

# **City of Charlotte**

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



## **Meeting Agenda**

**Monday, April 26, 2021**

**Electronic Regular Meeting Hosted from Room 267**

### **City Council Business Meeting**

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

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

*Call to Order*

*Introductions*

*Invocation*

*Pledge of Allegiance*

## 1. Mayor and Council Consent Item Questions and Answers

**Staff Resource(s):**

Marie Harris, Strategy and Budget

**Time:** 5 minutes

**Synopsis**

Mayor and Council may ask questions about Consent agenda items.

## 2. Action Review Agenda Overview

**Staff Resource(s):**

Marcus Jones, City Manager

## 3. Non-Residential Building Code Ordinance Proposed Revisions

**Staff Resource(s):**

Pamela Wideman, Housing and Neighborhood Services

**Time:** Presentation - 10 minutes; Discussion - 20 minutes

**Explanation**

- Provide an overview of the proposed revisions to the Non-Residential Building Code Ordinance.

## 4. Closed Session (as necessary)

## **PUBLIC FORUM**

### **5. Public Forum**

## **CONSENT**

- 6. Consent agenda items 20 through 33 may be considered in one motion except for those items removed by a Council member. Items are removed by notifying the City Clerk.**

Consideration of Consent Items shall occur in the following order:

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

## **PUBLIC HEARING**

## 7. Public Hearing for Arrival Automotive USA Inc. Business Investment Grant

### Action:

**Conduct a public hearing regarding approval of a City of Charlotte Business Investment Grant to Arrival Automotive USA Inc.**

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

Tracy Dodson, City Manager's Office

Frances West, Economic Development

### **Explanation**

- On March 17, 2021, Arrival Automotive USA Inc. (Arrival) announced it would expand its existing operations in Charlotte to include their first United States (U.S.) electric van microfactory in West Charlotte.
- This action is requesting a public hearing be conducted regarding City Council approval of a not to exceed Business Investment Grant (BIG) of \$657,094 over seven years.
  - During the week of February 22nd, City Council indicated their intent to approve this Business Investment Grant during council discussions.
  - On March 2, 2021, the Mecklenburg County Board of Commissioners, in closed session, indicated its intent to approve a BIG with a maximum value of \$906,824 over five years.
- Arrival has committed to a capital investment of \$41,200,000 and creation of 281 jobs to be hired over two years with an average wage of \$42,171.
- In addition to the city and county BIGs, the State of North Carolina dedicated \$1,200 to \$1,400 per eligible employee in community college training funds.
- In compliance with North Carolina General Statute 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 April 27, 2021, at 11:59 p.m. Any additional comments received will be provided to City Council.
- On May 10, 2021, City Council will be asked to approve the BIG to Arrival.

### **Background**

- Arrival is a global electric vehicle company headquartered in London focused on creating zero emission, sustainable transportation solutions.
- December 9, 2020, Arrival announced its North American headquarters in Charlotte with an investment of \$3,000,000 and 150 jobs.
- During the December 9th announcement, the company also signed a memorandum of understanding with the City of Charlotte to collaborate on strategies to achieve the goals outlined in the city's Strategic Energy Action Plan.
- Arrival's new Charlotte investment will be the first microfactory in the U.S. to produce their electric cargo delivery vans.

### **Business Investment Grant**

- The general terms and conditions of this grant include:
  - Actual grant payments are based on the value of the investment as appraised by the Mecklenburg County Tax Office.
  - Property taxes due from Arrival must be paid before a grant payment is made.
  - If Arrival removes the investment from Charlotte during the grant term, it shall pay back 100 percent of the investment grant paid to date.
  - If Arrival moves the investment from Charlotte within seven years of the end of the Business Investment Program (BIP) grant term, a portion of the grant must be repaid as follows:
    - Within one year of the end of the BIP Term - 90 percent of grant payments
    - Within two years of the end of the BIP Term - 75 percent of grant payments
    - Within three years of the end of the BIP Term - 60 percent of grant payments

- Within four years of the end of the BIP Term - 45 percent of grant payments
- Within five years of the end of the BIP Term - 30 percent of grant payments
- Within six years of the end of the BIP Term - 20 percent of grant payments
- Within seven years of the end of the BIP Term - 10 percent of grant payments

**Fiscal Note**

Funding: Business Investment Grant



## 8. Public Hearing on a Resolution to Close the Unopened Right-of-Way off Mecklenburg Avenue and Matheson Avenue

### **Action:**

**Conduct a public hearing to close the unopened right-of-way off Mecklenburg Avenue and Matheson Avenue.**

### **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 right-of-way to be closed is located in Council District 1.
- In compliance with North Carolina General Statute 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 April 27, 2021, at 11:59 p.m. Any additional comments received will be provided to City Council.

### **Petitioner**

Henrietta W. Palmer

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

The unopened right-of-way off Mecklenburg Avenue and Matheson Avenue.

### **Reason**

Per the petition submitted by Henrietta W. Palmer, the abandonment of the unopened right-of-way will allow 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, the CDOT submitted this abandonment petition for review by the public and city departments.

### **Adjoining property owner(s)**

Benjamin Keith Collins and Scotty Lee Vanhoozier - No objections  
Henrietta W. Palmer - No objections  
Michael J. Dortch and Elyn Sykes Dortch - No objections  
K. Mark Stephens and Denise Buff Stephens - No objections  
Mecklenburg Park, LLC - No objections

### **City Departments**

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

### **Attachment(s)**

Map

[2020-10A Meck and Matheson Ave Abandonment Map Revised](#)

## POLICY

### 9. City Manager's Report

### 10. Fiscal Year 2022 Annual Action Plan for Housing and Community Development

**Action:**

**Adopt the Fiscal Year 2022 Annual Action Plan for Housing and Community Development.**

**Staff Resource(s):**

Pamela Wideman, Housing and Neighborhood Services

Warren Wooten, Housing and Neighborhood Services

**Policy**

- The U.S. Department of Housing and Urban Development (HUD) mandates the development of an Annual Action Plan (Plan) to receive federal funding for housing and community development activities.
- The Plan supports the city's approved Housing Charlotte Framework to preserve existing housing, expand the supply of low- and moderate-income housing, and support family self-sufficiency.

**Community Input**

- A draft copy of the Plan was published to the city's website with paper copies available by request. The documents were available in English and Spanish.
- Consistent with HUD's requirements, Housing and Neighborhood Services convened three virtual public forums to receive input for the development of the Plan. Advertised in the *Charlotte Observer* and *La Noticia*, the sessions were held virtually on March 11, March 17, and April 20.
- On April 12, 2021, City Council held a public hearing on the Plan. No comments were received.
- The Plan can be found at: <https://charlottenc.gov/HNS/Housing/Strategy/Documents/FY22%20Action%20Plan%20Draft%20rv2.pdf>.

**Explanation**

- The Plan includes housing and community development needs and resources for the city and the Regional Housing Consortium.
- The Regional Housing Consortium is a partnership among the city; Mecklenburg County; and the towns of Cornelius, Pineville, Matthews, Mint Hill, Huntersville, and Davidson.
- In Fiscal Year 2022, the city expects to receive the following federal funding allocations, totaling \$12,596,929:
  - Community Development Block Grant: \$5,866,405,
  - HOME Investment Partnerships: \$3,191,443,
  - Emergency Solution Grants: \$509,569, and
  - Housing Opportunity for Persons with AIDS: \$3,029,512.

**Next Steps**

- The Plan must be submitted to HUD no later than May 15, 2021.

## **BUSINESS**

## 11. Appropriate Additional Coronavirus Relief Funds

### **Action:**

- A. Adopt a budget ordinance appropriating \$74,470,000 from the Coronavirus Local Fiscal Recovery Fund provided by the American Rescue Plan Act of 2021 in the General COVID-19 Assistance Fund, and**
- B. Authorize the City Manager to negotiate and execute any necessary contracts and agreements related to the Coronavirus Local Fiscal Recovery Fund.**

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

Kelly Flannery, Finance

Ryan Bergman, Strategy and Budget

### **Explanation**

- The Coronavirus Local Fiscal Recovery Fund (CLFRF), which provided \$130 billion in direct assistance for local governments, is to be used to mitigate the fiscal effects stemming from the COVID-19 public health emergency.
- The CLFRF provides direct payments to metropolitan cities and counties; Charlotte was one of the 990 cities across the nation that met the criteria.
- Funds from the CLFRF may only be used to cover costs incurred by December 31, 2024, for the following purposes:
  - to respond to the COVID-19 public health emergency or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;
  - to respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible city employees who are performing such essential work or by providing grants to eligible employers that have eligible workers who perform essential work;
  - for the provision of government services to the extent of the reduction in revenue in the city's budget due to the COVID-19 public health emergency relative to revenues collected in Fiscal Year (FY) 2019; and
  - to make necessary investments in water, sewer, or broadband infrastructure.
- Potential uses of the funds include: investments in local job creation and retention; aid to heavily impacted industries; housing and homelessness-related support; assistance for arts and culture organizations; investments in information technology to support a virtual work environment; reimbursement of COVID-19 related city operations costs; the replacement of city revenue that was reduced as a result of COVID-19; and the continuation of various programs implemented utilizing Coronavirus Aid, Relief and Economic Security Act (CARES Act) funding.
- A second tranche of funds will be available to the city approximately one year after this tranche of funds is received from the federal government.

### **Background**

- On March 11, 2021, in response to the COVID-19 public health emergency, President Biden signed the American Rescue Plan Act of 2021 (ARPA).
- The enactment of this legislation is in addition to the CARES Act enacted in March 2020.
  - The CARES Act provided \$154.5 million to the City of Charlotte.
- In April 2020, the Mayor and City Council established three Community Recovery Task Forces to address community concerns related to COVID-19. These Task Forces focused on three specific areas: Small Business, Housing, and the Airport.
- Through the CARES Act and FY 2021 Consolidated Appropriations Act, the city has also received funding for housing-related programs such as the Emergency Solutions Grant and emergency rental assistance, CATS, the Airport, and the Charlotte-Mecklenburg Police Department.

### **Attachment(s)**

Budget Ordinance

[ARPA Budget Ordinance](#)

## 12. Affordable Housing Development Support Requests

### Action:

Approve \$25,815,000 in Housing Trust Fund allocations for the following multi-family rental affordable housing developments contingent upon their receiving a Low-Income Housing Tax Credit award from the North Carolina Housing Finance Agency:

- Evoke Living at Eastland, \$1,600,000 (9% LIHTC), in Council District 5,
- First Ward Place Phase I, \$2,000,000 (9% LIHTC), in Council District 1,
- Fordham Place, \$1,645,000 (9% LIHTC), in Council District 3,
- Galloway Crossing, \$1,560,000 (9% LIHTC), in Council District 5,
- Guardian Angel Villa II, \$1,700,000 (9% LIHTC), in Council District 3,
- Marvin Road Apartments, \$1,700,000 (9% LIHTC), in Council District 1,
- Ovata at Reedy Creek, \$480,000 (9% LIHTC), in Council District 4,
- Evoke Living at Morris Field, \$3,000,000 (4% LIHTC), in Council District 3,
- Fairhaven Glen, \$2,000,000 (4% LIHTC), in Council District 3,
- Grounds for Change, \$2,000,000 (4% LIHTC), in Council District 1,
- Sugar Creek Apartments, \$3,000,000 (4% LIHTC), in Council District 4,
- The Baron Senior, \$2,000,000 (4% LIHTC), in Council District 3,
- Easter's Home Supportive Housing, \$630,000 (Non-LIHTC), in Council District 1, and
- The River District, \$2,500,000 (Non-LIHTC), in Council District 3.

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

Pamela Wideman, Housing and Neighborhood Services

Miles Vaughn, Housing and Neighborhood Services

### **Explanation**

- Local Initiatives Support Corporation (LISC) Partnership:
  - In Fiscal Year 2019, City Council approved a partnership with LISC, a national non-profit with a grassroots focus.
  - LISC is one of the largest national community development organizations in the country that supports projects to revitalize communities and bring greater economic opportunity to residents.
  - Through the addition of the LISC managed private and philanthropic contributions to the Charlotte Housing Opportunity Investment Fund (CHOIF), the city has achieved a greater leverage of Housing Trust Fund dollars and reduced the cost to the city for creating affordable housing units per development.
- Housing Vouchers:
  - In 2019, the city and LISC entered into a memorandum of understanding with INLIVIAN, formerly known as the Charlotte Housing Authority, for the provision of project-based vouchers.
  - Through this partnership, INLIVIAN has pledged to consider the awarding of project-based vouchers each year to be used toward affordable housing developments in areas of high opportunity.
  - One proposal submitted is requesting the use of project-based vouchers.
  - The use of the vouchers also further leverages local, state, and federal funding sources.
- On January 15, 2021, the city and LISC issued a joint Request for Proposals (RFP) to aid in the production of affordable housing units.
  - In response to this joint RFP, 16 proposals were received seeking various types of gap financing support, including nine percent and four percent tax credits from the North Carolina Housing Finance Agency (NCHFA), Housing Trust Fund (HTF), allocations from the CHOIF, and low-cost debt. One of the proposals was withdrawn by the developer and one is only seeking funding from the Charlotte Housing Opportunity Fund and is not included in this Request for Council Action.
  - This RFP is the third dual review process conducted by the city and LISC. The following guiding principles were adhered to:

- Ensuring affordable, multi-family housing developer experience,
  - Creating mixed-income developments in areas of high opportunity,
  - Achieving long-term affordability, and
  - Maximizing the leverage of available resources.
- Approval of the recommended developments adds 1,422 affordable and workforce housing units to the city's existing supply. A total of 326 of those units (23 percent) will be targeted to households at 30 percent of the Area Median Income. Since the city does not typically receive a Low-Income Housing Tax Credit (LIHTC) award for all the competitively awarded nine percent LIHTC proposals, the actual number of affordable units will be less than 1,422.
  - The recommended developments meet all submission requirements, including land use and rezoning approvals.
  - Each four percent low-income, multi-family housing tax credit development seeking HTF funding received a score of over 24 points based on the Housing Locational scoring guidelines site scoring tool, which indicates that the sites are located in good proximity to job centers and access to amenities such as transportation and parks. Additionally, the sites support the creation of mixed-income communities while supporting anti-displacement of low- to moderate-income residents in rapidly changing neighborhoods.
- Additionally, the NCHFA will base their final awards on:
    - Market demand and local housing needs,
    - Ability to serve qualified residents for the longest affordability period,
    - Design and quality of construction, and
    - Financial structure and long-term viability.
  - For developments seeking nine percent and four percent tax credit awards, the deadline for final NCHFA applications is May 14, 2021. The NCHFA will announce tax credit awards in August 2021. Due to the competitiveness and limited amount of available tax credits and the NCHFA's desire to disperse awards throughout the state, the agency will not award tax credits to all seven developments seeking nine percent LIHTC. City approved HTF funding for developments not awarded a tax credit will be returned to the fund for future allocations.

**Background**

- On November 26, 2001, City Council established the Housing Trust Fund (HTF) to provide financing for diverse price point housing in the Charlotte area.
- On August 27, 2018, City Council adopted the Housing Charlotte Framework, which recommends expanding the supply of high-quality rental housing by building affordable housing, preserving existing naturally occurring affordable housing, and promoting family self-sufficiency initiatives.
- On July 13, 2020, City Council adopted the U.S. Department of Housing and Urban Development's Annual Action Plan (Plan) which identifies the need for affordable, safe, and decent housing for low- and moderate-income families and reaffirms the goals of the Housing Charlotte Framework.
- Support of HTF allocations is consistent with the strategies outlined in both the Housing Charlotte Framework and the Plan, demonstrates local alignment with state-supported affordable housing developments, and allows for local leveraging of tax credit awards.

**City Council Discussion**

- On April 12, 2021, staff provided a briefing of the affordable housing development support requests to City Council during Action Review at the City Council Business Meeting.

**Charlotte Business INclusion**

- All HTF funded projects and their developers are subject to MWSBE goals based on the amount of the HTF allocations received.

**Fiscal Note**

Funding: General Capital Investment Plan

**Attachment(s)**

April 12, 2021 Council Business Meeting Presentation



[Housing Funding Support Requests City Council Action Review 4.12.21](#)

### 13. Renew the Charlotte-Mecklenburg Regional Housing Consortium

**Action:**

**Adopt a resolution authorizing the City Manager to renew the Charlotte-Mecklenburg Regional Housing Consortium Agreement to continue receiving an annual formula allocation of HOME funds effective July 1, 2021, through June 30, 2024.**

**Staff Resource(s):**

Pamela Wideman, Housing and Neighborhood Services

Miles Vaughn, Housing and Neighborhood Services

**Explanation**

- The Charlotte-Mecklenburg Regional Housing Consortium was established through a joint cooperation agreement in July 2003. The Consortium currently consists of the City of Charlotte; Mecklenburg County; and the towns of Cornelius, Davidson, Huntersville, Matthews, Mint Hill, and Pineville.
- Each municipality is eligible to receive funding from the federal HOME Investment Partnerships Program (HOME Program) for the development of affordable housing with the city serving as the lead entity.
- As the lead entity and largest recipient of funding, the city is required to re-affirm the commitment of consortium members and renew the agreement every three years per guidelines from the U.S. Department of Housing and Urban Development (HUD).
- The HOME Program is the largest federal grant to states and local governments designed exclusively to create affordable housing for low-income households.
- HOME funds can be used for acquisition, rehabilitation, new construction, tenant-based rental assistance, and homebuyer activities and programs such as down payment assistance.
- The HOME Program provides formula grants to states, localities, and communities and is often used in partnership with local nonprofit groups to fund a wide range of activities such as constructing, purchasing, and/or rehabilitating affordable housing for rental or homeownership opportunities. HOME funds can also be used to provide direct rental assistance to low-income individuals.
- The city reviews and approves funding proposals from Consortium members and also provides technical assistance. Quarterly meetings are held to discuss Consortium-member existing and planned activity to ensure compliance with HUD guidelines.
- The renewal must be submitted to HUD on or before June 30, 2021.

**Attachment(s)**

2012 Joint Cooperation Agreement

2021 Resolution Authorizing Agreement

[2012 Joint Cooperation Agreement](#)

[2021 Resolution Authorizing Agreement](#)

## 14. Interlocal Agreements for the Metropolitan Planning Program Grant Funds

### **Action:**

**Adopt a resolution authorizing the City Manager, or his designee, to execute Interlocal Agreements with Iredell County Area Transportation System and Union County Transportation to support transit planning activities for the Charlotte Regional Transportation Planning Organization.**

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

Taiwo Jaiyeoba, City Manager's Office

Jerrel Leonard, Planning, Design, and Development

### **Explanation**

- On November 9, 2020, the City Council adopted a resolution authorizing the City Manager to execute a municipal agreement with the North Carolina Department of Transportation (NCDOT) to support transit planning activities for the Charlotte Regional Transportation Planning Organization (CRTPO).
  - The Federal Transit Administration (FTA) awarded the Fiscal Year (FY) 2021 Metropolitan Planning Grant to the City of Charlotte in July 2020, and NCDOT requires grant recipients to enter into a new municipal agreement to receive the annual allocation.
- FTA grant funding was sub-allocated for local projects to the Iredell County Area Transit System and Union County Transportation.
- The NCDOT requires the City of Charlotte, as the lead planning agency for the CRTPO, to enter into interlocal agreements with the subrecipients.
- The total grant award for the city is \$1,225,441 of which \$980,352 (80 percent) consists of federal funds, \$122,545 (10 percent) consists of state funds, and \$122,545 (10 percent) consists of CRTPO local funds.
  - Iredell County Area Transportation System will receive up to \$67,500 for transit planning activities, including public participation.
  - Union County Transportation will receive up to \$47,705 for transit planning activities, including data and planning support, public participation, and statewide and supplemental regional planning.
  - The local match will be shared by the City of Charlotte (\$109,745), the Iredell County Area Transit System (\$7,500), and Union County Transportation (\$5,300).

### **Fiscal Note**

Funding: General Grants Fund

### **Attachment(s)**

Resolution

[Resolution Interlocal Agreements](#)

## 15. Appropriate Private Developer Funds for the North Tryon and 36th Street Streetscape Project

**Action:**

**Adopt a budget ordinance appropriating \$25,000 in private developer funds from Grubb Properties for the North Tryon and 36th Street Streetscape Project to the General Capital Projects Fund.**

**Staff Resource(s):**

Phil Reiger, General Services

Jennifer Smith, General Services

Tom Russell, General Services

**Explanation**

- This action appropriates \$25,000 in private developer contributions for sidewalk improvements for the North Tryon and 36th Street Streetscape Project and other related work associated with the developer's projects (Council District 1).
- These improvements are required by the city's zoning requirements; the private developer is providing funds to the city for the city to make these improvements on behalf of the developer.
- These funds must be appropriated prior to the city's initiation of work.
- North Carolina General Statute 160A-309 authorizes the city to contract with a developer or property owner for public improvements that are adjacent or ancillary to a private land development project when the city determines that coordination of separately constructed public improvements would be impracticable.

**Fiscal Note**

Funding: Private Developer Contributions

**Attachment(s)**

Map

Budget Ordinance

[Map Appropriate Private Developer Funds](#)

[Budget Ordinance](#)

## 16. Charlotte-Mecklenburg Government Center Governor's Office Lease

### **Action:**

- A. Adopt a resolution authorizing a lease agreement with the State of North Carolina for the lease of approximately 1,343 square feet of office space (suite 231) in the Charlotte-Mecklenburg Government Center, and**
- B. Authorize the City Manager, or his designee, to negotiate and execute all documents necessary to complete the leasing of the office space.**

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

Phil Reiger, General Services

Tony Korolos, General Services

### **Explanation**

- The Charlotte-Mecklenburg Government Center, located in Council District 1, has 1,343 square feet of office space, which has been leased by the State of North Carolina for the Governor's Office since 2009.
- The city has authority to enter into this lease agreement under North Carolina General Statutes 160A-272 and 274.
- The terms of the lease are:
  - Initial one-year lease term, with two, one-year options to extend; and
  - Initial monthly rent of \$1,648, with three percent annual increases.

### **Fiscal Note**

Funding: Lease revenues will be deposited in the General Operating Fund

### **Attachment(s)**

Resolution

[Resolution to Lease](#)

## 17. Water and Sewer Revenue Bond Anticipation Note

### Action:

- A. **Adopt a bond order and resolution authorizing the issuance of up to \$250,000,000 of revenue bond anticipation notes and calling for the execution and delivery of various documents in connection with the issuance, and**
  
- B. **Authorize city officials to take necessary actions to complete the financing, including making the application to the Local Government Commission.**

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

Kelly Flannery, Finance

Angela Charles, Charlotte Water

### **Explanation**

- City Council adopts the Charlotte Water Capital Investment Plan which includes capital projects to be funded with debt proceeds. The debt issuance is planned in two steps; a short-term construction period draw program lasting up to 36 months which will then be converted into long-term, fixed rate revenue bonds once construction nears completion.
- This financing approach reduces interest cost, promotes rate stability, and provides flexibility in the timing of the spending.
- The construction period financing will be in the form of a \$250,000,000 privately placed drawdown program, allowing the city to reimburse expenses on a monthly basis during construction and eliminating interest expense on funds not yet expended on the projects.
- The projects being funded are concentrated in two different areas:
  - Maintenance of existing treatment facilities to ensure reliable treatment process and regulatory compliance, and
  - Rehabilitation and replacement of existing water and sewer infrastructure that has met its useful performance life.
- This action does not require rate increases.
- The North Carolina Local Government Commission is expected to review and approve this financing on June 1, 2021.

### **Fiscal Note**

Funding: Charlotte Water Revenue Bond Debt Service Fund

### **Attachment(s)**

Bond Order

Resolution

[Bond Order - Charlotte Water and Sewer Bond Anticipation Note, Series 2021](#)

[Bond Anticipation Note Resolution - Charlotte Water and Sewer BANs, Series 2021 \(Drawdown Program\)](#)

## 18. Set a Public Hearing for Refunding of Outstanding Transit Debt

### Action:

- A. **Adopt an initial findings resolution that makes certain findings for the proposed financing and calls for the execution of various documents necessary to complete the sale of Certificates of Participation, and**
  
- B. **Adopt a resolution setting a public hearing for May 10, 2021, for an installment financing contract not to exceed \$200,000,000 to refund the outstanding 2008A COPS and the 2015D Transportation Infrastructure Finance and Innovation Act financing.**

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

Kelly Flannery, Finance  
John Lewis, CATS

### **Explanation**

- Authorize the refinancing of up to \$200,000,000 in outstanding debt for Transit, which is comprised of approximately \$25,000,000 in Series 2008A Certificates of Participation (COPs) and approximately \$175,000,000 in Series 2015D Transportation Infrastructure Finance and Innovation Act (TIFIA) financing, for debt service savings.
- The refunding of the 2008A COPs and the 2015D TIFIA financing are expected to result in significant current estimated net present value savings over the life of refunding.
- These actions adopt an initial findings resolution and set a public hearing for May 10, 2021.
- The North Carolina Local Government Commission is expected to review and approve this financing on June 1, 2021.

### **Fiscal Note**

Funding: Transit Debt Service Fund

### **Attachment**

Resolution

[Initial Findings Resolution w public hearing call - City of Charlotte Transit Refunding COPs, Series 202](#)

## 19. Set a Public Hearing for an Installment Financing Contract for Hospitality and Convention Facility Projects

### Action:

- A. **Adopt an initial findings resolution making certain findings and calling for the execution of various documents necessary to complete an installment financing contract, and**
- B. **Adopt a resolution setting a public hearing for May 10, 2021, for an installment financing contract not to exceed \$50,000,000.**

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

Kelly Flannery, Finance

Tracy Dodson, Economic Development

### **Explanation**

- The city will enter into a construction period financing in the form of a \$50,000,000 privately placed drawdown program, allowing the city to reimburse expenses on a monthly basis during construction and eliminating interest expense on funds not yet expended on the projects.
- This financing approach reduces interest cost and provides flexibility in the timing of the spending.
- The projects being funded are concentrated in two different areas:
  - Bank of America Stadium improvements related to Major League Soccer and improvements to the former Eastland Mall site not to exceed \$35,000,000 which was approved by City Council on November 9, 2020.
  - Convention Center improvements not to exceed \$11,900,000 which includes additional funding for Convention Center Phase I that was approved by City Council on September 23, 2019.
- The debt issuance is planned in two steps; a short-term construction period draw program lasting up to 36 months which will then be converted into permanent fixed-rate financing and/or available fund balance from the Convention Center Tax Fund once construction nears completion.
- These actions will adopt an initial findings resolution and set a public hearing for May 10, 2021.
- The North Carolina Local Government Commission is expected to review and approve this financing on June 1, 2021.

### **Fiscal Note**

Funding: Convention Center Tax Fund

### **Attachment(s)**

Resolution

[Initial Findings Resolution w public hearing call - City of Charlotte Conv. Center MLS COPs, Series 202](#)

## CONSENT

### 20. Records Authorization for a SAFE Charlotte Plan Initiative

**Action:**

**Authorize the sharing of specified Charlotte-Mecklenburg Police Department personnel data and records with BEWorks Inc. for the purpose of research and analysis in support of the SAFE Charlotte Plan.**

**Staff Resource(s):**

Victoria O. Johnson, City Manager's Office

**Explanation**

- On October 26, 2020, City Council adopted the SAFE (*Safety and Accountability for Everyone*) Charlotte Plan (Plan) which includes six public safety recommendations for the city to reimagine the approach to policing and violence prevention.
- The Plan's sixth recommendation calls for the city to enhance Charlotte-Mecklenburg Police Department (CMPD) recruitment efforts and develop a program to provide additional CMPD residency initiatives to officers living in priority areas.
- Some of the data required to carry out recruitment and residency analyses include CMPD personnel records, which may be released by City Council pursuant to North Carolina General Statute 160A-68(c2), for statistical, research, or teaching purposes when the institution certifies that no information will be released which would identify employees.
- CMPD and the City Manager's Office will work with BEWorks Inc. to ensure that personnel name data remains anonymous, and the executed agreement will include a required certification similar to the attached sample certification to safeguard personnel data.

**Attachment(s)**

Draft Certification to Safeguard Personnel Data

[Draft Certification to Safeguard Personnel Data - BEWorks](#)



## 21. School Zone Flashing Light Equipment

### Action:

- A. **Approve the purchase of school zone flashing light equipment, by the sole source exemption,**
- B. **Approve a contract with J.O. Herbert Company Inc., for the purchase of Solar and AC RTC School Flasher Systems 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):**

Liz Babson, Transportation  
Angela Berry, Transportation

### **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 there is only one supply source.
- City Council approval is required for any purchases made under the sole source exception.

### **Explanation**

- The Charlotte Department of Transportation (CDOT) currently provides 143 school zone flashing light sets for reduced speed zones throughout the city. CDOT continually evaluates for reduced speed limits needed within school zones with an average of four reduced speed zones installed per year.
- Solar and AC RTC School Flasher Systems is the only equipment compatible with the existing School Flasher Monitoring and Database Management System used by CDOT for communication with the school zone light sets.
- Annual expenditures are estimated to be \$75,000.

### **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: General Capital Investment Plan

## 22. Building Automation HVAC Equipment, Supplies, and Installation

### Action:

- A. **Approve the purchase of building automation HVAC equipment, supplies, and installation from a cooperative contract,**
- B. **Approve a unit price contract with Automated Logic Corporation Inc. for the purchase of building automation HVAC equipment, supplies, and installation for a term of three years under BuyBoard contract 631-20, December 1, 2020, and**
- C. **Authorize the City Manager to extend the contract for additional terms as long as the cooperative contract is in effect, at prices and terms that are the same or more favorable than those offered under the cooperative contract.**

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

Phil Reiger, General Services

David Wolfe, General Services

John Mrzygod, General Services

### **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.
- This contract will provide equipment, installation, services, and related supplies.
- G.S. 143-129(e)(3) allows local governments to purchase from formally organized cooperative purchasing contracts.
- A cooperative purchasing agreement results from the consolidation and competitive solicitation of multiple public agency requirements. By aggregating common needs all agencies are able to leverage economies of scale, such as volume discounts, improved terms and conditions, reduced administrative costs, and access to professional and technical expertise that can be utilized on a local, regional, and national level.
- Annual expenditures are estimated to be \$400,000.

### **Charlotte Business INclusion**

This is a cooperative purchasing contract and is exempt (Part A: Appendix 27 of the Charlotte Business INclusion Policy).

### **Fiscal Note**

Funding: General Services Operating Budget and General Capital Investment Plan

## 23. Citywide Concrete and Asphalt Maintenance Services

### Action:

- A. Approve unit price contracts with the following companies for concrete and asphalt maintenance services for an initial term of three years:**
- Barry's Concrete and Service, Inc.,
  - DOT Construction, Inc. (SBE),
  - Ground Thunder Construction, Inc.,
  - Piedmont Parking Solutions, LLC d/b/a Carolina Site,
  - Tarpon Construction, Inc. (SBE), 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  
Kay Elmore, General Services

### **Explanation**

- These contracts are for city-maintained facilities and parking areas including airfield pavements and roadways for Aviation and park and ride lots for the Charlotte Area Transit System.
- On December 18, 2020, the city issued a Request for Proposals (RFP); two responses were received. It was determined that additional responses were needed to meet the city's needs. On February 15, 2021, the city issued an additional RFP; six responses were received, for a total of eight for both competitive processes.
- 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 \$1,500,000.

### **Charlotte Business INclusion**

DOT Construction, Inc. and Tarpon Construction, Inc. are city certified SBEs.

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 (a) - No subcontracting opportunities.

### **Fiscal Note**

Funding: Various Departments' Operating Budgets

## 24. Construct Bryant Farms Road Extension Progressive Design-Build Project

### **Action:**

**Approve a lump sum contract in the amount of \$1,438,696 with Blythe Development Co. for Phase 1 of the Bryant Farms Road Extension Progressive Design-Build Project for an initial term of two years.**

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

Phil Reiger, General Services  
Jennifer Smith, General Services  
Veronica Wallace, General Services

### **Explanation**

- This project will improve east-west connectivity in the Ballantyne/South Charlotte area from Elm Lane to Rea Road in Council District 7.
- Work will include the extension of Bryant Farms Road from Elm Lane to Rea Road; improve the intersection of Elm Lane, Blakeney Heath Road, and Bryant Farms Road; and install a traffic signal at the Rea Road and Bryant Farms Road intersection.
- The project will include two to 11 foot travel lanes, multi-use paths, and a roundabout at Elm Lane.
- On August 27, 2020, the city issued a Request for Qualifications (RFQ); four proposals were received.
- Blythe Development Co. 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.
- Progressive Design-Build consists of two phases. Phase 1 delivers the project up to 60 percent design, and Phase 2 will provide a guaranteed maximum price to complete design and construct the project.
- This contract is for Phase 1 of the Progressive Design-Build, which will design the project up to 60 percent. A future amendment will be requested for Phase 2.
- The city's design-build delivery method is in conformance with North Carolina General Statute 143-128.1(a) and consistent with the Design-Build Institute of America best practices for design-build generally and progressive design-build specifically.

### **Charlotte Business INCLUSION**

For this phase of Design-Build Design services: The city negotiates subcontracting participation for Design-Build contracts after scopes of work are defined for Design-Build Services. Blythe Development Co. has committed \$84,621 or approximately 5.88% of the total contract for design services to the following certified firms (Part G: Section 2.4 of the Charlotte Business INCLUSION Policy):

- SEPI (WBE) (\$70,460) (survey and subsurface exploration)
- Capstone Civil Engineering, Inc. (MBE, SBE) (\$14,161) (geotechnical drilling)

### **Fiscal Note**

Funding: General Capital Investment Plan

### **Attachment(s)**

Map

[Map Construct Bryant Farms Road Extension Progressive Design-Build Project](#)

## 25. Construct Westinghouse Boulevard Multi-Use Path

### **Action:**

**Approve a contract in the amount of \$3,975,597.45 to the lowest responsive bidder Eagle Wood, Inc. for the Westinghouse Boulevard Multi-Use Path project.**

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

Phil Reiger, General Services  
Jennifer Smith, General Services  
Veronica Wallace, General Services

### **Explanation**

- Identified in the Whitehall Ayrley Comprehensive Neighborhood Improvement Program, this project includes the construction of a multi-use path to improve pedestrian connectivity along Westinghouse Boulevard from South Tryon Street to Steele Creek Road in Council District 3.
- On February 19, 2021, the city issued an Invitation to Bid; six bids were received.
- Eagle Wood, Inc. was selected as the lowest responsive, responsible bidder.
- This project is anticipated to be complete by third quarter 2023.

### **Charlotte Business INclusion**

Established MBE Goal: 7.00%

Committed MBE Goal: 7.04%

Eagle Wood, Inc. exceeded the established MBE subcontracting goal and has committed \$280,000 or approximately 7.04% of the total contract amount to the following MBE certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Martin Landscaping Company, Inc. (MBE, SBE) (\$40,000) (seeding / mulching)
- Luvall Asphalt Services, Inc. (MBE, SBE) (\$100,000) (asphalt paving/ milling)
- Streeter Trucking Company (MBE) (\$60,000) (hauling)
- Mid Atlantic Erosion Control, INC. (MBE, SBE) (\$80,000) (erosion control measure/ fencing)

Established SBE Goal: 19.00%

Committed SBE Goal: 19.12%

Eagle Wood, Inc. exceeded the established MBE subcontracting goal and has committed \$760,000 or approximately 19.12% of the total contract amount to the following SBE certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- B&M Concrete, Inc. (MBE, SBE) (\$760,000) (concrete curbs, gutter sidewalks, and multi-use paths)

### **Fiscal Note**

Funding: General Capital Investment Plan

### **Attachment(s)**

Map

[Map Construct Westinghouse Boulevard Multi-Use Path](#)

## 26. Public Auction for Disposal of Surplus Equipment

### **Action:**

- A. Adopt a resolution declaring specific vehicles, equipment, and other miscellaneous items as surplus,**
- B. Authorize said items for sale by public auction on May 15, 2021, and**
- C. Authorize the City Manager to approve certain administrative and storage fees as may be required from time to time for auction events.**

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

Phil Reiger, General Services

Kay Elmore, General Services

### **Explanation**

- General Services provides asset recovery and disposal services to city departments, Mecklenburg County, Emergency Management Services, and INLIVIAN.
- Periodic auctions of surplus items are regularly conducted at the city's Asset Recovery and Disposal facility located at 5550 Wilkinson Boulevard, Charlotte, North Carolina, in Council District 3.
- Pursuant to North Carolina General Statute 160A-270(b), approval is requested for a public auction to be held on May 15, 2021, at 9:00 a.m. to dispose of city-owned property declared as surplus.
- Due to concerns over mass gatherings, the auction will be virtual with a live simulcast and electronic bidding.
- The auction company will be compensated 8.5 percent of the total gross sale price of rolling stock and miscellaneous items.
- Proceeds from the auction are distributed to the city's General Fund and Enterprise Funds (Aviation, Charlotte Water, and Charlotte Area Transit System) and other agencies based on asset ownership.

### **Attachment(s):**

Property List

Delegation of Authority

Resolution

Virtual auction information

[20210426 - 01 Rolling Stock auction \(Exhibit - A\)](#)

[20210426 - 02 Rolling stock auction - Resolution](#)

[20210426 - 03 Rolling stock auction - Delegation of Authority](#)

[20210426 - 04 Virtual Rolling Stock Auction](#)

## 27. CATS Battery Electric Buses Agreement

### Action:

- A. Authorize the City Manager to negotiate and execute an agreement with eTransEnergy, a Duke Energy company, to provide a phased program for a conversion to an electric bus fleet in alignment with the city's Strategic Energy Action Plan goals, and**
- B. Authorize the City Manager to negotiate and execute any amendments necessary to carry out the program, including for electric buses, charging infrastructure, and related electrical infrastructure installation services.**

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

John Lewis, CATS

Allen Smith III, CATS

Jennifer Fehribach, CATS

### **Explanation**

- The city, along with support from the American Cities Climate Challenge, is developing the CATS Battery Electric Bus (BEB) fleet transition plan.
- eTransEnergy, a Duke Energy company, was selected as the city's partner after receiving an unsolicited BEB proposal seeking competitive bids.
- This action supports the Strategic Energy Action Plan which strives to have city fleet and facilities be fueled by 100 percent zero-carbon sources by 2030 and sets a community-wide goal for Charlotte to become a low carbon city by 2050.
- On June 2, 2020, the Federal Transit Administration (FTA) awarded CATS a Low or No Emissions Grant (Low-No) in the amount of \$3,723,712 to purchase six BEBs and chargers. CATS will match this grant 50/50 for a total amount of \$7,447,424.
- eTransEnergy will provide a multi-phased approach for the CATS conversion to a full BEB fleet. Phases will include:
  - A 12 to 18-month pilot program with a total of 18 BEBs from three different bus manufacturers.
    - Grant funds will support CATS' purchase of a total of six BEBs from eTransEnergy. eTransEnergy will purchase the vehicles from three different manufacturers.
    - Under the terms of the Unsolicited BEB Proposal:
      - CATS will purchase 12 additional BEBs from eTransEnergy. eTransEnergy will purchase the vehicles from the same three manufacturers for a total of 18 vehicles for the pilot program.
      - eTransEnergy will install the charging equipment and infrastructure. The city will be the sole owner of the charging equipment and infrastructure, located on CATS property at South Tryon Street in Council District 3 and North Davidson Street in Council District 1.
  - eTransEnergy will provide design, procurement, installation, energy management, maintenance, training, performance data, and other services for BEBs and related electrification infrastructure.
    - CATS will have a five-year service agreement with eTransEnergy for charging equipment maintenance, a charge management system, and hosting services.
    - The annual service cost is approximately \$137,959 and will be paid monthly and funded from the CATS annual operating budget.
  - Purchase expense of 18 BEBs and charging equipment with eTransEnergy is \$22,698,773.

### **Disadvantaged Business Enterprise**

The manufacturers of the buses are in compliance with the Federal Transit Administration regulation 49 CFR Part 26.49, which requires Disadvantaged Business Enterprise Opportunity certifications from Transit Vehicle Manufacturers as a condition of being authorized to bid on transit procurements funded by the Federal Transit Administration.

**Fiscal Note**

Funding: CATS Capital Investment Plan and CATS Operating Budget

**28. Sanitary Sewer System Modeling and Support Services****Action:**

- A. Approve unit price contracts for hydraulic modeling and support for the sanitary sewer capacity assurance program for an initial term of one year to the following:**
- **Brown and Caldwell,**
  - **HDR Engineering, Inc. of the Carolinas, and**
- B. Authorize the City Manager to renew the contracts for up to three, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

**Staff Resource(s):**

Angela Charles, Charlotte Water

David Czerr, Charlotte Water

Keri Cantrell, Charlotte Water

**Explanation**

- These contracts will provide hydraulic modeling, analytical tools, and support services necessary to confirm capacity for new sanitary sewer service connections or increased flows from existing connections to the sanitary sewer system, ensuring adequate system capacity to support growth and development.
- On August 17, 2020, the city issued a Request for Qualifications (RFQ); five responses were received.
- The firms selected are the best qualified firms to meet the city's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- Annual expenditures are estimated to be \$240,000.

**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.

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

**Fiscal Note**

Funding: Charlotte Water Capital Investment Plan



## 29. Water and Wastewater Treatment Chemicals Reverse Auction

### Action:

- A. Approve unit price contracts for the purchase of water and wastewater treatment chemicals for an initial term of two years to the following:**
- Brenntag Mid-South, Inc.,
  - Carus LLC,
  - Chemtrade Chemicals Corporation dba Chemtrade Chemicals US LLC,
  - Colonial Chemical Solutions, Inc.,
  - Donau Carbon US LLC dba Standard Purification,
  - JCI Jones Chemicals, Inc.,
  - Kemira Water Solutions, Inc.,
  - Lhoist North America of Virginia, Inc.,
  - Polytec Inc.,
  - PVS Technologies, Inc.,
  - Univar USA Inc.,
  - Water Guard Inc., 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):**

Angela Charles, Charlotte Water

Ron Hargrove, Charlotte Water

### **Explanation**

- Charlotte Water uses a variety of chemicals in the water and wastewater treatment process, and each chemical plays an essential role to ensure the treated water is safe for customers and the environment.
- North Carolina General Statute 143-129.9 indicates the alternative competitive bidding methods for the purchase of apparatus, supplies, materials, or equipment, including a reverse auction as an appropriate form of bidding.
- On January 7, 2021, the city issued an Invitation to Bid; 24 bids were received.
- On March 17, 2021, the city held a reverse auction to obtain pricing. The reverse auction process is a real-time purchasing process in which bidders compete to provide goods at the lowest selling price in an open and interactive environment. By using the reverse auction method, the city was able to gain increased competition and coordinate all the treatment chemical contracts into one contract cycle.
- The companies selected were the lowest responsive, responsible bidders.
- Annual expenditures are estimated to be \$6,700,000.

### **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.

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

### **Fiscal Note**

Funding: Charlotte Water Operating Budget

## 30. Airport Ramp Dual Taxilane Design Contract

### Action:

- A. **Approve a contract in the amount of \$1,213,454 with RS&H Architects-Engineers-Planners, Inc. for design services for the Airport Ramp Dual Taxilane project, and**
- B. **Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.**

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

Haley Gentry, Aviation  
Jack Christine, Aviation

### **Explanation**

- This project will provide the capacity to simultaneously taxi two aircraft around Concourses D and E to alleviate congestion of aircraft taxi operations.
- This contract will provide field survey, geotechnical investigation, engineering, design, and bidding services for the Ramp Dual Taxilane project.
- On March 20, 2020, the city issued a Request for Qualifications (RFQ); 13 responses were received.
- RS&H Architects-Engineers-Planners, Inc. is the best qualified firm to meet the city's needs based on demonstrated competence and qualification of professional services in response to the RFQ requirements.
- Design is anticipated to be completed by December of 2021. Aviation intends to return to City Council in the Spring of 2022 with a contract amendment to include construction administration services.
- This activity is occurring on Airport property, located in Council District 3.

### **Disadvantaged Business Enterprise**

The city negotiates subcontracting participation after the firm is selected for this service contract. RS&H Architects-Engineers-Planners, Inc. has committed 19.95% (\$242,082) of the total contract amount to the following certified firms:

- CES Group, LLP (DBE) (\$155,000) (surveying)
- McGuiness Unlimited, Inc. (DBE) (\$44,740) (cost estimation)
- Capstone Civil Engineering (DBE) (\$42,342) (geotechnical services)

### **Fiscal Note**

Funding: Aviation Capital Investment Plan

## 31. Meeting Minutes

### Action:

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

- **February 15, 2021 Zoning Meeting, and**
- **February 22, 2021 Business Meeting.**

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

Stephanie Kelly, City Clerk's Office

## PROPERTY TRANSACTIONS

### 32. Aviation Property Transactions - 7629 Joy Lane

**Action:** Approve the following Acquisition - 7629 Joy Lane

The 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 Federal Aviation Administration Reimbursement.

**Project:** Aviation Master Plan

**Owner(s):** Gary N. Hunter and Michael Eric Hunter

**Property Address:** 7629 Joy Lane

**Total Parcel Area:** 0.850 acres

**Property to be acquired by Easements:** N/A

**Structures/Improvements to be impacted:** Single-family Dwelling

**Landscaping to be impacted:** Tree and shrubs

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 141-211-22

<https://polaris3g.mecklenburgcountync.gov/#mat=192899&pid=14121122&qisid=14121122>

**Purchase Price:** \$208,000, and all relocation benefits in compliance with Federal, State or Local regulations.

**Council District:** 3

### 33. Property Transactions - Idlewild/Monroe Intersection - Phase II, Parcel #20

**Action:** Approve the following Condemnation: Idlewild/Monroe Intersection - Phase II, Parcel #20

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 #20

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

**Owner(s):** ALC Mosaic Inc

**Property Address:** 6100 Monroe Road

**Total Parcel Area:** 75,095 sq. ft. (1.72 ac.)

**Property to be acquired by Fee:** 2,664 sq. ft. (0.06 ac.) Fee Simple

**Property to be acquired by Easements:** 1,608 sq. ft. (0.037 ac.) Utility Easement, 761 sq. ft. (0.017 ac.) Retaining Wall Easement, 6,544 sq. ft. (0.15 ac.) Sidewalk Utility Easement, 4,757 sq. ft. (0.109 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** Trees

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 189-013-11

<https://polaris3g.mecklenburgcountync.gov/#mat=161261&pid=18901311&qjsid=18901311>

**Appraised Value:** \$89,600

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

**City's Response to Property Owner's Concerns:** The city was able to redesign to accommodate some of the property owner's design requests 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

## 34. 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.

## 35. 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.

## 36. 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.