

# **City of Charlotte**

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



## **Meeting Agenda**

**Monday, May 10, 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. Council Committee Report Outs

**Explanation**

- Committee Chairs will report out on City Council Committee activity that has occurred since the City Council Strategy Session on April 5, 2021.

[May 10, 2021 - Council Committee Chair report outs](#)

## 4. Closed Session (as necessary)

## **CONSENT**

- 5. Consent agenda items 16 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.

## **AWARDS AND RECOGNITIONS**

### **6. Mecklenburg Declaration of Independence Week Proclamation**

**Action:**

Council member Bokhari will read a proclamation recognizing May 20-24, 2021, as Mecklenburg Declaration of Independence Week.

[Mecklenburg Declaration of Independence Week Proclamation](#)

## **PUBLIC HEARING**

## 7. Public Hearing on the Proposed Fiscal Year 2022 Operating Budget and Fiscal Years 2022-2026 Capital Investment Plan

### **Action:**

**Conduct a public hearing on the City Manager's Proposed Fiscal Year 2022 Operating Budget and Fiscal Years 2022 - 2026 Capital Investment Plan.**

### **Committee Chair:**

Ed Driggs, Budget and Effectiveness Committee

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

Marcus Jones, City Manager's Office

Ryan Bergman, Strategy and Budget

Kelly Flannery, Finance

### **Explanation**

- On May 3, 2021, the City Manager presented the Proposed Fiscal Year (FY) 2022 Operating Budget and FY 2022-2026 Capital Investment Plan. The proposed budget represents the city's proposed operating and capital budgets for the fiscal year which begins July 1, 2021.
- State law requires the city hold a public hearing following the presentation of the Manager's Proposed Budget and prior to the City Council adoption of the budget, currently scheduled for June 14, 2021.
- Charlotte's Proposed FY 2022 Budget was developed to lead the City of Charlotte toward addressing the most foundational and pressing needs of the city.
- 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 May 11, 2021, at 11:59 p.m. Any additional comments received will be provided to Council.

### **Proposed FY 2022 Operating and Capital Budgets' Summary**

- The City Manager's Proposed FY 2022 Operating Budget and FY 2022-2026 Capital Investment Plan were developed consistent with the City Council's strategic priorities. These priorities served as the foundational elements against which all FY 2022 budget decisions were measured.
- The proposed budget includes a property tax rate of 34.81¢ per \$100 of assessed valuation, which is the same as the past two adopted budgets.
- The proposed budget for the city consists of three major components supported by general tax revenues:
  - A General Fund budget of \$750.7 million for FY 2022, representing a 4.4 percent increase from FY 2021, to support initiatives that will continue to deliver exceptional government services to the community;
  - A \$147.6 million Municipal Debt Service Fund, decreasing 3.1 percent from FY 2021; and
  - A \$648.4 million five-year General Capital Investment Plan that invests in Corridors of Opportunity, the Strategic Energy Action Plan, city-owned facilities, affordable housing, sidewalks and bikeways, streets and intersections, and economic development.

### **Proposed FY 2022 Budget Highlights**

- Includes no proposed tax increase, and no city staff will be furloughed or laid off.
- Delivers a \$14 million investment in Corridors of Opportunity to support housing and neighborhood stabilization and job and economic development initiatives.
- Supports the city's Strategic Energy Action Plan by purchasing 22 electric vehicles.
- Provides funding to reimagine policing and implement SAFE Charlotte recommendations:
  - Provides \$1 million in new funding to Charlotte-based nonprofits addressing violence in the community,

- Expands the Community Policing Crisis Response Team for service to mental health related calls for service, and
- Supports the SAFE Charlotte recommendation to pilot alternative civilian response models.

**Proposed FY 2022 Employee Compensation and Benefits**

- Annualizes costs for FY 2021 employee salary actions.
- Provides at least a five percent reduction to employee medical plan premiums.
- Includes a 1.5 percent merit pool and 1.5 percent market adjustment for non-exempt/hourly employees. By the end of the FY, annualized minimum pay will be increased to \$38,090.
- Provides a three percent merit pool for all exempt/salaried general employees.
- Includes a 1.5 percent market adjustment and merit step increase (2.5 to five percent) for eligible public safety pay plan employees.
- Enhances public safety employee compensation beyond a typical salary increase, effective November 13, 2021:
  - Adds a 2.5 percent step to top of Firefighter II,
  - Adds a 2.5 percent steps to top of Firefighter Engineer, and
  - Adjusts all Fire Captain steps by 3.75 percent.
- Provides a two-percentage point increase in the employer contribution rate to the Charlotte Firefighters' Retirement System.
- After a review by the Citizen Advisory Committee on Governance, the following Mayor and City Council compensation adjustments are proposed:
  - Increases the Mayor's annual base salary to \$39,646 and expense allowance to \$20,222, aligning the Mayor to the Chairperson of the Mecklenburg County Board of County Commissioners, and
  - Increases the City Council annual base salary to \$32,638 and expense allowance to \$19,806, aligning City Council to the Mecklenburg County Board of Commissioners.
- Continues to offer the Charlotte Area Transit System (CATS) All-Access Transit Pass to employees.

**Proposed FY 2022 Nongeneral Departments' Revenue**

- Charlotte Water: The FY 2022 Water and Sewer Fee for the typical homeowner is proposed to increase by 3.42 percent. The typical homeowner would experience a \$2.33 per month increase.
- Storm Water Services: The FY 2022 Storm Water Fee for the typical homeowner is proposed to increase by 3.36 percent. The typical homeowner would experience a \$0.29 per month increase.
- Aviation: Select non-regulatory fees were adjusted to increase or decrease based on Aviation's cost-recovery model.
- CATS: In FY 2022, CATS' fares will remain the same as in FY 2021. FY 2022 User Fees include the creation of three new regulatory fees related to land development reviews, rezoning petitions, and right-of-way/property agreement reviews.

**Proposed FY 2022 Financial Partners and Outside Agency Funding**

- One new financial partner is proposed for funding in FY 2022.
- Two Out of School Time Partners and TreesCharlotte are proposed to be funded through the General Fund for FY 2022.
- Based on recommendations from the ad-hoc Arts and Culture City Council Committee, the city is proposing a \$4 million arts and culture contribution from the General Fund, to be matched by \$2 million in stimulus funds and \$6 million in private funds for a total \$12 million arts and culture allocation in FY 2022. This will replace funding that was previously allocated to the Arts and Science Council (ASC). ASC is anticipated to receive \$800,000 indirectly from this allocation.
- The city funds one financial partner exclusively with federal grant funds (HOPWA Grant). The Proposed FY 2022 Funding level is based on the city's federal grant award minus eligible administrative costs.
- The FY 2022 recommended budget for Charlotte Center City Partners and University City Partners Municipal Service Districts 1 through 5 are based on the valuation of properties in their respective districts.



- The Charlotte Regional Visitors Authority budget reflects a three percent increase over FY 2021.
- DreamKey Partners, formally Charlotte Mecklenburg Housing Partnership, which receives both PAYGO and federal grant funds will be funded at a reduced level compared to FY 2021.
- Agencies that receive only Pay-As-You-Go (PAYGO) funding are proposed to maintain their FY 2021 funding levels.

#### **Proposed FY 2022-2026 Capital Investment Plan (CIP)**

- The five-year total Proposed FY 2022-2026 CIP is \$4.8 billion (this includes the total General CIP, as well as the five-year capital plan totals for nongeneral departments: Aviation, CATS, Charlotte Water, and Storm Water).
- The General CIP totals \$648.4 million (this includes general obligation bonds, other sources, reappropriation of prior authorization, and PAYGO funds).
- The nongeneral departments' five-year capital plans total \$4.2 billion and are summarized below:
  - Aviation totals \$1.1 billion, a 42.7 percent decrease,
  - CATS totals \$142.4 million, a 4.5 percent decrease,
  - Charlotte Water totals \$2.4 billion, a 22.2 percent increase, and
  - Storm Water totals \$535.0 million, a 3.18 percent increase.
- The Proposed FY 2022-2026 General CIP includes:
  - Creation of a new, three-year program to construct Fire facilities, beginning with \$2,700,000 in FY 2022,
  - Support for the Strategic Energy Action Plan with \$4,000,000 for the installation of sustainable infrastructure in city-owned facilities, in addition to \$750,000 in PAYGO funding,
  - Funding for segments 10 and 11 of the Cross Charlotte Trail, beginning with \$1,700,000 in FY 2022,
  - Upgrades to the existing Animal Care and Control facility with \$5,000,000 for various improvements, with the largest portion being dedicated to additional heating, ventilation, and air conditioning units,
  - \$7,800,000 to ensure well-maintained and efficient city-owned facilities, and
  - Planning for future bonds (none of which occur this year in FY 2022); the 2022 Bond, which will occur next year in FY 2023, includes:
    - The third consecutive \$50,000,000 allocation to create and preserve affordable housing,
    - More than triple the 2020 Bond funding for the Sidewalk and Pedestrian Safety program, from \$15,000,000 to \$50,000,000,
    - Infrastructure improvements in the Corridors of Opportunity totaling \$10,000,000,
    - Congestion mitigation funding totaling \$10,000,000 for Steele Creek, University City, and South Charlotte, and
    - Double the 2020 Bond totals for the Bike Program, from \$4,000,000 to \$8,000,000, and the Transportation Safety (Vision Zero) program, from \$2,000,000 to \$4,000,000.

#### **Budget Process**

- The following is the Council-adopted remaining budget meeting schedule:
  - May 19 - Budget adjustments,
  - May 26 - Budget straw votes, and
  - June 14 - Budget adoption.
- State law requires local governments to adopt a budget by July 1 of each year.
- A complete copy of the proposed budget is available online at:  
<https://charlottenc.gov/budget/Pages/default.aspx>

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

Proposed FY 2022 Budget Book - City Manager's Letter  
Proposed FY 2022 Budget Book - Executive Summary

[Proposed FY 2022 Budget Book - City Manager's Letter](#)

[Proposed FY 2022 Budget Book - Executive Summary](#)

## 8. Public Hearing on Amending Chapter 5, Article II - Regulation of Non-Residential Buildings and Structures

### **Action:**

**Conduct a public hearing on proposed amendments to City Code of Ordinances Chapter 5, Article II - Regulation of Non-Residential Buildings and Structures.**

### **Committee Chair:**

Malcolm Graham, Great Neighborhoods Committee

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

Pamela Wideman, Housing and Neighborhood Services

Jane Taillon, Housing and Neighborhood Services

Anna Schleunes, City Attorney's Office

### **Explanation**

- Chapter 5, Article II of the City Code of Ordinances, Regulation of Non-Residential Buildings and Structures Code, (NRBC Ordinance) establishes minimum standards for the maintenance, sanitation, and safety of non-residential buildings and structures.
- City Council adopted the current version of the NRBC Ordinance on September 28, 2009.
- Since 2009, the city has continued to identify opportunities to strengthen its ability to ensure that all non-residential buildings meet minimum standards.
- This public hearing allows for additional community feedback to be provided on proposed changes to the ordinance.
- 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 May 11, 2021, at 11:59 p.m. Any additional comments received will be provided to Council.

### **Proposed Changes**

- A summary of the recommendations considered by the Great Neighborhoods Committee include:
  - Revise potential conflicting language,
  - Enhance civil penalties and update fine structure, and
  - Strengthen minimum Standards of Fitness for non-residential buildings and structures.

### **Community Input**

- Staff worked with a stakeholder group comprised of city, county, business, and neighborhood representatives to help review the existing ordinance and recommend changes.
- In addition, the city held four virtual community meetings on February 24, February 26, March 3, and March 4, and conducted an online survey from February 24 through March 31 to gather input from residents and business leaders.
- The survey was completed by residents and business owners either online or during the virtual sessions:
  - 39 percent of respondents were business owners.
  - 57 percent of the respondents had limited to no familiarity with the NRBC Ordinance.
  - 81 percent had no previous involvement with the NRBC Ordinance.

### **Committee Discussion**

- In September 2020, the Great Neighborhoods Committee received a Mayoral referral to consider how to address opportunities, challenges, and consequences in conducting nuisance abatement with consideration of mitigating any potential housing displacement.
- Over the span of four committee meetings during the months of September, November, February, and April, the committee reviewed best practices, current issues, and community feedback to develop proposed changes to the ordinance.

- On April 7, 2021, the Great Neighborhoods Committee voted 4-1 (Malcolm Graham, Victoria Watlington, Tariq Bokhari, and Julie Eiselt voted FOR; Braxton Winston voted AGAINST) to forward the proposed NRBC Ordinance revisions to City Council for review and approval.
- City Council will be asked to vote on the proposed changes at its May 24, 2021 Business Meeting.

**Attachment(s)**

NRBC Ordinance - Redlined

[NRBC code redline.5](#)

## 9. Public Hearing on an Installment Financing Contract for Hospitality and Convention Facility Projects

**Action:**

**Conduct a public hearing regarding an installment financing contract not to exceed \$50,000,000 for hospitality and convention facility projects.**

**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.
- City Council will be asked at a later time to provide final approval for this financing; after which, the North Carolina Local Government Commission is expected to review this financing and provide approval, as well.
- 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 May 11, 2021, at 11:59 p.m. Any additional comments received will be provided to Council.

**Fiscal Note**

Funding: Convention Center Tax Fund

**Attachment(s)**

Extracts from Minutes of City Council

[Public Hearing Minutes - 2021 installment financing for MLS Convention Center](#)

## 10. Public Hearing on Refunding Outstanding Transit Debt

**Action:**

**Conduct a public hearing regarding an installment financing contract not to exceed \$200,000,000 to refund outstanding transit debt.**

**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.
- On May 24, 2021, City Council will be asked to give final approval for this transaction.
- The North Carolina Local Government Commission is expected to review and approve this financing on June 1, 2021
- 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 May 11, 2021, at 11:59 p.m. Any additional comments received will be provided to Council.

**Fiscal Note**

Funding: Transit Debt Service Fund

**Attachment(s)**

Extracts from Minutes of City Council

[Public Hearing Minutes - 2021 Transit COPs refunding](#)

## 11. Public Hearing for Municipal Service Districts

### **Action:**

**Conduct a public hearing pursuant to North Carolina General Statute 160A-536 to allow residents and property owners in the city's five Municipal Service Districts to comment on the needs of the service districts.**

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

Ryan Bergman, Strategy and Budget

### **Explanation**

- Municipal Service Districts (MSDs) are defined geographic areas in which the city provides services, facilities, or functions in addition to or to a greater extent than provided in other parts of the city.
- To extend its capacity to provide the enhanced level of services, facilities, or functions in each MSD, the city contracts with various financial partner agencies.
- The city's practice complies with all legal requirements and several additional best practices, such as requiring regular reports and entering into annual contracts with financial partner agencies in conjunction with the annual budget.
- The city plans to enter into contracts with the selected financial partner agencies and adjust those contracts annually to ensure that the services provided evolve with the needs of the public.
- In April 2021, a committee, including staff from various city departments, evaluated and assessed each proposal submitted in response to the MSD Request for Proposals, which was posted January 5, 2021.
- 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 May 11, 2021, at 11:59 p.m. Any additional comments received will be provided to Council.

### **Background**

- Pursuant to the provisions of Article 23, Chapter 160A of the North Carolina General Statutes, the city has defined and established five MSDs within the City of Charlotte to provide downtown and/or urban area revitalization projects enhancing the economic viability and quality of life in select geographies.
  - Three MSDs are located in the Center City area in Council Districts 1 and 2:
    - MSD 1 consists of all property within an area, bounded by Brookshire Expressway, Independence Boulevard, Belk Freeway, and Interstate-77;
    - MSD 2 consists of all property within an area, bounded by Church Street, West Fifth Street, Interstate-77, West Fourth Street connector, and the railroad tracks west of Bank of America Stadium on the west side of Tryon Street and College Street, Interstate-277, East Fifth Street, and Caldwell Street on the east side of Tryon Street; and
    - MSD 3 consists of all property within an area, bounded by Church Street, College Street, and Interstate-277.
  - The fourth MSD is located in the South End area in Council Districts 2 and 3, which consists of all property within an area bounded by the Belk Freeway, Graham Street, Winona Street, Mint Street, Summit Avenue, South Tryon Street, Park Avenue, West Tremont Avenue, Dunavant Street, Foster Street, New Bern Street, and South Boulevard.
  - The fifth MSD is located in the University City area in Council District 4, which consists of all property within an area bounded by properties between the Highway 29/49 connector off Interstate 85 on the south, the rear property line of parcels on the west side of Mallard Creek Road on the west, Mallard Creek Church Road and some adjacent commercial properties on the north, and the rear property line of parcels on the east side of Highway 49 on the east.

### **Next Steps**

- On June 14, 2021, City Council will be asked to award contracts for the five MSDs within the City of Charlotte.

**Attachment**

Municipal Service Districts Maps

Municipal Service Districts Property Tax Revenue Table

[Map1](#)

[Map 2](#)

[MSD Rates](#)

**POLICY**

**12. City Manager's Report**



## BUSINESS

### 13. Amend the 2021 City Council Meeting Schedule

**Action:**

**Approve amendments to the 2021 City Council Regular and Budget Meeting Schedule.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- North Carolina General Statute 143-318.12 requires that the City Clerk maintain on file a schedule of the City Council's regular meetings and that the approved schedule shall be posted to the city's website. If a schedule is duly adopted and filed, no further notice of regular meetings is necessary.
- This action amends the 2021 City Council Regular and Budget Meeting Schedule approved by City Council on January 4, 2021, by:
  - removing the July 6, 2021 Council Strategy Session; July 12, 2021 Council Action Review and Business Meeting; and July 26, 2021 Council Action Review, Business Meeting, and Public Forum;
  - adding a Public Forum on July 19, 2021, at 4:30 p.m.;
  - adding an August 2, 2021 Council Strategy Session and August 23, 2021 Council Action Review, Business Meeting, and Public Forum. This action also removes the Public Forum scheduled for the August 9, 2021 regularly scheduled meeting;
  - updating Council Business Meeting start time to 5:00 p.m. to keep timing consistent with virtual meeting logistics; and
  - updating the date for the U.S. Conference of Mayors Annual Meeting from June 2021 to September 1-4, 2021.
- Due to a delay in receiving 2020 Census data, City Council may be asked to amend its meeting schedule again at a future date to consider adjustments to 2021 municipal elections.

**Attachment(s)**

Amended 2021 City Council Meeting Schedule

[2021 Proposed AMENDED Council and Budget Mtg Calendar](#)

## 14. Business Investment Grant for Arrival Automotive USA Inc.

### **Action:**

**Approve the city's Business Investment Grant to Arrival Automotive USA Inc. for a not to exceed amount of \$657,094 over seven years.**

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

Tracy Dodson, City Manager's Office  
Frances West, Economic Development

### **Explanation**

- Arrival Automotive USA Inc. (Arrival) is a global electric vehicle company headquartered in London focused on creating zero emission, sustainable transportation solutions.
- On March 17, 2021, Arrival announced it would expand its existing operations in Charlotte to include their first U.S. electric van microfactory in West Charlotte.
- 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.
- This action is requesting City Council approval of a not to exceed Business Investment Grant (BIG) of \$657,094 over seven years.
  - During the week of February 22, 2021, 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 Business Investment Grant with a maximum value of \$906,824 over five years.
- 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.
- On April 26, 2021, a public hearing was held on the BIG for Arrival. No comments were received from the public.

### **Explanation**

- 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

## 15. Resolution to Close the Unopened Right-of-Way off Mecklenburg Avenue and Matheson Avenue

**Action:**

Adopt a resolution and close the unopened right-of-way off Mecklenburg Avenue and Matheson Avenue.

**Staff Resource(s):**

Liz Babson, Transportation

David Smith, Transportation

**Explanation**

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way and attaches it to the adjacent property.
- The attached resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.
- The right-of-way to be closed is located in Council District 1.
- A public hearing for this resolution was held on April 26, 2021. No comments from the public were received.

**Petitioner**

Henrietta W. Palmer

**Attachment(s)**

Map

Resolution

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

[2021-10A Resolution to Close 5.10.2021](#)

## CONSENT

### 16. Construct Cross Charlotte Trail - North Davidson Street to Matheson Avenue

**Action:**

Approve a contract in the amount of \$833,971.60 to the lowest responsive bidder Kemp Sigmon Construction Co., Inc. for the Cross Charlotte Trail - North Davidson Street to Matheson Avenue project.

**Staff Resource(s):**

Phil Reiger, General Services  
Jennifer Smith, General Services  
Tom Russell, General Services

**Explanation**

- The Cross Charlotte Trail is a joint project of the City of Charlotte and Mecklenburg County to create a 26-mile trail and greenway facility stretching from the City of Pineville to the University of North Carolina at Charlotte campus and on to the Cabarrus County line.
- This contract includes construction services for the North Davidson Street to Matheson Avenue segment (2,150 linear feet) in Council District 1.
- The work includes but is not limited to sidewalks; curb ramps; a multi-use path; curb and gutter; pavement markings and signage; grading; erosion control; traffic control; paving; and storm drainage.
- On February 26, 2021, the city issued an Invitation to Bid; seven bids were received.
- Kemp Sigmon Construction Co., 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: 6.00%

Committed MBE Goal: 6.12%

Kemp Sigmon Construction Co, Inc. exceeded the established MBE subcontracting goal and has committed 6.12% (\$51,000) of the total contract amount to the following MBE certified firm (Part B: Section 3 of the Charlotte Business INclusion Policy):

- RRC Concrete, Inc. (MBE, SBE) (\$51,000) (curb, gutter, sidewalk)

Established SBE Goal: 15.00%

Committed SBE Goal: 18.50%

Kemp Sigmon Construction Co, Inc. exceeded the established SBE subcontracting goal and has committed 18.50% (\$154,321) of the total contract amount to the following SBE certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- AMP Utility Distribution Services, LLC. (WBE, SBE) (\$55,945) (material supply)
- Trull Contracting, LLC. (WBE, SBE) (\$98,376) (asphalt paving)

**Fiscal Note**

Funding: General Capital Investment Plan

**Attachment(s)**

Map

[Map Construct Cross Charlotte Trail - North Davidson Street to Matheson Avenue](#)

## 17. Lubrication Services for Solid Waste Collection Vehicles

### **Action:**

- A. Approve a unit price contract with No Limits Lockwood, LLC. (SBE) for Collection Vehicle Lubrication and related services for an initial term of five 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):**

Rodney Jamison, Solid Waste Services

### **Explanation**

- Routine lubrication and other preventative maintenance decreases metal-to-metal contact and wear on automated arms and hinge points. This service is unique to Solid Waste Services due to the type of equipment used in its collection operations.
- Weekly service of lubrication points on approximately 175 Solid Waste Services collection vehicles is required to keep and maintain new vehicle warranties.
  - After warranty expiration, vehicles older than one year are lubricated bi-weekly to maintain proper working conditions for the life of the vehicle.
  - Automated vehicle arms, regardless of age, are lubricated daily per manufacturer recommendation to keep them operational.
- On March 9, 2021, the city issued a Request for Proposals (RFP); three responses were received.
- Per Charlotte Business INCLUSION Policy: Part A, Section 2.3, this RFP solicitation effort was directed only to Small Business Enterprises (SBE).
  - In designating contracts for targeted outreach or SBE participation, and as part of the city's strategy to increase SBE utilization, consideration of the size and scope of the contract and the availability of SBEs to provide the applicable service(s) or product(s) were a priority.
- No Limits Lockwood, LLC. best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP.
- Annual expenditures are estimated to be \$285,000.

### **Charlotte Business INCLUSION**

No Limits Lockwood, LLC., is a city-certified SBE.

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: SWS Operating Budget

## 18. Dairy and Derita Branch Tributaries Sanitary Sewer Construction

### **Action:**

**Approve a guaranteed maximum price of \$17,977,441 to B.R.S., Inc. for Design-Build construction services for the Dairy Branch Tributary - Sedgefield Park and Derita Branch Tributary Trunk Sanitary Sewer projects.**

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

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

### **Explanation**

- B.R.S., Inc. has developed a guaranteed maximum price (GMP) for construction of the Dairy Branch Tributary - Sedgefield Park segment and a portion of the Derita Branch Tributary Trunk Sanitary Sewer projects.
  - The Dairy Branch Tributary - Sedgefield Park segment will upsize the existing sanitary sewer line starting at McDonald Avenue, through Sedgefield Park, and will end at South Boulevard (Council District 1).
  - The Derita Branch Tributary Trunk Sanitary Sewer project will upsize the existing sanitary sewer line, which will require tunnel crossings of North Tryon Street and Interstate 85 (Council Districts 1 and 4).
- On December 12, 2018, City Council approved a contract with B.R.S., Inc. for Design-Build design services for the Dairy and Derita Branch Tributaries projects.
- On February 24, 2020, City Council approved a GMP for the Dairy Branch Tributary - Freedom Park segment, the first segment of the Dairy Branch Tributary project.
- The Dairy Branch Tributary - Sedgefield Park segment is anticipated to be complete by third quarter 2022. The Derita Branch Tributary Trunk Sanitary Sewer project is expected to be complete by fourth quarter 2023.
- City Council will receive future requests for approval of remaining project GMPs.

### **Charlotte Business INCLUSION**

The city negotiates participation for Design-Build contracts after the firm is selected and scopes of work are defined for design and construction services (Part G: Section 2.7 of the Charlotte Business INCLUSION Policy). B.R.S., Inc. has committed \$1,499,515 or approximately 8.34% of the total contract for construction services to the following certified firms:

- Turn-Key Tunneling, Inc. (WBE) (\$469,920) (sewer tunneling, boring)
- Trull Contracting, Inc. (WBE, SBE) (\$253,600) (paving, sidewalks, curb, and gutter)
- Sanders Constructors, Inc. (SBE) (\$189,000) (clearing, grubbing, and tree removal)
- CES Group Engineers, LLP (WBE, SBE) (\$128,875) (surveying, staking, layout, and as-built survey)
- GDC, Inc. (MBE, SBE) (\$86,000) (traffic control)
- Luvall Asphalt Services, Inc. (MBE, SBE) (\$85,000) (asphalt replacement, milling, and overlay)
- MTS Trucking Inc. (MBE, SBE) (\$79,000) (hauling)
- Hinde Engineering, Inc. (SBE) (\$38,970) (utility coordination)
- Martin Landscaping Co. Inc. (MBE, SBE) (\$29,100) (matting, permanent seeding, and mulching)
- Pipe Pros, LLC (SBE) (\$29,000) (cctv)
- Maybury Fencing, Inc. (WBE, SBE) (\$25,000) (fencing installation and rental)
- Diamond Trucking of NC, Inc. (MBE, SBE) (\$20,000) (hauling)
- Gavel & Dorn Engineering, PLLC (SBE) (\$20,000) (sewer modeling)
- CriTek Engineering Group, P.C. (MBE, SBE) (\$15,000) (erosion control design)
- Mid-Atlantic Erosion Control, Inc. (SBE) (\$12,000) (silt fence and erosion control)
- JB Long Photography (SBE) (\$9,450) (preconstruction photography)
- All Things Professional (SBE) (\$6,600) (field office cleaning)

- Soggy Bottom Erosion Control (SBE) (\$3,000) (silt fence)

**Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

**Attachment(s)**

Dairy Branch Tributary - Sedgfield Park Segment Sanitary Sewer Map

Derita Branch Tributary Trunk Sanitary Sewer Map

[Dairy Branch Tributary - Sedgfield Park Segment Sanitary Sewer Map](#)

[Derita Branch Tributary Trunk Sanitary Sewer Map](#)

## 19. Mount Holly Pump Station and Force Main Design Amendment

**Action:**

**Approve a contract amendment for \$3,000,000 to The Haskell Company for additional Design-Build design services for the Mount Holly Pump Station and Force Main project.**

**Staff Resource(s):**

Angela Lee, Charlotte Water

Ron Hargrove, Charlotte Water

Carl Wilson, Charlotte Water

**Explanation**

- This project will design and construct pump stations and pipelines that will enable the City of Mount Holly to convey sanitary sewer flow to Charlotte Water at the Stowe Regional Water Resource Recovery Facility (adjacent to Council Districts 2 and 3).
- The contract amendment includes value engineering design services and development of a guaranteed maximum price (GMP) for construction.
- On July 8, 2019, City Council approved a contract with The Haskell Company for Design-Build design services.
- On March 16 and September 14, 2020, City Council approved GMPs with The Haskell Company for the procurement of specialized materials, equipment, and associated preconstruction services for the existing facilities.
- The new total value of the contract is \$14,269,742.35.
- City Council will receive future requests for approval of remaining project GMPs.

**Charlotte Business INclusion**

This project is subject to the North Carolina Clean Water State Revolving Fund loan project guidelines, which only requires MWBE goals on Construction Contracts. The Haskell Company has committed \$67,069 or approximately 2.24% of the Design-Build design amendment services to the following certified firms:

- Stewart Engineering, Inc. (MBE) (\$51,400) (survey and easement mapping)
- Aviomage Mapping Service (SBE) (\$11,000) (survey)
- TKG, PLLC (WBE, SBE) (\$3,812) (e-builder document control)
- Carolina Wetland Services, Inc. (WBE, SBE) (\$857) (environmental and wetland permitting)

**Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

**Attachment(s)**

Map

[Map-Mount Holly Pump Station and Force Main Design Amendment](#)

## 20. Wastewater Bar Screen Assemblies

### **Action:**

- A. **Approve the purchase of bar screen assemblies and related equipment, by the sole source exemption,**
- B. **Approve a contract with Vulcan Industries, Inc. for the purchase of bar screen assemblies and related equipment for the term of five years, 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  
Travis Hunnicutt, 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 for compatibility.
- City Council approval is required for any purchases made under the sole source exemption.

### **Explanation**

- This contract will provide replacement assemblies and related equipment to repair bar screens needed to remove solid materials from influent flow at Charlotte Water wastewater treatment plants.
- The bar screens manufactured by Vulcan Industries, Inc. have been previously installed within wastewater treatment plants through competitively bid construction projects.
- Annual expenditures are estimated to be \$80,000.

### **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: Charlotte Water Capital Investment Plan and Charlotte Water Operating Budget



## 21. Resolution of Intent to Abandon a Portion of Gloryland Avenue

**Action:**

- A. Adopt a Resolution of Intent to abandon a portion of Gloryland Avenue, and
- B. Set a Public Hearing for June 14, 2021.

**Staff Resource(s):**

Liz Babson, Transportation  
David Smith, Transportation

**Explanation**

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The road is located in Council District 4.

**Petitioners**

J Forrest Development, LLC

**Attachment(s)**

Map  
Resolution

[2020-35A Portion of Gloryland Ave Abandonment Map](#)

[2021-35A Resolution of Intent 5.10.2021](#)

## 22. Resolution of Intent to Abandon a Portion of South Graham Street

**Action:**

- A. Adopt a Resolution of Intent to abandon a portion of South Graham Street, and
- B. Set a Public Hearing for June 14, 2021.

**Staff Resource(s):**

Liz Babson, Transportation  
David Smith, Transportation

**Explanation**

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The road is located in Council District 3.

**Petitioners**

Dickerson Realty Florida, Inc.

**Attachment(s)**

Map  
Resolution

[2020-17A Portion of S Graham St Abandonment Map](#)

[2021-17A Resolution of Intent 5.10.2021](#)

## 23. Refund of Property Taxes

**Action:**

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$1,902.91.

**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](#)

## 24. Meeting Minutes

**Action:**

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

- March 01, 2021 Strategy Session, and
- March 03, 2021 Budget Workshop.

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

## PROPERTY TRANSACTIONS

### 25. Charlotte Water Property Transactions - Little Hope Creek Sanitary Sewer Improvements, Parcel #53

**Action:** Approve the following Condemnation: Little Hope Creek Sanitary Sewer Improvements, Parcel #53

**Project:** Little Hope Creek Sanitary Sewer Improvements, Parcel #53

**Owner(s):** James Arlington White II

**Property Address:** 1215 Sewickley Drive

**Total Parcel Area:** 13,769 sq. ft. (0.32 ac.)

**Property to be acquired by Easements:** 354 sq. ft. (0.01 ac.) in Permanent Easement, plus 360 sq. ft. (0.01 ac.) in Temporary Construction Easement

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

**Landscaping to be impacted:** Large trees

**Zoned:** R-4

**Use:** Single family residential

**Tax Code:** 149-183-28

<https://polaris3g.mecklenburgcountync.gov/#mat=25294&pid=14918328&qisid=14918328>

**Appraised Value:** \$6,050

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

**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.

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

**Council District:** 1

## 26. Charlotte Water Property Transactions - Little Hope Creek Sanitary Sewer Improvements, Parcel #54

**Action:** Approve the following Condemnation: Little Hope Creek Sanitary Sewer Improvements, Parcel #54

**Project:** Little Hope Creek Sanitary Sewer Improvements, Parcel #54

**Owner(s):** Thomas Ericsson and Alexandra Ericsson

**Property Address:** 1209 Sewickley Drive

**Total Parcel Area:** 12,306 sq. ft. (0.28 ac.)

**Property to be acquired by Easements:** 1,469 sq. ft. (0.03 ac.) in Permanent Easement, plus 664 sq. ft. (0.02 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** Wood shed, concrete pad

**Landscaping to be impacted:** Large trees

**Zoned:** R-4

**Use:** Single family residential

**Tax Code:** 149-183-27

<https://polaris3g.mecklenburgcountync.gov/#mat=24011&pid=14918327&qisid=14918327>

**Appraised Value:** \$21,025

**Property Owner's Concerns:** None

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

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

**Council District:** 1

## 27. Charlotte Water Property Transactions - Little Hope Creek Sanitary Sewer Improvements, Parcel #56

**Action:** Approve the following Condemnation: Little Hope Creek Sanitary Sewer Improvements, Parcel #56

**Project:** Little Hope Creek Sanitary Sewer Improvements, Parcel #56

**Owner(s):** Mary Kimberly Kendall Stone and James Eugene Kendall

**Property Address:** 1137 Sewickley Drive

**Total Parcel Area:** 18,347 sq. ft. (0.42 ac.)

**Property to be acquired by Easements:** 1,798 sq. ft. (0.04 ac.) in Permanent Easement, plus 765 sq. ft. (0.02 ac.) in Temporary Construction Easement

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

**Landscaping to be impacted:** Various trees, a shrub

**Zoned:** R-4

**Use:** Single family residential

**Tax Code:** 149-183-25

<https://polaris3g.mecklenburgcountync.gov/#mat=17792&pid=14918325&gisid=14918325>

**Appraised Value:** \$22,425

**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:** 1

## 28. Charlotte Water Property Transactions - Little Hope Creek Sanitary Sewer Improvements, Parcel #57

**Action:** Approve the following Condemnation: Little Hope Creek Sanitary Sewer Improvements, Parcel #57

**Project:** Little Hope Creek Sanitary Sewer Improvements, Parcel #57

**Owner(s):** Kay Frances Morrison

**Property Address:** 1129 Sewickley Drive

**Total Parcel Area:** 16,652 sq. ft. (0.40 ac.)

**Property to be acquired by Easements:** 1,324 sq. ft. (0.03 ac.) in Permanent Easement, plus 554 sq. ft. (0.01 ac.) in Temporary Construction Easement

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

**Landscaping to be impacted:** Large and small trees

**Zoned:** R-4

**Use:** Single family residential

**Tax Code:** 149-183-24

<https://polaris3g.mecklenburgcountync.gov/#mat=16635&pid=14918324&gisid=14918324>

**Appraised Value:** \$13,400

**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:** 1

## 29. Charlotte Water Property Transactions - Little Hope Creek Sanitary Sewer Improvements, Parcel #67

**Action:** Approve the following Condemnation: Little Hope Creek Sanitary Sewer Improvements, Parcel #67

**Project:** Little Hope Creek Sanitary Sewer Improvements, Parcel #67

**Owner(s):** Timothy Lee Cole and Jacquelyn French Cole

**Property Address:** 999 Sewickley Drive

**Total Parcel Area:** 29,745 sq. ft. (0.68 ac.)

**Property to be acquired by Easements:** 4,151 sq. ft. (0.10 ac.) in Permanent Easement

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

**Landscaping to be impacted:** Large and small mature trees

**Zoned:** R-4

**Use:** Single family residential

**Tax Code:** 149-183-13

<https://polaris3g.mecklenburgcountync.gov/#mat=226522&pid=14918313&qisid=14918313>

**Appraised Value:** \$20,850

**Property Owner's Concerns:** None

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

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

**Council District:** 1



### 30. Charlotte Water Property Transactions - Little Hope Creek Sanitary Sewer Improvements, Parcel #89

**Action:** Approve the following Condemnation: Little Hope Creek Sanitary Sewer Improvements, Parcel #89

**Project:** Little Hope Creek Sanitary Sewer Improvements, Parcel #89

**Owner(s):** Daniel Kenison Stewart and Lauren Stewart

**Property Address:** 1036 Heather Lane

**Total Parcel Area:** 20,031 sq. ft. (0.46 ac.)

**Property to be acquired by Easements:** 2,898 sq. ft. (0.07 ac.) in Permanent Easement

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

**Landscaping to be impacted:** Large trees and shrubs

**Zoned:** R-4

**Use:** Single family residential

**Tax Code:** 149-183-46

<https://polaris3g.mecklenburgcountync.gov/#mat=6585&pid=14918346&qisid=14918346>

**Appraised Value:** \$18,925

**Property Owner's Concerns:** None

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

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

**Council District:** 1

### 31. Property Transactions - Beatties Ford Sunset Road Pedestrian Project, Parcel #12 and 13

**Action:** Approve the following Acquisition: Beatties Ford Sunset Road Pedestrian Project, Parcel #12 and 13

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:** Beatties Ford Sunset Road Pedestrian Project, Parcel #12 and 13

**Program:** Beatties Ford Sunset Road Pedestrian Project

**Owner(s):** Canaan Christian Center Inc

**Property Address:** 1709 Sunset Road and 1713 Sunset Road

**Total Parcel Area:** 161,294 sq. ft. (3.71 ac.)

**Property to be acquired by Easements:** 1,430 sq. ft. (0.033 ac.) Sidewalk Utility Easement, 2,165 sq. ft. (0.05 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 037-071-23, 037-071-24

<https://polaris3g.mecklenburgcountync.gov/#mat=54659&pid=03707123&gisid=03707123>

<https://polaris3g.mecklenburgcountync.gov/#mat=55040&pid=03707124&gisid=03707124>

**Purchase Price:** \$10,750

**Council District:** 2

## 32. Property Transactions - Mallard Tributary Replacement Sewer, Parcel #5

**Action:** Approve the following Acquisition: Mallard Tributary Replacement Sewer, Parcel #5

**Project:** Mallard Tributary Replacement Sewer, Parcel #5

**Program:** Mallard Tributary Replacement Sewer

**Owner(s):** CH Realty VIII-Preiss SH Charlotte U Village LLC

**Property Address:** 1029 East Mallard Creek Church Road

**Total Parcel Area:** 930,679 sq. ft. (21.37 ac.)

**Property to be acquired by Easements:** 6,494 sq. ft. (0.149 ac.) Permanent Easement,  
3,552 sq. ft. (0.082 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** R-12 MF (CD)

**Use:** Multi-family Residential

**Tax Code:** 051-011-14

<https://polaris3g.mecklenburgcountync.gov/#mat=538219&pid=05101114&qisid=05101114>

**Purchase Price:** \$18,384

**Council District:** 4

### 33. Property Transactions - Sandy Porter Road and South Tryon Street Intersection Improvements, Parcel #1

**Action:** Approve the following Condemnation: Sandy Porter Road and South Tryon Street Intersection Improvements, Parcel #1

**Project:** Sandy Porter Road and South Tryon Street Intersection Improvements, Parcel #1

**Program:** Sandy Porter Road and South Tryon Street Intersection Improvements

**Owner(s):** 9112 South Tryon LLC

**Property Address:** 9100 South Tryon Street

**Total Parcel Area:** 253,730 sq. ft. (5.82 ac.)

**Property to be acquired by Easements:** 2,045 sq. ft. (0.047 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** I-1

**Use:** Industrial District

**Tax Code:** 201-123-10

<https://polaris3g.mecklenburgcountync.gov/#mat=593250&pid=20112310&qsid=20112310>

**Appraised Value:** \$4,475

**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:** 3

## 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.