm Drainage Improvement Project](#)

## 22. Construct Starvalley 7141 Storm Drainage Improvement Project

### **Action:**

**Approve a contract in the amount of \$2,159,565.60 to the lowest responsive bidder United Construction Company, Inc for the Starvalley 7141 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 lower Little Sugar Creek watershed with boundaries of Starmount Cove Lane to the north, Mapleridge Drive to the south, Thorncliff Drive to the east, and South Boulevard 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 January 8, 2021, the city issued an Invitation to Bid; three bids were received.
- United Construction Company, Inc was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by third quarter 2022.

### **Charlotte Business INclusion**

Established MBE Goal: 7.00%

Committed MBE Goal: 7.04%

United Construction Company, Inc exceeded the established MBE subcontracting goal and has committed 7.04% (\$152,000) of the total contract amount to the following MBE certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- R.R.C. Concrete Inc (MBE, SBE) (\$110,000) (concrete)
- Streeter Trucking Company, Inc. (MBE, SBE) (\$42,000) (hauling)

Established SBE Goal: 19.00%

Committed SBE Goal: 19.22%

United Construction Company, Inc exceeded the established SBE subcontracting goal and has committed 19.22% (\$415,000) of the total contract amount to the following SBE certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Carolina Cajun (SBE) (\$195,000) (grading/piping)
- Countywide Commercial (SBE) (\$120,000) (asphalt/paving)
- AMP Utility Distribution Services, LLC. (WBE, SBE) (\$100,000) (material)

### **Fiscal Note**

Funding: Storm Water Capital Investment Plan

### **Attachment(s)**

Map

[Map Construct Starvalley 7141 Storm Drainage Improvement Project](#)

## 23. Elevated Storage Tanks Design

**Action:**

Approve a contract for \$1,592,060 with Black & Veatch International Company for Phase 1 design services of three new elevated storage tanks.

**Staff Resource(s):**

Angela Charles, Charlotte Water  
David Czerr, Charlotte Water  
Carl Wilson, Charlotte Water

**Explanation**

- This contract is for the design of three new elevated storage tanks for Charlotte Water's water system and the respective piping to each tank location (Council Districts 2, 3, and adjacent to 5).
- These tanks will help balance the overall system's water pressures, increase volume in the system for emergency reserve and fire protection, and improve overall pumping energy costs.
- On November 17, 2020, the city issued a Request for Qualifications (RFQ); seven responses were received.
- Black & Veatch International Company is the best qualified firm to meet the city's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.

**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). Black & Veatch International Company has committed \$288,045 or approximately 18.09% of the total contract amount to the following certified firms:

- Stewart Engineering, Inc. (MBE) (\$217,350) (surveying, easement plats, sue, geotechnical)
- Habitat Assessment and Restoration Professionals (HARP) (WBE, SBE) (\$43,695) (environmental services)
- Gavel & Dorn Engineering, PLLC (SBE) (\$15,000) (construction coordination)
- Richa Graphics (MBE, SBE) (\$12,000) (reprographics)

**Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

**Attachment(s)**

Map

[Map-Elevated Storage Tanks Design](#)

## 24. Multi-Rake Water Bar Screen

### Action:

- A. **Approve the purchase of a Huber multi-rake bar screen, by the sole source exemption,**
- B. **Approve a contract with Huber Technology, Inc. for the purchase of a Huber multi-rake bar screen, and**
- C. **Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.**

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

Angela Charles, Charlotte Water

Ron Hargrove, Charlotte Water

### **Sole Source Exemption**

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

### **Explanation**

- Multi-rake bar screens are devices that are installed in wastewater and process water inlets to capture solid materials which could otherwise be harmful to following processes and to the downstream equipment.
- This contract will provide for an additional Huber multi-rake bar screen to be installed at the Irwin Creek Wastewater Treatment Plant (WWTP) (Council District 3).
- The Irwin Creek WWTP currently has two Huber bar screens installed at the facility. At the time of construction, a third channel was built to house an additional Huber bar screen with the intent to expand to a third screen in the future.
- The units will share spare parts, and the controls and interface will be standardized in all three units, which will operate in parallel at the facility.
- Estimated cost of the unit is \$311,500.

### **Charlotte Business INclusion**

This is a sole source contract and is exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

### **Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

## 25. Upper Taggart Creek Outfall Replacement Change Order

**Action:**

Approve change order #1 for \$2,598,720 to Park Construction of North Carolina, Inc. for Upper Taggart Creek Outfall Replacement project.

**Staff Resource(s):**

Angela Charles, Charlotte Water  
David Czerr, Charlotte Water  
Carl Wilson, Charlotte Water

**Explanation**

- This project includes the replacement of approximately 10,000 linear feet of sanitary sewer ranging in sizes from eight-inch to 36-inch serving the customers located near Billy Graham Parkway and West Boulevard (Council District 3). This project will include a deep excavation (40 to 50 feet deep) and tunneling methods to install a 36-inch sanitary sewer.
- This change order is needed due to exceeding the anticipated rock quantities. Originally, 13,000 cubic yards of rock was estimated. This was exceeded by approximately 16,000 cubic yards.
- On February 24, 2020, City Council approved a contract with Park Construction of North Carolina, Inc. for construction of the Upper Taggart Creek Outfall Replacement project.
- The unit price for cubic yard of rock provided by the contractor will not change for the overage.
- The new total value of the contract is \$19,365,585.36.

**Charlotte Business INclusion**

All additional work involved in this Change Order will be performed by Park Construction of North Carolina, Inc. and their existing subcontractors (Part D: Section 6 of the Charlotte Business INclusion Policy).

**Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

**Attachment(s)**

Map

[Map-Upper Taggart Creek Outfall Replacement Change Order](#)



## 26. Valve Reconditioning Services

### Action:

- A. Approve a unit price contract with A-C Service Repair Inc. for valve reconditioning services for an initial term of three years, and**
- B. Authorize the City Manager to renew the contract for up to two, one-year renewal 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

Ron Hargrove, Charlotte Water

John Huber, Charlotte Water

### **Explanation**

- This contract will provide rehabilitation of Charlotte Water's valves in order to maintain their operational status and minimize downtime. This will allow like new reconditioned valves to be put back in service at a fraction of the cost of purchasing new valves.
- On December 7, 2020, the city issued a Request for Proposals (RFP); three responses were received.
- A-C Service Repair Inc. best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$250,000.

### **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.

This contract meets the provisions of (a) - No subcontracting opportunities.

### **Fiscal Note**

Funding: Charlotte Water Operating Budget

## 27. Water Transmission Main Design Contract

### Action:

- A. Approve a contract in the amount of \$1,173,593 with Brown and Caldwell for engineering services for the 960 Zone West East Water Transmission Main project, and
- B. Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.

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

Angela Charles, Charlotte Water  
David Czerr, Charlotte Water  
Carl Wilson, Charlotte Water

### **Explanation**

- The 2015 Water Master Plan recommended several projects, including the 960 Zone West East Transmission Main project.
- On November 13, 2017, City Council approved the first contract, which included preparing preliminary engineering reports for the projects.
- This contract is for detailed design of approximately 16,000 feet of 36-inch diameter water transmission main, primarily along Albemarle Road between WT Harris Boulevard and the Wilgrove Elevated Storage Tank on Parkton Road (Council District 5).
- Future contracts are anticipated for construction administration and construction.

### **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). Brown and Caldwell has committed \$320,375 or approximately 27.30% of the total contract amount to the following certified firms:

- LDSI, Inc. (SBE) (\$196,500) (surveying)
- Habitat Assessment and Restoration Program, Inc. (WBE, SBE) (\$123,875) (environmental investigations)

### **Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

### **Attachment(s)**

Map

[Map-Water Transmission Main Design Contract](#)

## 28. Airfield Lighting Equipment, Parts, and Support

### Action:

- A. **Approve the purchase of airfield lighting equipment, parts, and support, by the sole source exemption,**
- B. **Approve a contract with ADB Safegate Americas, LLC for the purchase of airfield lighting equipment, parts, and support for the term of three years, and**
- C. **Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

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

Haley Gentry, Aviation  
Jack Christine, Aviation

### **Sole Source Exemption**

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

### **Explanation**

- Aviation's airfield lighting system consists of approximately 7,598 lighting fixtures and signs, emergency generators that provide 100 percent backup, approximately 600 miles of electrical cable, and eight computer stations that operate the system.
- This contract provides equipment, parts, and support for the airfield lighting system, consisting of edge, centerline, touchdown zone, and taxiway edge lights.
- ADB Safegate Americas, LLC is the vendor and supplier of this equipment. The company provides a majority of system parts as either the original equipment manufacturer or as the proprietary computer equipment provider.
- Annual expenditures are estimated to be \$500,000.
- This activity is occurring on airport property, located in Council District 3.

### **Charlotte Business INclusion**

This is a sole source contract and is exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

### **Fiscal Note**

Funding: Aviation Operating Budget and Aviation Capital Investment Plan

## 29. Airport Electrical Transmission Line Relocation Reimbursement

### Action:

- A. Authorize the City Manager to execute a reimbursement agreement with Duke Energy for electrical transmission line relocation required to enable construction of Airport's North End Around Taxiway project, and**
- B. Authorize the City Manager to amend the agreement consistent with the purpose for which the agreement was approved.**

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

Haley Gentry, Aviation

Jack Christine, Aviation

### **Explanation**

- Aviation is currently in the design phase for the North End Around Taxiway (NEAT), which will increase operational efficiency and enhance safety by reducing runway crossings for Runway 18C-36C.
- Duke Energy owns and operates a transmission facility that conflicts with the NEAT project.
- The city has requested that Duke Energy relocate the transmission line.
- Aviation will reimburse Duke Energy for the cost of the work, which is estimated at approximately \$3,682,795.
- This activity is occurring on airport property, located in Council District 3.

### **Fiscal Note**

Funding: Aviation Capital Investment Plan

## 30. Voice and Wireless Communications Services and Related Products

### Action:

- A. **Approve an extension to the contract with NCapital LLC, formerly NCloud Leasing LLC, for the continued provision and expansion of the citywide voice over IP (VoIP) telephone communications system for a term of three years,**
- B. **Approve an extension to the contract with AT&T North Carolina for the continued provision of the local voice telecommunications services for a term of three years,**
- C. **Approve the purchase of wireless communications services and related products from federal contracts as authorized by G.S. 143-129(e)(9a),**
- D. **Approve a unit price contract with AT&T Mobility for the purchase of wireless services and related products under General Services Administration contract number 47QTCA19D00MV dated September 27, 2019,**
- E. **Approve a unit price contract with Cellco Partnership d/b/a Verizon Wireless for the purchase of wireless services and related products under General Services Administration contract number 47QTCA20D00B5 dated June 11, 2020, and**
- F. **Authorize the City Manager to extend the use of the contracts listed in Actions D and E for additional terms as long as the federal contracts are in effect, at prices and terms that are the same or more favorable than those offered under the federal contracts.**

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

Reenie Askew, Innovation and Technology

### **Explanation**

- Innovation and Technology (I&T) is responsible for the consolidated management of the city's technology needs.
- I&T is in the process of replacing the city's existing telephone system with an IP Telephony system that runs over the city's data network rather than a separate dedicated telephone system. IP telephones are more cost effective and include efficient technology that enables integration into other systems such as mobile devices and email.

### Action A

- On April 11, 2011, City Council approved a contract with NWN Corporation, NCapital's parent company, for Cisco products and services.
- On April 4, 2018, City Council approved an extension to the contract for up to five years for the continued provision and expansion of the citywide voice over IP (VoIP) telephone communications system.
- This extension of the NCapital LLC contract will allow for the continued transition of the existing telephone system to the IP Telephony system.
- Annual expenditures are estimated to be \$1,100,000.

### Action B

- On July 24, 2000, City Council approved a joint City of Charlotte and Mecklenburg County contract with BellSouth, now AT&T North Carolina, for a broad range of communication services for an initial term of seven years. Subsequent extensions were approved by City Council in 2006, 2013, 2014, and 2018.
- This extension of the AT&T North Carolina contract will allow for continued traditional telephone services for applications that are not compatible with the IP Telephony system such as fax lines,

security alarms, and emergency call boxes.

- Annual Expenditures are estimated to be \$1,700,000.

Actions C, D, E, and F

- 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.
- AT&T Mobility and Cello Partnership d/b/a Verizon Wireless are willing to provide wireless services and related products to the city at the same or better terms as established in the federal contracts.
- Annual expenditures are estimated to be:
  - AT&T Mobility - \$500,000, and
  - Cellco Partnership d/b/a Verizon Wireless - \$250,000.

**Charlotte Business INclusion**

Actions A and B

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 provision of (a) - No subcontracting opportunities.

Actions C, D, E, and F

These contracts are being purchased off existing Federal contracts and is exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

**Fiscal Note**

Funding: Various Departments' Operating Budgets

## 31. Technical Correction to Resolution Transferring Property Parcel

### **Action:**

**Adopt a corrected resolution approving the transfer of property on Johnston Oehler Road (parcel identification number 029-303-49) consisting of 1.2 acres of vacant land to Charter Properties, Inc., for the development of affordable housing.**

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

Patrick Baker, City Attorney's Office

Andrew Kelly, City Attorney's Office

Pamela Wideman, Housing and Neighborhood Services

### **Explanation**

- This action is a technical correction to the previously adopted resolution that approved the transfer of 1.2 acres of city-owned property on Johnston Oehler Road located in Council District 4 (parcel identification number 029-303-49).
  - On February 24, 2020, the City Council adopted a resolution approving the transfer of city-owned property to Charter Properties, Inc. for the development of affordable housing with a 20-year long-term deed restriction. Charter Properties has committed to developing 120 senior affordable housing units with a 20-year long-term deed restriction.
  - A July 8, 2019, appraisal of the property established a fair market value of \$165,000.
  - As part of the February 2020 action, the agreed upon 20-year long-term deed restriction was not correctly stated within the adopted resolution.
  - The attached resolution represents the agreed upon terms and details provided to Council in 2020.

### **Background**

- On August 27, 2018, City Council adopted the Housing Charlotte Framework, which recommends leveraging city-owned land as a strategy for expanding the supply of affordable high-quality rental housing.
- Approval of the original recommendation and correction of this technical error supports the Council's approved Housing Charlotte Framework.
- On April 27, 2020, City Council approved a Housing Trust Fund allocation to support this development.

### **Attachment(s)**

Map

Resolution

[Map Technical Correct to Resolution Transferring Property Parcel](#)

[Johnston Oehler Resolution - Correction](#)

## 32. Bond Issuance Approval for The HUB on Harris Apartment Homes

### **Action:**

**Adopt a resolution granting INLIVIAN's request to issue multi-family housing revenue bonds, in an amount not to exceed \$35,000,000, to finance the development of The HUB on Harris Apartment Homes.**

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

Pamela Wideman, Housing and Neighborhood Services

### **Explanation**

- INLIVIAN is requesting that City Council adopt a resolution authorizing the issuance of multi-family housing revenue bonds for The HUB on Harris Apartment Homes, a 216-unit new construction affordable housing development to be developed, owned, and operated by Pedcore Investments-2019-CLXXIV, L.P., an Indiana limited partnership, or an affiliated or related entity.
- 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.
- The development will be located at 7705 East W.T. Harris Boulevard in Council District 5 and will serve households earning 60 percent and below the Area Median Income (AMI).
- The INLIVIAN bonds, not to exceed \$35,000,000, 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.

### **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 a four percent tax credit and a bond allocation capacity totaling \$35,000,000 for the development. Tax credit and bond allocations are subject to federal income limits and set-aside rules and include deed restrictions.
- INLIVIAN, as a public housing authority, is duly authorized to issue housing bonds to finance developments that serve persons of low and moderate income, including developments in which it has an indirect interest through a wholly owned subsidiary.

### **Attachment(s)**

City of Charlotte Resolution for The HUB on Harris

INLIVIAN Resolution for The HUB on Harris Apartment Homes

[City of Charlotte Resolution for The HUB on Harris Apts.](#)

[INLIVIAN Resolution for The HUB on Harris Apt. Homes](#)



### **33. Resolution of Intent to Abandon a Portion of the Alley off Greenway Avenue and Caswell Road**

**Action:**

- A. Adopt a Resolution of Intent to abandon a Portion of the Alley off Greenway Avenue and Caswell Road, and**
  
- B. Set a Public Hearing for April 26, 2021.**

**Staff Resource(s):**

Liz Babson, Transportation  
Krystal Bright, 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 alleyway is located in Council District 1.

**Petitioners**

2014 Park Drive, LLC and Bergerman Properties, LLC

**Attachment(s)**

Map  
Resolution

[Map- Alley Greenway Av & Caswell Rd Abandonment](#)

[2020-13A Resolution of Intent 03.22.2021](#)

## 34. Resolution of Intent to Abandon the Unopened Right-of-Way off Mecklenburg Avenue and Matheson Avenue

### **Action:**

- A. Adopt a Resolution of Intent to abandon the Unopened Right-of-Way off Mecklenburg Avenue and Matheson Avenue, and**
  
- B. Set a Public Hearing for April 26, 2021.**

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

Liz Babson, Transportation  
Krystal Bright, 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 right-of-way is located in Council District 1.

### **Petitioners**

Henrietta W. Palmer

### **Attachment(s)**

Map  
Resolution

[Map -Meck and Matheson Ave Abandonment](#)

[2020-10A Resolution of Intent 03.22.2021](#)

## 35. Refund of Property Taxes

### **Action:**

**Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$125,785.79.**

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

Kelly Flannery, Finance

### **Explanation**

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

### **Attachment(s)**

Taxpayers and Refunds Requested  
Resolution Property Tax Refunds

[List of Taxpayers](#)

[Resolution](#)

## 36. Meeting Minutes

**Action:**

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

- January 11-12, 2021 Strategy Session,
- January 19, 2021 Zoning Meeting,
- January 25, 2021 Business Meeting, and
- January 29, 2021 Special Meeting.

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

## PROPERTY TRANSACTIONS

### 37. Charlotte Water Property Transactions - McMullen Creek Tributary at Quail Hollow, Parcel #31

**Action:** Approve the following Condemnation: McMullen Creek Tributary at Quail Hollow, Parcel #31

**Project:** McMullen Creek Tributary at Quail Hollow, Parcel #31

**Owner(s):** Waters Construction Company, Inc.

**Property Address:** 7620 Baltusrol Lane

**Total Parcel Area:** 338,446 sq. ft. (7.77 ac.)

**Property to be acquired by Easements:** 410 sq. ft. (0.01 ac.) in Temporary Construction Easement and 15,659 sq. ft. (0.36 ac.) in Sanitary Sewer Easement

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

**Landscaping to be impacted:** A small portion of the wooded area

**Zoned:** R-12PUD

**Use:** Single family residential - golf

**Tax Code:** 209-211-27

<https://polaris3g.mecklenburgcountync.gov/#mat=192623&pid=20921127&qsid=20921127>

**Appraised Value:** \$39,425

**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:** 6

## 38. Charlotte Water Property Transactions - McMullen Creek Tributary at Quail Hollow, Parcel #44

**Action:** Approve the following Condemnation: McMullen Creek Tributary at Quail Hollow, Parcel #44

**Project:** McMullen Creek Tributary at Quail Hollow, Parcel #44

**Owner(s):** David Voronin and Biana M. Voronin

**Property Address:** 9100 Winged Bourne

**Total Parcel Area:** 109,877 sq. ft. (2.52 ac.)

**Property to be acquired by Easements:** 12,103 sq. ft. (0.28 ac.) in Temporary Construction Easement and 5,301 sq. ft. (0.12 ac.) in Sanitary Sewer Easement

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

**Landscaping to be impacted:** None

**Zoned:** R-20MF

**Use:** Single family residential - golf

**Tax Code:** 209-371-05

<https://polaris3g.mecklenburgcountync.gov/#pid=20937105&qisid=20937105>

**Appraised Value:** \$68,275

**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:** 6

### 39. Charlotte Water Property Transactions - Upper McAlpine Creek Sewer Interceptor, Parcel #40

**Action:** Approve the following Condemnation: Upper McAlpine Creek Sewer Interceptor, Parcel #40

**Project:** Upper McAlpine Creek Sewer Interceptor, Parcel #40

**Owner(s):** Alvin Jasper and Rovena Jasper

**Property Address:** 5701 Olivet Drive

**Total Parcel Area:** 202,150 sq. ft. (4.64 ac.)

**Property to be acquired by Easements:** 30,185 sq. ft. (0.69 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** Screening and tree cover

**Landscaping to be impacted:** None

**Zoned:** R

**Use:** Residential

**Tax Code:** 109-321-04

<https://polaris3g.mecklenburgcountync.gov/#mat=153810&pid=10932104&qsid=10932104>

**Appraised Value:** \$3,550

**Property Owner's Concerns:** The property owner is concerned about the design of the project, the potential impacts to the property, and the amount of compensation offered.

**City's Response to Property Owner's Concerns:** The city explained the rationale of the design and 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:** This property is outside city limits, adjacent to Council District 5.

## 40. Property Transactions - Brown Grier Road Improvement Project, Parcel #32

**Action:** Approve the following Acquisition: Brown Grier Road Improvement Project, Parcel #32

**Project:** Brown Grier Road Improvement Project, Parcel #32

**Program:** Brown Grier Road Improvement Project

**Owner(s):** Dora T Price AKA Wilma T Price

**Property Address:** 4109 Sandy Porter Road

**Total Parcel Area:** 286,484sq. ft. (6.58 ac.)

**Property to be acquired by Easements:** 1,673 sq. ft. (0.038 ac.) Utility Easement, 5,289 sq. ft. (0.121 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** Trees

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 201-081-04

<https://polaris3g.mecklenburgcountync.gov/#mat=122850&pid=20108104&qisid=20108104>

**Purchase Price:** \$ 11,800

**Council District:** 3

## 41. Property Transactions - Canyon Trail 311, Parcel #1

**Action:** Approve the following Acquisition: Canyon Trail 311, Parcel #1

**Project:** Canyon Trail 311, Parcel #1

**Program:** Canyon Trail 311

**Owner(s):** Helen Gehrig Richards and Joseph Dickson Richards

**Property Address:** 311 Canyon Trail

**Total Parcel Area:** 21,194 sq. ft. (0.49 ac.)

**Property to be acquired by Easements:** 2,934 sq. ft. (0.067 ac.) Storm Drainage Easement, 2,943 sq. ft. (0.068 ac.) Temporary Construction Easement

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

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

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 187-032-02

<https://polaris3g.mecklenburgcountync.gov/#mat=100337&pid=18703202&qsid=18703202>

**Purchase price:** \$12,100

**Council District:** 6



## 42. Property Transactions - Idlewild/Monroe Intersection - Phase II, Parcel #23

**Action:** Approve the following Condemnation: Idlewild/Monroe Intersection - Phase II, Parcel #23

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

**Project:** Idlewild/Monroe Intersection - Phase II, Parcel #23

**Program:** Idlewild/Monroe Intersection - Phase II

**Owner(s):** Goode Development Corporation

**Property Address:** 6209 Monroe Road

**Total Parcel Area:** 64,383 sq. ft. (1.48 ac.)

**Property to be acquired by Easements:** 239 sq. ft. (0.005 ac.) Storm Drainage Easement, 462 sq. ft. (0.011 ac.) Sidewalk Utility Easement, 4,633 sq. ft. (0.106 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** Trees

**Zoned:** NS

**Use:** Neighborhood Service District

**Tax Code:** 191-011-12 <https://polaris3g.mecklenburgcountync.gov/#pid=19101112&qisid=19101112>

**Appraised Value:** \$39,950

**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:** 5

### 43. Property Transactions - Idlewild/Monroe Intersection - Phase II, Parcel #30

**Action:** Approve the following Condemnation: Idlewild/Monroe Intersection - Phase II, Parcel #30

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

**Project:** Idlewild/Monroe Intersection - Phase II, Parcel #30

**Program:** Idlewild/Monroe Intersection - Phase II

**Owner(s):** Goode Development Corporation

**Property Address:** 2510 Vista Drive

**Total Parcel Area:** 54,650 sq. ft. (1.25 ac.)

**Property to be acquired by Easements:** 200 sq. ft. (0.005 ac.) Utility Easement

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

**Landscaping to be impacted:** Trees

**Zoned:** NS

**Use:** Neighborhood Service District

**Tax Code:** 191-011-20

<https://polaris3g.mecklenburgcountync.gov/#mat=601877&pid=19101120&qisid=19101120>

**Appraised Value:** \$4,075

**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:** 5

## 44. Property Transactions - Mallard Tributary Replacement Sewer, Parcel #1

**Action:** Approve the following Condemnation: Mallard Tributary Replacement Sewer, Parcel #1

**Project:** Mallard Tributary Replacement Sewer, Parcel #1

**Program:** Mallard Tributary Replacement Sewer

**Owner(s):** James F Alexander, Susan Alexander Boone, Stella Alexander Harman, and John W Alexander

**Property Address:** 10400 North Tryon Street

**Total Parcel Area:** 1,340,276 sq. ft. (30.77 ac.)

**Property to be acquired by Easements:** 16,776 sq. ft. (0.39 ac.) Permanent Easement, 2,812 sq. ft. (0.065 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** INST

**Use:** Institutional

**Tax Code:** 051-021-02

<https://polaris3g.mecklenburgcountync.gov/#mat=343886&pid=05102102&qisid=05102102>

**Appraised Value:** \$4,625

**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:** 4

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

**Action:** Approve the following Acquisition: 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>

**Purchase Price:** \$50,000

**Council District:** 1

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

**Action:** Approve the following Acquisition: 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. (0.024 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>

**Purchase Price:** \$12,040

**Council District:** 1

## 47. Property Transactions - Parkwood Avenue Streetscape, Parcel #13

**Action:** Approve the following Acquisition: Parkwood Avenue Streetscape, Parcel #13

**Project:** Parkwood Avenue Streetscape, Parcel #13

**Program:** Parkwood Avenue Streetscape

**Owner(s):** Terry Ann Stokes

**Property Address:** 402 East 19th Street

**Total Parcel Area:** 10,867 sq. ft. (0.25 ac.)

**Property to be acquired by Fee:** 969 sq. ft. (0.02 ac.) Fee Simple

**Property to be acquired by Easements:** 1,788 sq. ft. (0.041 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:** 081-075-14

<https://polaris3g.mecklenburgcountync.gov/#mat=120802&pid=08107514&qisid=08107514>

**Purchase Price:** \$32,000

**Council District:** 1

## 48. Property Transactions - Shade Valley Road Realignment and Roundabout, Parcel #2

**Action:** Approve the following Condemnation: Shade Valley Road Realignment and Roundabout, Parcel #2

**Project:** Shade Valley Road Realignment and Roundabout, Parcel #2

**Program:** Shade Valley Road Realignment and Roundabout

**Owner(s):** State Employees' Credit Union

**Property Address:** 4733 Monroe Road

**Total Parcel Area:** 78,302 sq. ft. (1.80 ac.)

**Property to be acquired by Fee:** 164 sq. ft. (0.03 ac.) Fee Simple

**Property to be acquired by Easements:** 3,925 sq. ft. (0.09 ac.) Utility Easement, 238 sq. ft. (0.005 ac.) Storm Drainage Easement, 1,885 sq. ft. (0.043 ac.) Sidewalk Utility Easement, 2,326 sq. ft. (0.053 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** NS

**Use:** Neighborhood Service district

**Tax Code:** 161-052-22

<https://polaris3g.mecklenburgcountync.gov/#mat=607110&pid=16105222&gisid=16105222>

**Appraised Value:** \$71,400

**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:** 5

## 49. Property Transactions - Shade Valley Road Realignment and Roundabout, Parcel #3

**Action:** Approve the following Condemnation: Shade Valley Road Realignment and Roundabout, Parcel #3

**Project:** Shade Valley Road Realignment and Roundabout, Parcel #3

**Program:** Shade Valley Road Realignment and Roundabout

**Owner(s):** Lerner and Company Real Estate

**Property Address:** 4811 Monroe Road

**Total Parcel Area:** 19,154 sq. ft. (0.44 ac.)

**Property to be acquired by Fee:** 4,191 sq. ft. (0.10 ac.) Fee Simple

**Property to be acquired by Easements:** 3,031 sq. ft. (0.07 ac.) Sidewalk Utility Easement, 3,196 sq. ft. (0.073 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** Parking Space and monument sign

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

**Zoned:** O-2

**Use:** Office District

**Tax Code:** 161-051-05

<https://polaris3g.mecklenburgcountync.gov/#mat=137199&pid=16105105&gisid=16105105>

**Appraised Value:** \$140,050

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

**City's Response to Property Owner's Concerns:** The city explained the rationale of the design and how it meets the objectives for the project and 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:** 5



## 50. Property Transactions - Shade Valley Road Realignment and Roundabout, Parcel #10

**Action:** Approve the following Condemnation: Shade Valley Road Realignment and Roundabout, Parcel #10

**Project:** Shade Valley Road Realignment and Roundabout, Parcel #10

**Program:** Shade Valley Road Realignment and Roundabout

**Owner(s):** David Erdman

**Property Address:** 4919 Monroe Road

**Total Parcel Area:** 11,906 sq. ft. (0.27 ac.)

**Property to be acquired by Fee:** 608 sq. ft. (0.01 ac.) Fee Simple

**Property to be acquired by Easements:** 543 sq. ft. (0.012 ac.) Sidewalk Utility Easement, 1,820 sq. ft. (0.042 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** Parking space

**Landscaping to be impacted:** Various plantings

**Zoned:** O-2

**Use:** Office district

**Tax Code:** 161-051-10

<https://polaris3g.mecklenburgcountync.gov/#mat=139068&pid=16105110&qisid=16105110>

**Appraised Value:** \$20,425

**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:** 5

## 51. Property Transactions - Shade Valley Road Realignment and Roundabout, Parcel #11

**Action:** Approve the following Acquisition: Shade Valley Road Realignment and Roundabout, Parcel #11

**Project:** Shade Valley Road Realignment and Roundabout, Parcel #11

**Program:** Shade Valley Road Realignment and Roundabout

**Owner(s):** Dane and Romeo LLC

**Property Address:** 4927 Monroe Road

**Total Parcel Area:** 15,669 sq. ft. (0.36 ac.)

**Property to be acquired by Fee:** 741 sq. ft. (0.02 ac.) Fee Simple

**Property to be acquired by Easements:** 623 sq. ft. (0.014 ac.) Sidewalk Utility Easement, 1,838 sq. ft. (0.042 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** Parking and driveway

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

**Zoned:** O-2

**Use:** Office District

**Tax Code:** 161-051-11

<https://polaris3g.mecklenburgcountync.gov/#mat=139382&pid=16105111&gisid=16105111>

**Purchase Price:** \$35,950

**Council District:** 5

## 52. Property Transactions - Shade Valley Road Realignment and Roundabout, Parcel #14

**Action:** Approve the following Condemnation: Shade Valley Road Realignment and Roundabout, Parcel #14

**Project:** Shade Valley Road Realignment and Roundabout, Parcel #14

**Program:** Shade Valley Road Realignment and Roundabout

**Owner(s):** Lerner and Company Real Estate

**Property Address:** 5007 and 5009 Monroe Road

**Total Parcel Area:** 256,960 sq. ft. (5.90 ac.)

**Property to be acquired by Fee:** 824 sq. ft. (0.02 ac.) Fee Simple

**Property to be acquired by Easements:** 2,146 sq. ft. (0.049 ac.) Sidewalk Utility Easement, 4,240 sq. ft. (0.097 ac.) Temporary Construction Easement

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

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

**Zoned:** UR-2 (CD)

**Use:** Urban Residential Conditional

**Tax Code:** 161-051-14

<https://polaris3g.mecklenburgcountync.gov/#mat=554556&pid=16105114&qsid=16105114>

**Appraised Value** \$52,650

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

**City's Response to Property Owner's Concerns:** The city explained the rationale of the design and how it meets the objectives for the project and 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:** 5

## 53. Property Transactions - Shade Valley Road Realignment and Roundabout, Parcel #17 and 19

**Action:** Approve the following Condemnation: Shade Valley Road Realignment and Roundabout, Parcel #17 and 19

**Project:** Shade Valley Road Realignment and Roundabout, Parcel #17 and 19

**Program:** Shade Valley Road Realignment and Roundabout

**Owner(s):** Lake Hills Apartments LP

**Property Address:** 2200-2218 and 2301 Shade Valley Road

**Total Parcel Area:** 258,842 sq. ft. (5.94 ac.)

**Property to be acquired by Fee:** 67 sq. ft. (0.001 ac.) Fee Simple

**Property to be acquired by Easements:** 3,415 sq. ft. (0.08 ac.) Sidewalk Utility Easement, 8,834 sq. ft. (0.20 ac.) Temporary Construction Easement, 1,017 sq. ft. (0.02 ac.) Storm Drainage Easement, 7,432 sq. ft. (0.17 ac.) Post Construction Controls Easement

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

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

**Zoned:** R-17 MF

**Use:** Multi-family Residential

**Tax Code:** 161-051-32, 161-052-33

<https://polaris3g.mecklenburgcountync.gov/#mat=139605&pid=16105113&qsid=16105113>

<https://polaris3g.mecklenburgcountync.gov/#mat=411891&pid=16105233&qsid=16105233>

**Appraised Value** \$99,225

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

**City's Response to Property Owner's Concerns:** The city explained the rationale of the design and how it meets the objectives for the project and 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:** 5

## Adjournment

## REFERENCES

## 54. 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.

## 55. 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.

## 56. 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.