

City of Charlotte

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



Meeting Agenda

Monday, June 14, 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.

[2021-06-14 Council Agenda QA](#)

2. Action Review Agenda Overview

Staff Resource(s):

Marcus Jones, City Manager

3. Leveraging City-owned Land for Affordable Housing

Staff Resource(s):

Brent Cagle, City Manager's Office

Pamela Wideman, Housing and Neighborhood Services

Time: Presentation - 15 minutes; Discussion - 30 minutes

Explanation

- Provide an overview of city-owned sites to potentially be used for affordable housing initiatives.

[Leveraging City-owned Land for Affordable Housing](#)

4. Municipal Service Districts' Annual Updates

Staff Resource(s):

Ryan Bergman, Strategy and Budget

Time: Presentation - 20 minutes; Discussion - 20 minutes

Explanation

- Charlotte Center City Partners and University City Partners administer services within the city's Municipal Service Districts. Per state statute, agencies providing services for Municipal Service Districts are required to provide an annual workplan report to City Council.

[Charlotte Center City Partners' Presentation](#)

[University City Partners' Presentation](#)

[University City Partners' Report](#)

5. Closed Session (as necessary)

CONSENT

- 6. Consent agenda items 34 through 55 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

7. Juneteenth Proclamation

Action:

Mayor Lyles will read a proclamation recognizing June 19, 2021, as Juneteenth.

[Juneteenth Proclamation](#)

8. Sanitation Engineer Appreciation Day

Action:

Mayor Lyles will read a proclamation recognizing June 17, 2021, as Sanitation Engineer Appreciation Day.

[Sanitation Engineer Appreciation Day](#)

PUBLIC HEARING

9. Public Hearing on Proposed Amendments to Development-Related Ordinances

Action:

Conduct a public hearing on proposed amendments to the following City Code of Ordinances to bring them into compliance with new North Carolina General Statute legislation (Chapter 160D) related to development by the July 1, 2021, deadline:

- Chapter 9 - Floodplain Regulations,
- Chapter 11 - Housing,
- Chapter 17 - Soil Erosion and Sedimentation Control,
- Chapter 18, Article IV - Post-Construction Stormwater, and
- Chapter 19 - Streets, Sidewalks and Other Public Places.

Staff Resource(s):

Patrick Baker, City Attorney's Office

Karen Weatherly, City Attorney's Office

Explanation

- As required by North Carolina General Statute 160D, local development regulations must be updated to comply with the new legislation adopted in 2019 and 2020 and take effect no later than July 1, 2021.
- New regulations include requirements for common processes across all development regulations, updates to evidentiary hearing provisions and quasi-judicial procedures, new conflict of interest standards for boards and administrative staff, updates to all statute references to align with new Chapter 160D references, requirements as to when and under what terms inspections may take place, and clarifications to vested rights and development standards to conform with Chapter 160D.
- This public hearing allows for community feedback to be provided on proposed amendments to the development-related ordinances.
- 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 City Clerk's Office through June 15, 2021, at 11:59 p.m. Any additional comments received will be provided to Council.

Proposed Changes

- The proposed amendments are for the following changes:
 - Update processes for filing applications and the public notice requirements for legislative and evidentiary public hearings;
 - Update the evidentiary hearing provisions and quasi-judicial procedures;
 - Update the processes for all development approvals, including written notices of decisions to both the applicant and the property owner;
 - Add new conflict of interest standards for boards and administrative staff;
 - Update the vested rights and permit choice provisions to include multi-phase developments; and
 - While not required by Chapter 160D or subject to the public hearing requirements, changes to Article XV of Chapter 19 regarding Shared Use Mobility Systems are also being proposed to specifically exclude devices used by individuals with mobility disabilities as recognized by the Americans with Disabilities Act and to expand the purpose statement to clarify that the ordinance applies to all modes of dockless, shared transportation vehicles operated as part of a commercial enterprise.
- City Council will be asked to vote on the proposed changes at its June 28, 2021 Business Meeting.
- The proposed effective date of these changes is July 1, 2021.

Attachment(s)

Chapter 9 - Floodplain Regulations - Redlined
Chapter 11 - Housing - Redlined
Chapter 17 - Soil Erosion and Sedimentation Control - Redlined
Chapter 18, Article IV - Post-Construction Stormwater - Redlined
Chapter 19 - Streets, Sidewalks and Other Public Places - Redlined

[Chapter 9 Floodplain Regulations](#)

[Chapter 11 Housing](#)

[Chapter 17 Soil Erosion and Sediment Control](#)

[Chapter 18 Article IV Post Construction Stormwater](#)

[Chapter 19 Streets Sidewalks Public Places](#)

10. Public Hearing for Robinhood Markets, Inc. Business Investment Grant

Action:

Conduct a public hearing regarding approval of a City of Charlotte Business Investment Grant to Robinhood Markets, Inc.

Staff Resource(s):

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

Explanation

- On March 30, 2021, Robinhood Markets, Inc. (Robinhood) announced it would locate a customer experience and account operations center in Charlotte.
- This action is requesting a public hearing be conducted regarding City Council approval of a not to exceed Business Investment Grant (BIG) of \$157,726 over five years.
 - During the week of February 22nd, City Council indicated its intent to approve this BIG during Council discussions.
- Robinhood has committed to a capital investment of \$11,780,000 and creation of 389 jobs to be hired over five years with an average wage of \$76,450.
- In addition to the BIG, the State of North Carolina also approved a Job Development Investment Grant in the amount of \$3,006,000 and \$544,600 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 City Clerk's Office through June 15, 2021, at 11:59 p.m. Any additional comments received will be provided to Council.
- On June 28, 2021, City Council will be asked to approve the BIG to Robinhood.

Background

- Robinhood is a fintech company founded in 2013 and headquartered in Menlo Park, CA with a mission to democratize finance for all.
- The company provides financial products and services for clients including the purchase and sale of equities, options, and cryptocurrencies to retail investors via commission-free trading.
- Robinhood's new Charlotte office will include customer support and account operations to accelerate their growth and meet customer needs.

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 Robinhood must be paid before a grant payment is made.
 - If Robinhood removes the investment from Charlotte during the grant term, it shall pay back 100 percent of the investment grant paid to date.
 - If Robinhood moves the investment from Charlotte within five 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, and
 - Within five years of the end of the BIP Term - 30 percent of grant payments.

Fiscal Note

Funding: Business Investment Grant

11. Public Hearing on a Resolution to Close a Portion of Gloryland Avenue

Action:

Conduct a public hearing to close a portion of Gloryland 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 (CDOT) received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The proposed action removes land from public right-of-way and attaches it to the adjacent property.
- The road to be closed is located in Council District 4.
- 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 City Clerk's Office through June 15, 2021, at 11:59 p.m. Any additional comments received will be provided to Council.

Petitioner

J Forrest Development, LLC

Right-of-Way to be Abandoned

A Portion of Gloryland Avenue

Reason

Per the petition submitted by J Forrest Development, LLC: the abandonment will assist in construction of a multi-family development. The city has no objections.

Notification

As part of the city's notification process, and in compliance with North Carolina General Statute 160A-299, CDOT submitted this abandonment petition for review by the public and city departments.

Adjoining property owner(s)

Trustees of the Gloryland Baptist Church - No objections

Panos Properties - 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

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

12. Public Hearing on a Resolution to Close a Portion of South Graham Street

Action:

Conduct a public hearing to close a portion of South Graham Street

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 (CDOT) received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The proposed action removes land from public right-of-way and attaches it to the adjacent property.
- The road to be closed is located in Council District 3.
- 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 City Clerk's Office through June 15, 2021, at 11:59 p.m. Any additional comments received will be provided to Council.

Petitioner

Dickerson Realty Florida, Inc.

Right-of-Way to be Abandoned

A Portion of South Graham

Reason

Per the petition submitted by Dickerson Realty Florida, Inc., the dead-end portion of South Graham Street is no longer a useful part of the roadway network in the area. The city has no objections.

Notification

As part of the city's notification process, and in compliance with North Carolina General Statute 160A-299, CDOT submitted this abandonment petition for review by the public and city departments.

Adjoining property owner(s)

Dickerson Realty Florida, Inc. - 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

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

POLICY

13. City Manager's Report

[06.14.2021 City Manager's Memo](#)

14. Fiscal Year 2022 Operating Budget and Fiscal Years 2022-2026 Capital Investment Plan

Action:

Adopt the Fiscal Year (FY) 2022 Appropriations and Tax Levy Ordinance, the FY 2022 Compensation and Benefits Recommendations, and other items related to the Annual Budget Ordinance adoption:

- A. The FY 2022 Operating Appropriations and Tax Levy Ordinance,**
- B. The FY 2022 - 2026 Capital Investment Plan,**
- C. The FY 2022 General Solid Waste Fee,**
- D. The FY 2022 Storm Water Services Fees,**
- E. The FY 2022 Transit Operating Budget, FY 2022 Transit Debt Service Budget, and FY 2022 - 2026 Transit Capital Investment Plan which was approved by the Metropolitan Transit Commission on April 28, 2021,**
- F. The Charlotte Water Rate Methodology by approving revisions to the Revenue Manual,**
- G. The FY 2022 Charlotte Water Rates,**
- H. The FY 2022 Compensation and Benefits Plan and associated Human Resources contracts,**
- I. Outside Agency and Municipal Service District contracts,**
- J. Capital Investment Plan Program Policies,**
- K. A Resolution for a Release of Collateral, and**
- L. Other Budget Items.**

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

Policy

- As required by Chapter 159 of the North Carolina General Statutes, the City of Charlotte adopts annual appropriations and a tax levy ordinance and considers related actions by July 1 of each fiscal year.
- The annual budget is an instrument that establishes policy. The budget identifies and summarizes programs and services provided by the city and how they are funded. It is the annual plan that coordinates the use of revenues and associated expenditures.

Background

- The annual budget ordinance is presented in accordance with the City Manager's Proposed FY 2022 Budget presented on May 3, 2021, and subsequent City Council budget adjustments.
- The FY 2022 Budget is structurally balanced and focuses on five strategic priorities: Economic Development; Great Neighborhoods; Transportation, Planning, and Environment; Safe Communities; and Well-Managed Government.
- The budget development process includes input from the community, city departments, and the Mayor and City Council. To facilitate input, the city held four Budget and Effectiveness Committee meetings on January 6, January 26, February 16, and March 30, 2021; three Budget Workshops on February 3, March 3, and April 7; a Public Hearing on the Proposed Budget on May 10, 2021; a Budget Adjustments meeting on May 19, 2021; and a Straw Votes meeting on Budget Adjustments on May 26, 2021. Public budget engagement occurred through three virtual budget listening sessions occurring on February 24, March 4, and March 9, 2021, and a budget public input survey.
- The Mayor and City Council met on May 19 and May 26, 2021, to discuss budget adjustments for consideration to the Proposed FY 2022 Budget. Four budget adjustments and one policy adjustment were approved by City Council for inclusion in the FY 2022 Budget.

- FY 2022 General Fund and FY 2022 General Capital Investment Plan (CIP) highlights include:
 - Includes no proposed tax increase, and no city staff will be furloughed or laid off.
 - Maintains services; no reduction in core services.
 - Maintains operating reserve levels; no use of one-time revenues such as operating reserves.
 - 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 investing \$4.75 million of Certificates of Participation and Pay-As-You-Go cash for sustainable infrastructure in city-owned buildings and by purchasing 22 electric vehicles.
 - Provides funds to complete the Cross Charlotte Trail in the five-year CIP.
 - 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.
 - Plans the 2022 Bond for FY 2023 approval, which includes:
 - Providing the third consecutive \$50,000,000 allocation to create and preserve affordable housing,
 - More than tripling the 2020 Bond funding for the Sidewalk and Pedestrian Safety Program, from \$15,000,000 to \$50,000,000,
 - Doubling 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, and
 - Investing \$10,000,000 for infrastructure improvements in the Corridors of Opportunity.
- The FY 2022 - 2026 CIP matches the city’s highest priority needs with a financing schedule. The General CIP focuses on investing in projects that generate the most community benefit and improve the overall quality of life in Charlotte. The Nongeneral CIPs respond to aging infrastructure and increasing service demands associated with the provision of water and sewer, storm water, transit, and aviation services.

Recommended Changes to the Proposed FY 2022 Budget from the May 26 City Council Budget Straw Votes Meeting

- During the May 26 Budget Straw Votes Meeting, City Council approved the following adjustments:
 - \$10,000 contribution to the Bengali Women’s Forum,
 - \$10,000 contribution for the relocation, restoration, and preservation of the Siloam School,
 - An additional \$50,000 contribution to TreesCharlotte,
 - \$70,000 contribution to the Charlotte-Mecklenburg Historic Landmarks Commission’s revolving fund, and
 - A directive in the FY 2022 compensation and benefits plan to research and analyze shift differential pay for potential inclusion in the FY 2023 Budget.

A. Adopt the FY 2022 Operating Appropriations and Tax Levy Ordinance

Budget Overview

- The total FY 2022 budget is \$2.7 billion net of transfers, with \$876.8 million for personnel expenditures, \$623.2 million for operating expenditures, \$976.9 million for capital expenditures (all funds), and \$229.1 for debt service expenditures. The General Fund operating budget totals \$750.7 million.
- The total budget includes the following key revenues:
 - A property tax rate of 34.81¢ per \$100 of assessed valuation, which is the same as in FY 2020 and FY 2021. The FY 2022 assessed value is estimated at \$151.2 billion, with an estimated collection rate of 99 percent,

- The FY 2022 Water and Sewer Fee is proposed to increase by 3.42 percent for the typical homeowner, which is an average increase of \$2.33 per month,
- The four tier Storm Water rate methodology (adopted in FY 2016) is expected to increase by 3.2 percent from FY 2021 across all tiers. This methodology charges detached single-family parcels a flat rate for each tier based on the same per square foot rate (\$0.00361) applied to the median impervious area of each tier. All other parcels (multi-family and commercial) are charged the same rate (\$0.00361) per actual square foot, and
- Charlotte Area Transit System (CATS) base transit fare remains flat from FY 2021 to FY 2022.

B. Adopt the FY 2022 - 2026 Capital Investment Plan

General CIP

- The General CIP is supported by a portion of the 34.81¢ property tax as follows:
 - 6.77¢ for the Municipal Debt Service Fund, and
 - 0.73¢ for the Pay-As-You-Go (PAYGO) Fund.
- The FY 2022 - 2026 five-year General CIP totals \$648.4 million and includes General Obligation Bonds, Certificates of Participation (COPs), Municipal Debt Service, reappropriation of prior authorization, and PAYGO funds.

Nongeneral CIPs

- Nongeneral programs are financially self-sustaining and do not rely on property tax support.
- The FY 2022 - 2026 five-year nongeneral CIPs include:
 - Aviation totals \$1.1 billion and is funded by \$881.2 million in revenue bonds, \$122.6 million in Aviation PAYGO, \$59.9 million in federal grants, and \$56.0 million in passenger facility charges and other sources.
 - CATS totals \$142.4 million and is funded by \$84.0 million in federal and state grants and \$58.4 million in other sources.
 - Charlotte Water totals \$2.4 billion and is funded by \$1.2 billion in Charlotte Water PAYGO and \$1.2 billion in water and sewer revenue bonds.
 - Storm Water totals \$535.0 million and is funded by \$285.0 million in revenue bonds and \$250.0 million in Storm Water PAYGO and program income.

C. Amend the General Solid Waste Fee

- The annual Solid Waste Fee for residential customers changes from \$67.66 to \$75.02 in FY 2022 to help support the increased cost of services.
- These changes become effective on July 1, 2021.
 - The revised fee will be included in the tax bills that will be mailed to property owners by September 2021 and are due by December 31, 2021.

D. Approve the FY 2022 Storm Water Services Fee

- In accordance with the Interlocal Agreement on Storm Water Services, this action will inform Mecklenburg County of the amount to be charged for the city's portion of the fee.
- The FY 2022 Storm Water Services Fee changes include:
 - Detached single family homes with less than 2,000 square feet (sf) of impervious area changes from \$5.85 per month to \$6.04 per month in FY 2022,
 - Detached single family homes with 2,000 to 2,999 sf of impervious area changes from \$8.62 per month to \$8.91 per month in FY 2022,
 - Detached single family homes with 3,000 to 4,999 sf of impervious area changes from \$12.76 per month to \$13.17 per month in FY 2022,
 - Detached single family homes with 5,000 sf or more of impervious area changes from \$21.11 per month to \$21.78 per month in FY 2022, and
 - Commercial and multi-family per acre of impervious area changes from \$152.35 per month to \$157.23 per month in FY 2022.

E. Adopt the FY 2022 Transit Operating Budget, FY 2022 Transit Debt Service Budget, and FY 2022 -2026 Transit Capital Investment Plan which was approved by the Metropolitan Transit Commission on April 28, 2021

Policy

The Transit Governance Interlocal Agreement calls for the Metropolitan Transit Commission (MTC) to annually approve a Transit Operating Program and a Transit Capital Program by April 30. Following the MTC's approval, the Transit Operating and Capital Programs are forwarded to City Council for approval. Upon approval, City Council shall fund the programs through its budget process and/or project ordinances.

Budget Overview

- The FY 2022 Transit Operating and Debt Service Budgets and the FY 2022 - 2026 Transit CIP have been developed in compliance with CATS Financial Policies including an annual contribution to the Transit Revenue Reserve Fund, year-end fund balance, debt service coverage ratios, and the transfer of balances to the capital program.
- The FY 2022 Budget includes no proposed fare increases and no proposed new fees.
- The FY 2022 Budget for CATS represents three key ideas: responding to customer needs, maintaining a safe and reliable transit system, and planning for the future.

F. Amend the Charlotte Water Rate Methodology by approving revisions to the Revenue Manual

- Charlotte Water rate methodology changes with the adoption of the FY 2022 Budget.
- The schedule of water and sewer rates, fees, and charges is calculated according to the rate methodology as codified in the revenue manual and Charlotte Water's approved budget and is published annually.
- The Revenue Manual revisions include:
 - Revising the bulk rate from the Tier 3 Residential Rate to the Non-Residential (Commercial) Rate,
 - Adding a reuse/reclaimed water rate that is calculated based on the Non-Residential (Commercial) Rate,
 - Revising the calculation methodology to industry standards, renaming and adding fees in the following sections of the revenue manual:
 - Industrial Wastewater Program Charges,
 - Land Development User Fees,
 - Miscellaneous Rates and Fees,
 - Meter Set Fees,
 - Customer Service and Billing Fees and Charges,
 - Hydrant Fees and Penalties,
 - Truck Fees and Penalties,
 - Private Meter Fees and Penalties,
 - Septic Waste Fees,
 - Authorizing Charlotte Water's Chief Financial Officer to administer rates, fees, and charges, once the Director has established them, and
 - Associated technical and procedural changes that clarify and update the language.
- A Joint Public Hearing between City Council and the Charlotte Water Advisory Committee was held on May 24, 2021. No comments from the public were received.

G. Adopt the FY 2021 Charlotte Water Rates

- Water and sewer fees are necessary to maintain current infrastructure, accommodate growth, and respond to changing regulatory requirements.
- FY 2022 rate changes include:
 - Maintain the water and sanitary sewer availability fees at \$9.99 per month,
 - Maintain the water and sanitary sewer fixed fees at \$8.44 per month,
 - The typical monthly total water and sanitary sewer bill for residential customers is estimated to be \$70.39 in Fiscal Year 2022, an increase of \$2.33 per month, and

- The typical bill assumes 5,236 gallons, or seven CCF, used each month. Based on the current rate structure, users consuming more than the typical level of consumption are charged a higher rate to encourage conservation and responsible use of this resource.

H. Adopt the FY 2022 Compensation and Benefits Plan and Associated Human Resources Contracts

The FY 2022 Pay and Benefits Report includes the following:

Compensation

- On May 3, 2021, the City Manager presented pay and benefits recommendations. This action authorizes the City Manager to implement all of the recommendations as presented in the FY 2022 Compensation and Benefits Recommendations including, but not limited to the following items:
- In the Public Safety Pay Plan:
 - Merit steps of 2.5 percent to five percent to be funded.
 - Market adjustment to the pay steps funded at 1.5 percent effective July 3, 2021.
 - Revisions to Fire steps effective November 13, 2021, to better align with market competitiveness:
 - Merge Firefighter II steps six and seven from two 2.5 percent steps to one five percent step,
 - Merge Firefighter Engineer steps three and four from two 2.5 percent steps to one five percent step,
 - Add a 2.5 percent step to the top of Firefighter II,
 - Add a 2.5 percent step to the top of Firefighter Engineer, and
 - Adjust Fire Captain steps by 3.75 percent each.
- In the Salaried Pay Plan:
 - Merit increase pool funded at 3.0 percent.
 - Market adjustment to the ranges of 1.5 percent effective July 3, 2021.
- In the Hourly Pay Plan:
 - Merit increase pool funded at 1.5 percent.
 - Market adjustment to the ranges of 1.5 percent effective December 4, 2021.
 - Market adjustment to eligible employees of 1.5 percent effective December 4, 2021.
- Minimum Pay:
 - Funding to increase annualized minimum pay for all non-temporary employees, with good performance, to \$38,090 and to relieve any resulting compression by the end of the fiscal year.
- Directive to research and analyze Shift Differential Pay
 - On May 26, 2021, during the City Council Budget Straw Votes meeting, City Council directed staff to research and analyze shift differential pay for potential inclusion in the FY 2023 Budget.
- Mayor and City Council Compensation
 - Align City Council compensation, including base pay and expense, auto, and technology allowances, with the Mecklenburg County Board of County Commissioners, and
 - Align the Mayor's compensation, including base pay and expense, auto, and technology allowances, with the Board Chairperson of the Mecklenburg County Board of County Commissioners.

Benefits

- At least a five percent reduction to employee medical plan premiums.
- A decrease to in-network individual deductibles by \$250 across all medical plans (unless unallowable by IRS regulations).
- Five percent reduction to retiree medical plan premiums for non-Medicare eligible retirees with 20 years of service.
- Authorize the City Manager to implement enhancements in the dental plan dependent on the results of a bid process that is in progress.

- Increase the city contribution to the 457 plan for employees in the Charlotte Firefighters' Retirement System by one percent effective January 2022.
- Provide the City Manager the authority to make pharmacy plan design enhancements within the overall health insurance budget.
- Provide the City Manager the authority to approve rate increases and vendor changes as necessary to appropriately fund Medicare-eligible Retiree Health Plans upon receipt of renewal rates from the Administrator of the Medicare-eligible retiree coverage.
- Provide the City Manager the authority to renegotiate the current contracts, or if the contracts are rebid, to select vendors, execute the contracts and future contract amendments and determine plan design within the selected vendors for Employee Assistance Program, Flexible Spending Accounts, Health Savings Account Administration, Health Advocacy, Short-Term Disability, Long-Term Disability, Family Medical Leave Administration, Life insurance, Stop Loss insurance, voluntary benefits, and wellness services.

I. Approve Outside Agency and Municipal Service District Contracts

This action authorizes the City Manager to negotiate and execute contracts related to outside agencies and municipal service districts. The outside agency and Municipal Service District contracts are outlined below.

Arts and Culture Sector

- Foundation for The Carolinas will administer the city's FY 2022 allocation of arts and culture funding totaling \$6,000,000, which includes:
 - \$4,000,000 of General Fund funding, and
 - \$2,000,000 of American Rescue Plan Act funding.
- The city's \$6,000,000 of FY 2022 funding is anticipated to be matched by at least an additional \$6,000,000 from the private sector, which will also be administered by Foundation for the Carolinas.
- The \$12,000,000 of total arts and culture sector funding in FY 2022 is expected to continue at the same funding level in FY 2023 and FY 2024, totaling \$36,000,000 over three fiscal years.

FY 2022 Annual Outside Agency Contracts

- General Fund Discretionary Financial Partners:
 - Alliance Center for Education (formerly Bethlehem Center) - Out of School Time Partner: \$90,000
 - The Bengali Women's Forum Corp (New Financial Partner): \$10,000
 - During the May 26, 2021 Budget Straw Votes Meeting, City Council approved this as a budget adjustment.
 - Charlotte Regional Business Alliance: \$166,553
 - Community Building Initiative: \$50,000
 - Greater Enrichment Program - Out of School Time Partner: \$200,000
 - Safe Alliance: \$397,038
 - UNC Charlotte Urban Institute/Institute for Social Capital (New Financial Partner): \$250,000
 - Women's Business Center of Charlotte: \$50,000
 - My Brother's Keeper Charlotte-Mecklenburg: \$50,000
 - TreesCharlotte: \$150,000
 - \$100,000 was included in the FY 2022 Proposed Budget. During the May 26, 2021 Budget Straw Votes Meeting, City Council approved an adjustment of an additional \$50,000.
- Dedicated Revenue Sources Financial Partners:
 - Municipal Service District (MSD) Contracts
 - On January 5, 2021, the city issued a Request for Proposals for MSD service provision for an initial term of three years and for two, one-year renewal options.
 - A public hearing on the needs of the service districts was held on May 10, 2021.
 - The municipal service district contracts for FY 2022 are outlined below.
 - Charlotte Center City Partners (\$6,232,801)

- District 1: Center City
 - Tax Rate remained the same, 1.36¢
 - FY 2022 Contract: \$1,790,087
- District 2: Center City
 - Tax Rate remained the same, 2.27¢
 - FY 2022 Contract: \$1,276,809
- District 3: Center City
 - Tax Rate remained the same, 3.38¢
 - FY 2022 Contract: \$1,891,807
- District 4: South End
 - Tax Rate remained the same, 3.90¢
 - FY 2022 Contract: \$1,274,098
- University City Partners
 - District 5: University City
 - Tax Rate remained the same, 2.79¢
 - FY 2022 Contract: \$1,162,593
 - Charlotte Regional Visitors Authority (CRVA): \$18,072,813
 - CRVA - Film Commission: \$150,000
- 100 Percent Federal Grant Funded Financial Partners:
 - Carolinas Care Partnership: \$2,961,512
- 100 Percent PAYGO Funded Financial Partners:
 - Crisis Assistance Ministry: \$425,000
- PAYGO/Federal Share Funded Financial Partners:
 - DreamKey Partners (formerly Charlotte-Mecklenburg Housing Partnership, Inc.) - Affordable Housing: \$1,690,000
 - DreamKey Partners (formerly Charlotte-Mecklenburg Housing Partnership, Inc.) - House Charlotte: \$231,000

Public Art

- The Arts & Science Council administers the Public Art Program, which is outlined in Chapter 15 Article IX of the Charlotte City Code.
- The FY 2022 CIP Public Art allocations include:
 - Aviation: \$1,793,271, and
 - Charlotte Water: \$181,500.
- The FY 2021 CIP Public Art contract payment cap will be increased by \$230,000 to include Charlotte Water's FY 2021 public art allocation.

School Resource Officer Program for Charlotte-Mecklenburg Schools

- The Charlotte-Mecklenburg Police Department (CMPD), through the School Resource Officer (SRO) Program, has a security presence at Charlotte-Mecklenburg Schools (CMS) middle and high schools in their jurisdiction.
- The SROs provide police services to their respective school communities as their primary assignment.
- CMPD will provide approximately 51 Police Officers and one Sergeant to CMS for the 2021 - 2022 school year.
- This action authorizes the City Manager to negotiate and execute the FY 2022 contract with CMS for continued funding for these SRO positions.

Support to the District Attorney's Office - Property Crime Unit

- Since 2008, the city has provided annual funding (via the CMPD operating budget) to the District Attorney to support two Assistant District Attorneys and three Victim/Witness Legal Assistants from the North Carolina Administrative Office of the Courts. This will address the backlog of cases in Mecklenburg County and support Police crime fighting initiatives.
- This action authorizes the City Manager to negotiate and execute the FY 2022 contract with the

District Attorney and NC Administrative Office of the Courts for continued funding of these five positions.

Other

- During the May 26, 2021 Budget Straw Votes Meeting, City Council approved the following items as budget adjustments.
 - A one-time \$10,000 contribution for the relocation, restoration, and preservation of the Siloam School, and
 - A one-time \$70,000 contribution to the Charlotte-Mecklenburg Historic Landmarks Commission's revolving fund.

J. CIP Program Policies

- The CIP Program Policies include Council-adopted policies for developing and implementing the CIP as well as Capital Investment Policies and Practices, which include capital program best practices.
- City Council adopted the most recent version of the CIP Program Policies upon the adoption of the FY 2021 Annual Budget Ordinance on June 8, 2020.
- The FY 2022 CIP Program Policies include the addition of guidance around a uniform, citywide methodology for allocating and charging direct and indirect costs to capital projects.

K. A Resolution for a Release of Collateral

- This action adopts a resolution requesting release of city-owned property at 1315 North Graham Street (Council District 2) from the pledge of collateral as part of the Deed of Trust related to the 2014A COPs.
- The outstanding principal remaining on the 2014A COPs will continue to be securitized by the remaining properties in the Deed of Trust.

L. Approve Other Budget Items

- Various updates to the schedule of regulatory and non-regulatory user fees.
- The budget ordinance included is the city's annual budget operating ordinance. Sections 1 through 12 of this Ordinance reflect the items included in the FY 2022 Budget and all Council adjustments.
- The remainder of the Annual Ordinance (Sections 13 through 106) serves to make budgetary corrections to the current fiscal year for technical, accounting, and other adjustments necessary prior to the fiscal year's end.

Attachment(s)

Annual Budget Ordinance

Resolution by MTC

Proposed Revised Charlotte Water Revenue Manual

FY 2022 Compensation and Benefits Recommendations

Resolution for Release of Collateral

[FY 2022 Annual Budget Ordinance](#)

[Resolution by MTC](#)

[Proposed Revised CLTW Revenue Manual](#)

[FY22 Pay and Benefits Recommendations](#)

[Release of Collateral Resolution](#)

15. Virtual Meeting Provisions

Action:

Adopt the following Budget and Effectiveness Council Committee's recommendations:

- A. **Regarding City Council's October 12, 2020, action to continue indefinitely Council's options for virtual participation in official meetings by amending it to end upon the termination of the statewide declaration of emergency.**
- B. **Update the current Rule 28 in the Rules and Procedure for the Charlotte City Council to broaden the circumstances for Council members to participate virtually.**
- C. **Update the current Rule 5 in the Rules and Procedure for the Charlotte City Council to add a provision to specify that when City Council is meeting in person that any members of the public who plan to address Council during the meeting also be present in person.**

Committee Chair:

Ed Driggs, Budget and Effectiveness

Staff Resource(s):

Patrick Baker, City Attorney

Explanation

- Effective March 10, 2020, Governor Roy Cooper issued an executive order declaring a statewide state of emergency in response to the COVID-19 pandemic.
- Following the issuance of the executive order and due to public safety concerns and the risks to public health that would arise from in-person City Council meetings, the city moved to a remote meetings format, as authorized by law.
- North Carolina law previously authorized public bodies to hold official meetings by electronic means, and as a result of the pandemic, the legislature authorized remote meetings for public bodies during statewide declarations of emergencies.
- On October 12, 2020, City Council voted seven to four to continue indefinitely the option for virtual participation by Council for all official meetings. (YEAS: Council members Winston, Watlington, Newton, Mitchell, Johnson, Ajmera, and Eiselt. NAYS: Council members Graham, Egleston, Driggs, and Bokhari.)
 - Following the approval of the motion, Mayor Lyles referred further consideration of virtual meetings to the Budget and Effectiveness Council Committee.
- Effective May 14, 2021, under the Governor's Executive Order 215, North Carolina lifted several restrictions to reflect new public health recommendations, however the statewide state of emergency, which authorizes remote meetings, remains in place.
- The current Rule 28 included in the Rules and Procedure for the Charlotte City Council states:
 - Telephonic and electronic attendance at meetings.
 - (a) Committee meetings. Council members may attend committee meetings by telephone or other electronic means when they are unable, by reason of illness or injury, to attend in person. Members who plan to attend by electronic means shall notify City staff at least 48 hours in advance to allow for arrangements to be made. Members attending electronically are entitled to vote and fully participate in the business of the committee meeting.
 - (b) Council meetings. Council members may attend Council meetings by telephone or other electronic means for emergency meetings. In addition, Council members may attend regular and special meetings by telephone or other electronic means where:
 - i. necessary to achieve a quorum;
 - ii. attendance is precluded due to weather, civil unrest, emergency, etc.; and
 - iii. the meeting needs to be continued (e.g., need to open and continue a public hearing to avoid the need to readvertise) or to take action on matters that

cannot be delayed.

Committee Discussion

- The Budget and Effectiveness Council Committee met on December 1, 2020, and January 26 and June 3, 2021, to discuss virtual meeting provisions.
- On June 3, 2021, the Committee voted:
 - Four to one to recommend to full Council that it amend City Council’s October 12, 2020, action to continue indefinitely Council’s options for virtual participation in official meetings to end upon the termination of the statewide declaration of emergency. (YEAS: Council members Ajmera, Driggs, Graham, and Eiselt. NAYS: Council member Johnson)
 - Three to two to recommend to full Council to review conditions in Rule 28 to broaden its provisions related to virtual participation in Council meetings and consider other procedures. (YEAS: Council members Ajmera, Johnson and Eiselt. NAYS: Council members Driggs, Graham)
 - Three to two to recommend to full Council to require that if the Council meets in person members of the public who will address the Council at the meeting should also participate in person. (YEAS: Council members Driggs, Graham, and Eiselt. NAYS: Council members Ajmera and Johnson)

Attachment(s)

Rules and Procedure for the Charlotte City Council

[Rules and Procedure for the Charlotte City Council](#)

BUSINESS

16. Municipal Agreement for Pineville-Matthews Road (NC 51) Safety Improvements

Action:

Adopt a resolution authorizing the City Manager to execute a Municipal Agreement with the North Carolina Department of Transportation in the amount of \$912,000 for infrastructure upgrades associated with the Pineville-Matthews Road (NC 51) Safety Improvements.

Staff Resource(s):

Liz Babson, Transportation
Tom Sorrentino, Transportation

Explanation

- The North Carolina Department of Transportation (NCDOT) is constructing improvements along Pineville-Matthews Road (NC 51) between Park Road and Carmel Road (adjacent to Council Districts 6 and 7) to improve vehicular traffic flow and pedestrian safety along the corridor.
- Improvements include the construction of a center median, pedestrian crossings, sidewalks, and traffic signals.
- The city is entering into a Municipal Agreement with the NCDOT to fund sidewalks and acquisition of the necessary right-of-way and easements.
- The project also extends into the Town of Pineville, and NCDOT is entering into a separate agreement with Pineville.
- The NCDOT's estimated total cost of these upgrades is \$7,555,000.
- The city will contribute \$912,000 towards these improvements.
- The format and cost-sharing philosophy is consistent with past Municipal Agreements.

Charlotte Business INclusion

This is a Municipal Agreement and is exempt (Part A: Appendix 27 of the Charlotte Business INclusion Policy).

Funding

General Capital Investment Plan

Attachments

Map
Resolution

[Map - Municipal Agreement for Pineville-Matthews Rd \(NC 51\) Safety Improvements](#)

[Resolution for Pineville Matthews Road](#)

17. Interlocal Agreement with Charlotte-Mecklenburg Storm Water Services

Action:

Adopt a resolution ratifying an Interlocal Agreement with Charlotte-Mecklenburg Storm Water Services for future alignment of a portion of a sanitary sewer project through Mecklenburg County purchased properties.

Staff Resource(s):

Angela Charles, Charlotte Water
David Czerr, Charlotte Water

Explanation

- Charlotte-Mecklenburg Storm Water Services identified, and is purchasing, three properties within the Madison Park neighborhood (Council District 6) that meet criteria for the county's-voluntary Floodplain Buyout Program.
- The city is actively acquiring construction easements in the Madison Park neighborhood for the construction of the Little Hope Creek Wastewater Improvement Project.
- The city will align a portion of the sanitary sewer project through the properties purchased by the county, which will result in construction cost savings for the city.
- Charlotte-Mecklenburg Storm Water Services' acquisition costs will be reduced by a contribution from the city.

Attachment(s)

Map
Resolution

[Map-Interlocal Agreement with Charlotte-Mecklenburg Storm Water Services](#)

[Resolution-Interlocal Agreement with Charlotte-Mecklenburg Storm Water Services](#)

18. Nominations to the Alternative Compliance Review Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a three-year term for a Community Representative beginning July 1, 2021, and ending June 30, 2024.
 - Padma Bulusu is eligible and interested in reappointment.
- One appointment for a three-year term for a Real Estate Development Industry Representative beginning July 1, 2021, and ending June 30, 2024.
 - David Walters is eligible and interested in reappointment.

Attachment(s)

Alternative Compliance Review Committee Applications

19. Nominations to the Bechtler Arts Foundation Board

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a three-year term beginning July 1, 2021, and ending June 30, 2024.
 - Keith Cradle has served two terms and is no longer eligible for reappointment.

Attachment(s)

Bechtler Arts Foundation Board Applications

20. Nominations to the Bicycle Advisory Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term beginning upon appointment and ending December 31, 2021.
 - Milton Irizarry Jr. has resigned.

Attachment(s)

Bicycle Advisory Committee Applications

21. Nominations to the Business Advisory Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a three-year term recommended by the Certified SBE-Hispanic Contractors Association beginning upon appointment and ending April 28, 2023.
 - Domenico Santilli is eligible but not interested in reappointment.

Attachment(s)

Business Advisory Committee Applications

22. Nominations to the Charlotte Business INClusion Advisory Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a for a partial term beginning upon appointment and ending February 28, 2022.
 - Edison Cassels has resigned.
- One appointment for a partial term recommended by the Carolinas Asian-American Chamber of Commerce beginning upon appointment and ending February 28, 2022.
 - Michelle Ho has resigned.
- One appointment for a partial term for a Latin American Chamber of Commerce representative beginning upon appointment and ending February 28, 2022.
 - Johanna Suarez has resigned.

Attachment(s)

Charlotte Business INClusion Advisory Committee Applications

23. Nominations to the Charlotte International Cabinet

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a three-year term for an Airport Staff Member category representative beginning July 1, 2021, and ending June 30, 2024.
 - Diane Carter has served two terms and is no longer eligible for reappointment.
- One appointment for a three-year term for an At-Large member beginning July 1, 2021, and ending June 30, 2024.
 - Elyas Mohammed did not meet attendance requirements but has been requested to be retained by the Chair of the Board due to personal extenuating circumstances.
- One appointment for a three-year term for an At-Large member beginning July 1, 2021, and ending June 30, 2024.
 - Reinhard von Hennigs is eligible and interested in reappointment.
- One appointment for a three-year term for a Cultural / Ethnic category representative beginning July 1, 2021, and ending June 30, 2024.
 - Kamal Dhimal is eligible and interested in reappointment.
- One appointment for a three-year term for a Cultural / Ethnic category representative beginning July 1, 2021, and ending June 30, 2024.
 - Nalan Karakaya Mulder is eligible and interested in reappointment.
- One appointment for a three-year term for an Education / Non-profit category representative beginning upon appointment and ending June 30, 2022.
 - Mayra Arteaga has resigned.
- One appointment for a three-year term for an Education / Non-profit category representative beginning July 1, 2021, and ending June 30, 2024.
 - Rona Chen is eligible and interested in reappointment.
- One appointment for a three-year term for an International Business category representative beginning July 1, 2021, and ending June 30, 2024.
 - Johnelle Causwell is eligible and interested in reappointment.

Attachment(s)

Charlotte International Cabinet Applications

24. Nominations to the Charlotte Regional Visitors Authority

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- Two appointments for At-Large members for three-year terms beginning July 1, 2021, and ending June 30, 2024.
 - Kimberly Edmonds is eligible and interested in reappointment.
 - Vinay Patel is eligible and interested in reappointment.

Attachment(s)

Charlotte Regional Visitors Authority Applications

25. Nominations to the Citizens Review Board

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- Two appointments for three-year terms beginning August 1, 2021, and ending July 31, 2024.
 - E. Thomas Bowers is eligible and interested in reappointment.
 - Tonya Jameson is eligible and interested in reappointment.

Attachment(s)

Citizens Review Board Applications

26. Nominations to the Community Relations Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a three-year term beginning July 1, 2021, and ending June 30, 2024.
 - Braxton Becoats is eligible and interested in reappointment.
- One appointment for a partial term beginning upon appointment and ending June 30, 2022.
 - Paul Lawrence has resigned.

Attachment(s)

Community Relations Committee Applications

27. Nominations to the Historic District Commission

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a Resident Owner of Dilworth representative for a three-year term beginning July 1, 2021, and ending June 30, 2024.
 - Jill Walker is eligible and interested in reappointment.
- One appointment for a partial term for a Resident Owner of Heritage Court representative beginning upon appointment and ending December 31, 2023.
 - James Jordan has resigned.

Attachment(s)

Historic District Commission Applications

28. Nominations to the Historic Landmarks Commission

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- Two appointments for three-year terms beginning July 17, 2021, and ending July 16, 2024.
 - Jonathan Schulz has resigned.
 - Edwin Wilson is eligible and interested in reappointment.

Attachment(s)

Historic Landmarks Commission Applications

29. Nominations to Keep Charlotte Beautiful

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- Five appointments for three-year terms beginning July 1, 2021, and ending June 30, 2024.
 - Leland McNabb is eligible but not interested in reappointment.
 - Lilly Taylor is eligible and interested in reappointment.
 - Edieberto Torres is eligible and interested in reappointment.
 - Qnubia Umazar is eligible and interested in reappointment.
 - Matt Wilson is eligible but not interested in reappointment.

Attachment(s)

Keep Charlotte Beautiful Applications

30. Nominations to the Passenger Vehicle for Hire Board

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a Representative of the Hospitality / Tourism Industry for a three-year term beginning July 1, 2021, and ending June 30, 2024.
 - Sheila Etheridge-Boddie has served two terms and is ineligible for reappointment.

Attachment(s)

Passenger Vehicle for Hire Board Applications

31. Nominations to the Planning Commission

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a three-year term for a Zoning Committee representative beginning July 1, 2021, and ending June 30, 2024.
 - Cozzie Watkins has served two terms and is ineligible for reappointment.

Attachment(s)

Planning Commission Applications

32. Nominations to the Transit Services Advisory Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term in the Vanpool Rider category beginning upon appointment and ending January 31, 2022.
 - Parker Cains has resigned.

Attachment(s)

Transit Services Advisory Committee Applications

33. Nominations to the Zoning Board of Adjustment

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a three-year term beginning upon appointment and ending January 31, 2024.
 - Eric Sanderson has resigned.

Attachment(s)

Zoning Board of Adjustment Applications

CONSENT

34. Animal Licensing and Registration Services

Action:

- A. Approve a contract with PetData Inc. for the administration of the city's animal registration and licensing program for an initial term of three years, and**
- B. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Johnny Jennings, Police
Tonya Arrington, Police
Joshua Fisher, Police

Explanation

- The Animal Care and Control Division of the Charlotte-Mecklenburg Police Department requires a comprehensive package of services in support of ongoing needs for licensing and license renewals for approximately 72,600 pets on an annual basis.
- The licensing program promotes compliance with rabies vaccinations and the recovery of lost animals. The fee structure also promotes animal population control through spay and neutering.
- Animal licensing services provided will include licensing and license renewal form creation, supplying of forms to approximately 91 veterinarians within Mecklenburg County, the processing of completed forms, and management of a database.
- Residents pay a fee for each pet license or annual renewal. The vendor deposits all revenue into the city's General Fund. The city pays the vendor a percentage of the fee from each license or renewal deposited.
- Waiver of a competitive solicitation process for services may be granted on a limited basis when deemed appropriate and in the city's best interest. A waiver has been approved for these services based on limited vendors with required qualifications.
- Annual expenditures are estimated to be \$260,000.

Charlotte Business INCLUSION

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

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

Fiscal Note

Funding: Police Operating Budget

35. Crime Laboratory Reagents and Consumables

Action:

- A. Approve the purchase of chlorination equipment, by the sole source exemption,**
- B. Approve a contract with QIAGEN, LLC for laboratory reagents and consumables for an initial term of one year, 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):

Johnny Jennings, Police
Robert Dance, Police
Matthew Mathis, Police

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 standardization and compatibility.
- City Council approval is required for any purchases made under the sole source exemption.

Explanation

- The Crime Laboratory of the Charlotte-Mecklenburg Police Department requires certain supplies and consumables to operate instruments that allow DNA extraction from shell casings and biological samples.
- These DNA extraction processes rely solely on QIAGEN reagents and consumables.
- These supplies and consumables are required to operate the specialized instruments used for the extraction, processing, and analysis of DNA samples.
- Annual expenditures are estimated to be \$85,000.

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: Police Operating Budget

36. Traffic Data Collection and Processing Services

Action:

- A. **Authorize the City Manager to negotiate and execute a contract for up to \$600,000 with Miovision Technologies, Inc. for traffic data collection and processing 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):

Liz Babson, Transportation
Keith Bryant, Transportation

Explanation

- The city is the lead planning agency for the Charlotte Regional Transportation Planning Organization (CRTPO), providing complex, multi-dimensional activities covering a range of the transportation and engineering needs.
- The city, in conjunction with the CRTPO, gathers various traffic count data (including vehicle, pedestrian, and bicyclist counts and classifications) along city streets utilizing CDOT-owned video cameras in order to perform traffic movement analyses and support transportation planning and research efforts throughout the city and the Metropolitan Planning Organization.
- The city and CRTPO utilize service providers to collect the data gathered by the video cameras and to process the data for uploads to the city's traffic data software.
- On March 8, 2021, the city issued a Request for Proposals (RFP); seven responses were received.
- Miovision best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Federal funds through CRTPO cover approximately \$480,000 (80 percent) of the total contract amount.
- In accordance with the city's CRTPO cost share matrix, the 20 percent local match (\$120,000) will be shared between the CRTPO members.
- Annual expenditures are estimated to be \$85,000.

Charlotte Business INclusion

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

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

Fiscal Note

Funding: General Grants Fund and General Capital Investment Plan

37. Automatic Lighting Controls Maintenance and Services

Action:

- A. **Approve a unit price contract with Scorpion Startup LLC d/b/a Paratus Service Group for automatic lighting controls maintenance and services for an initial term of three years, and**
- B. **Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Phil Reiger, General Services
David Wolfe, General Services
John Mrzygod, General Services

Explanation

- 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, cultural facilities, and various other buildings.
- Many of these buildings have specialized lighting control systems that are a computerized network of intelligent electronic devices designed to monitor and control various building lighting systems.
- This contract will be for routine maintenance services and on-call services as needed.
- On March 10, 2021, the city issued a Request for Proposals (RFP); one response was received.
- Scorpion Startup LLC d/b/a Paratus Service Group best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$200,000.

Charlotte Business INClusion

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

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

Fiscal Note

Funding: General Capital Investment Plan

38. Construct Montford Drive Extension

Action:

Approve a contract in the amount of \$645,544.90 to the lowest responsive bidder Kemp Sigmon Construction Co., Inc. for the Montford Drive Extension project.

Staff Resource(s):

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

Explanation

- This project will include the construction of a vehicular and pedestrian connection between Montford Drive and Abbey Place in Council District 6.
- Work will include new roadway construction, retaining wall, lighting, sidewalk, and striping.
- On April 2, 2021, the city issued an Invitation to Bid; nine 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: 8.00%

Committed MBE Goal: 8.06%

Kemp Sigmon Construction Co., Inc. exceeded the established MBE subcontracting goal and has committed 8.06% (\$52,000) of the total contract amount to the following MBE certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- RRC Concrete, Inc. (MBE, SBE) (\$52,000) (concrete work)

Established SBE Goal: 16.00%

Committed SBE Goal: 16.11%

Kemp Sigmon Construction Co., Inc. exceeded the established SBE subcontracting goal and has committed 16.11% (\$104,000) of the total contract amount to the following SBE certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Trull Contracting, LLC. (WBE, SBE) (\$104,000) (general trades)

Fiscal Note

Funding: General Capital Investment Plan

Attachment(s)

Map

[Map Construct Montford Drive Extension](#)

39. Construct Hertford Road Storm Drainage Improvement Project

Action:

Approve a contract in the amount of \$951,469.16 to the lowest responsive bidder GreenWater Development, Inc. for the 1528 Hertford Road Storm Drainage Improvement Project.

Staff Resource(s):

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

Explanation

- This project will improve deteriorating pipe in the roadway and reduce street flooding in the Upper Little Sugar Creek watershed with boundaries of Hopedale Avenue to the north, Sherwood Avenue to the south, Queens Road to the east, and Wareham Court to the West in Council District 1.
- Construction will include the installation of storm drainage, water/sanitary sewer, sidewalk curb, gutter, and driveways.
- On April 20, 2021, the city issued an Invitation to Bid; six bids were received.
- GreenWater Development, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by second quarter 2022.

Charlotte Business INclusion

GreenWater Development, Inc is a city certified SBE.

Established MBE Goal: 11.00%

Committed MBE Goal: 11.52%

GreenWater Development, Inc. exceeded the established MBE subcontracting goal and has committed 11.52% (\$109,631) of the total contract amount to the following MBE certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- RRC Concrete. (MBE, SBE) (\$34,631) (concrete work)
- Redstone Materials, Inc. (MBE, SBE) (\$75,000) (hauling)

Established SBE Goal: 20.00%

Committed SBE Goal: 20.05%

GreenWater Development, Inc. exceeded the established SBE subcontracting goal and has committed 20.05% (\$190,766) of the total contract amount to the following SBE certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- On Time Construction, Inc. (WBE, SBE) (\$125,240) (masonry)
- Ram Pavement Services, Inc. (SBE) (\$65,526) (milling/paving)

Fiscal Note

Funding: Storm Water Capital Investment Plan

Attachment(s)

Map

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

40. Construct Storm Water Repair and Improvement Projects

Action:

- A. **Approve a contract in the amount of \$3,868,481.27 to the lowest responsive bidder OnSite Development, LLC for the Storm Water Repair and Improvement Project FY2021-D project,**
- B. **Approve a contract in the amount of \$3,672,839.67 to the lowest responsive bidder United of Carolinas, Inc. for the Storm Water Repair and Improvement Project FY2021-E project,**
- C. **Approve a contract in the amount of \$3,637,399.00 to the lowest responsive bidder OnSite Development, LLC for the Storm Water Repair and Improvement Project FY2021-F project, and**
- D. **Approve a contract in the amount of \$2,094,052.34 to the lowest responsive bidder United Construction Company, Inc. for the Storm Water Repair and Improvement Project FY2021-G project.**

Staff Resource(s):

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

Explanation

- These contracts are part of an ongoing program to provide repairs and/or improvements to storm drainage systems.
- Approximately 25 projects may be constructed from each contract, within a contract term that may not exceed 24 months (18 months for FY2021-G).
- The number of projects may vary depending on the nature and extent of the repairs constructed.

Action A

- On March 31, 2021, the city issued an Invitation to Bid; three bids were received.
- OnSite Development, LLC was selected as the lowest responsive, responsible bidder.

Action B

- On April 1, 2021, the city issued an Invitation to Bid; three bids were received.
- United of Carolinas, Inc. was selected as the lowest responsive, responsible bidder.

Action C

- On March 29, 2021, the city issued an Invitation to Bid; four bids were received.
- OnSite Development, LLC was selected as the lowest responsive, responsible bidder.

Action D

- On March 30, 2021, the city issued an Invitation to Bid; four bids were received.
- United Construction Company, Inc. was selected as the lowest responsive, responsible bidder.

Charlotte Business INclusion

Action A

Established MBE Goal: 9.00%

Committed MBE Goal: 9.01%

OnSite Development, LLC has identified MBEs on its project team and for each work order issued, committed 9.01% of the total contract amount to the following certified firms:

- MTS Trucking (MBE, SBE) (hauling)
- Affordable Source Trucking (MBE, SBE) (hauling)
- Streeter Trucking (MBE, SBE) (hauling)

Established SBE Goal: 20.00%

Committed SBE Goal: 20.01%

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

- Tony's Trucking (MBE, SBE) (hauling)
- AMP Utilities Distribution Services, Inc. (WBE, SBE) (material)
- LJR Concrete, LLC. (SBE) (concrete)
- Combs Tree Service (SBE) (tree services)
- Solano's Trucking (SBE) (hauling)

Action B

Established MBE Goal: 9.00%

Committed MBE Goal: 9.00%

United of Carolinas, Inc. has identified MBEs on its project team and for each work order issued, committed 9.00% of the total contract amount to the following certified firms:

- Sun King Trucking, LLC (MBE, SBE) (hauling)
- Cesar A Leon (MBE, SBE) (hauling)

Established SBE Goal: 20.00%

Committed SBE Goal: 20.00%

United of Carolinas, Inc. has identified SBEs on its project team and for each work order issued, committed 20.00% of the total contract amount to the following certified firms:

RRC Concrete, Inc. (MBE, SBE) (concrete, general construction)

- Silverback Brothers, LLC. (MBE, SBE) (hauling)
- Whitesell Trucking, Inc. (SBE) (general construction)

Action C

Established MBE Goal: 9.00%

Committed MBE Goal: 9.01%

OnSite Development, LLC has identified MBEs on its project team and for each work order issued, committed 9.01% of the total contract amount to the following certified firms:

- MTS Trucking (MBE, SBE) (hauling)
- Affordable Source Trucking (MBE, SBE) (hauling)
- Streeter Trucking (MBE, SBE) (hauling)

Established SBE Goal: 20.00%

Committed SBE Goal: 20.01%

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

- Tony's Trucking (MBE, SBE)
- AMP Utilities Distribution Services, Inc. (WBE, SBE) (material)
- LJR Concrete, LLC. (SBE)
- Combs Tree Service (SBE) (tree services)
- Solano's Trucking (SBE) (hauling)

Action D

Established MBE Goal: 7.00%

Committed MBE Goal: 7.02%

United Construction Company, Inc. has identified MBEs on its project team and for each work order issued, committed 7.02% of the total contract amount to the following certified firms:

- Diamond Trucking of NC Inc. (MBE, SBE) (hauling)
- FIE Logistics, LLC (MBE, SBE) (hauling)
- Streeter Trucking (MBE, SBE) (hauling)

Established SBE Goal: 19.00%

Committed SBE Goal: 19.01%

United Construction Company, Inc. has identified SBEs on its project team and for each work order issued, committed 19.01% of the total contract amount to the following certified firms:

- Carolina Cajun Concrete, Inc. (SBE) (grading, pipe)
- Piceno Concrete LLC (SBE) (concrete)
- Pentacle Inc (WBE, SBE) (fencing)
- RRC Concrete, Inc. (MBE, SBE) (concrete)

Fiscal Note

Funding: Storm Water Capital Investment Plan

41. Water and Sanitary Sewer Repairs

Action:

- A. Approve a unit price contract with the lowest responsive bidder Fuller & Co. Construction, LLC for time and materials for water and sanitary sewer infrastructure repair for an initial term of one year, and**
- B. Authorize the City Manager to renew the contract for up to three, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Angela Charles, Charlotte Water

Jackie Jarrell, Charlotte Water

Scott Clark, Charlotte Water

Explanation

- This contract will be used for emergency repair services for water and sanitary sewer pipes and to supplement Charlotte Water crews in performing routine repairs.
- On March 30, 2021, the city issued an Invitation to Bid (ITB); two bids were received.
 - G.S. 143-132 prohibits municipalities from awarding construction contracts over \$500,000 without receiving at least three competitive bids from the initial advertisement of the contract. The city may subsequently award the contract even if re-advertisements result in fewer than three competitive bids.
- On April 27, 2021, the ITB was re-issued; two bids were received.
- Fuller & Co. Construction, LLC was selected as the lowest responsive, responsible bidder.
- Annual expenditures are estimated to be \$2,691,113.
- Possible price adjustments will be based on the Engineering News Record Construction Cost Index.

Charlotte Business INclusion

Fuller & Co. Construction, LLC is a city certified SBE.

Per Charlotte Business INclusion Policy: Part B: Section 2.3, the city shall not establish Subcontracting Goals for contracts where (a) there are no subcontracting opportunities identified for the contract; or (b) there are no MWBEs or SBEs certified to perform the scopes of work that the city regards as realistic opportunities for subcontracting.

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

Fiscal Note

Funding: Charlotte Water Operating Budget

42. CATS Light Rail Parts and Repair Services

Action:

- A. Approve the purchase of parts and repair services for CATS train control and wayside equipment, by the sole source exemption,**
- B. Approve a contract with ALSTOM Transport for the purchase of parts and repair services for a 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):

John Lewis, CATS
Allen Smith, CATS

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 city uses original equipment manufacturer (OEM) rail parts in the daily maintenance and repair of the CATS light rail vehicles, trolley cars, and rail infrastructure.
- ALSTOM Transport is the OEM of the train control and wayside equipment.
- This contract will supply rail repair parts, including but not limited to grade crossing and train control parts and will also allow for the city to procure services to maintain the parts.
- Annual expenditures are estimated to be:
 - \$125,000 for inventory spare parts, and
 - \$25,000 for repairs.

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: CATS Operating Budget

43. CATS Light Rail Vehicle Communication System Parts and Repair Services

Action:

- A. Approve the purchase of parts and repair services for the CATS light rail vehicle communication system equipment, by the sole source exemption,
- B. Approve a contract with ISC Applied Systems for the purchase of parts and repair services for a 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):

John Lewis, CATS
Allen Smith, CATS

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 city uses original equipment manufacturer (OEM) rail parts in the daily maintenance and repair of the CATS light rail vehicles (LRV), trolley cars, and rail infrastructure.
- ISC Applied Systems is the OEM of the LYNX LRV communication system equipment.
- The parts and services that are being purchased under this contract are for replacement parts and inventory stock spares required to maintain the LRVs.
- Annual expenditures are estimated to be \$30,000.

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

CATS Operating Budget

44. CATS LYNX Train Control Parts

Action:

- A. Approve the purchase of parts for train control equipment, by the sole source exemption,
- B. Approve a contract with Hanning & Kahl for the purchase of parts for a 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):

John Lewis, CATS
Allen Smith, CATS

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 city uses original equipment manufacturer (OEM) rail parts in the daily maintenance and repair for the CATS light rail vehicles, trolley cars, and rail infrastructure.
- Hanning & Kahl is the sole provider of the control parts needed for the Gold Line Phase 1 train control system.
- The parts and services that are being bought under this contract are for replacement parts and inventory stock spares to maintain Gold Line Phase 1 train control equipment.
- Annual expenditures are estimated to be \$50,000.

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

CATS Operating Budget

45. CATS Train Control Crossing Gate Spare Parts

Action:

- A. **Approve the purchase of parts for train control crossing gate and wayside equipment, by the sole source exemption,**
- B. **Approve a contract with National Electric Gate for the purchase of parts for a 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):

John Lewis, CATS
Allen Smith, CATS

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 city uses original equipment manufacturer (OEM) rail parts in the daily maintenance and repair of the CATS light rail vehicles, trolley cars, and rail infrastructure.
- National Electric Gate is the OEM of the train control crossing gate and wayside equipment.
- The parts and services that are being bought under this contract are for replacement parts and inventory stock spares required to maintain gate crossings and train control.
- Annual expenditures are estimated to be \$30,000.

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

CATS Operating Budget

46. Bond Issuance Approval for Union at Tryon

Action:

Adopt a resolution approving INLIVIAN's request to issue multi-family housing revenue bonds, in an amount not to exceed \$20,800,000, to finance the development of Union at Tryon.

Staff Resource(s):

Pamela Wideman, Housing and Neighborhood Services

Explanation

- INLIVIAN is requesting that City Council adopt a resolution authorizing the issuance of multi-family housing revenue bonds for Union at Tryon, a 200-unit new construction affordable housing development to be developed, owned, and operated by Union at Tryon, LP, an Indiana limited partnership, or an affiliated or related entity.
- There is no Housing Trust Fund allocation or other city financial support affiliated with this development.
- This action will not obligate the city financially or impact the Capital Investment Plan and is requested to satisfy Section 147(f) of the Internal Revenue Service Code of 1986, which requires the issuance of housing bonds to be approved by the local governmental unit with jurisdiction over the area where the development is located.
- The development will be located at 7910 North Tryon Street in Council District 4 and will serve households earning 60 percent and below the Area Median Income.
- The INLIVIAN bonds, not to exceed \$20,800,000, will be used to finance land acquisition and construction of the development.

Background

- The developer applied for four percent low income housing tax credits and housing bond allocation capacity from the North Carolina Housing Finance Agency to finance the land acquisition and construction of the development.
- The North Carolina Housing Finance Agency approved a four percent tax credit and a bond allocation capacity totaling \$20,800,000 for the development. Tax credit and bond allocations are subject to federal income limits and set-aside rules and include deed restrictions.
- INLIVIAN, as a public housing authority, is duly authorized to issue housing bonds to finance developments that serve persons of low- and moderate-income, including developments in which it does not have a direct interest.

Attachment(s)

City of Charlotte Resolution for Union at Tryon

INLIVIAN Resolution for Union at Tryon

[City of Charlotte Resolution Union at Tryon](#)

[INLIVIAN Resolution Union at Tryon](#)

47. Resolution of Intent to Abandon a Portion of Closeburn Road

Action:

- A. **Adopt a Resolution of Intent to abandon a portion of Closeburn Road, and**
- B. **Set a Public Hearing for August 9, 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.
- Closeburn Road is located in Council District 6.

Petitioner

Delray at Southpark, LLC

Attachment(s)

Map
Resolution

[2019-16 Closeburn Rd Abandonment Map](#)

[2019-16 Resolution of Intent 06.14.2021](#)

48. Refund of Property Taxes

Action:

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$10,800.94.

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](#)

49. Meeting Minutes

Action:

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

- April 07, 2021 Budget Workshop,
- April 12, 2021 Business Meeting,
- April 19, 2021 Zoning Meeting, and
- April 26, 2021 Business Meeting.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- City Council meeting minutes can be accessed at <https://charlottenc.gov/CityClerk/Pages/Minutes.aspx>.

PROPERTY TRANSACTIONS

50. In Rem Remedy 13713 William Stowe Drive

For In Rem Remedy, the public purpose and policy are outlined here.

Public Purpose:

- Eliminate a blighting influence;
- Reduce the proportion of substandard housing;
- Increase tax value of property by making land available for potential infill housing development; and
- Support public safety initiatives.

Policy:

- Housing and Neighborhood Development and Community Safety

The In Rem Remedy items were initiated from 3 categories:

1. Public Safety - Police and/or Fire Departments
2. Complaint - petition by citizens, tenant complaint, or public agency referral
3. Field Observation - concentrated code enforcement program

The In Rem Remedy item is listed below by category identifying the street address and neighborhood.

Field Observation: 13713 William Stowe Drive (Council District 4)

Action:

Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 13713 William Stowe Drive (Neighborhood Profile Area 4).

Attachment(s)

In Rem Packet for 13713 William Stowe Drive

[13713 William Stowe Dr](#)

51. Charlotte Water Property Transactions - Little Hope Creek Sanitary Sewer Improvements, Parcel #70

Action: Approve the following Condemnation: Little Hope Creek Sanitary Sewer Improvements, Parcel #70

Project: Little Hope Creek Sanitary Sewer Improvements, Parcel #70

Owner(s): Nicholas R Harris and Amanda C Harris

Property Address: 810 Heather Lane

Total Parcel Area: 30,774 sq. ft. (0.71 ac.)

Property to be acquired by Easements: 2,252 sq. ft. (0.05 ac.) Permanent Easement, plus 900 sq. ft. (0.02 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Wooden bridge

Landscaping to be impacted: Large trees

Zoned: R-4

Use: Single-family Residential

Tax Code: 149-183-64

<https://polaris3g.mecklenburgcountync.gov/#mat=198372&pid=14918364&qisid=14918364>

Appraised Value: \$17,450

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

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

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

Council District: 1

52. Charlotte Water Property Transactions - Little Hope Creek Sanitary Sewer Improvements, Parcel #72

Action: Approve the following Condemnation: Little Hope Creek Sanitary Sewer Improvements, Parcel #72

Project: Little Hope Creek Sanitary Sewer Improvements, Parcel #72

Owner(s): Thomas M McHugh, Jr.

Property Address: 738 Heather Lane

Total Parcel Area: 21,969 sq. ft. (0.50 ac.)

Property to be acquired by Easements: 2,524 sq. ft. (0.06 ac.) Permanent Easement, plus 900 sq. ft. (0.02 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Large tree

Zoned: R-4

Use: Single-family Residential

Tax Code: 149-183-66

<https://polaris3g.mecklenburgcountync.gov/#mat=188362&pid=14918366&qisid=14918366>

Appraised Value: \$24,400

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

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

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

Council District: 1

53. Property Transactions - Brown Grier Road Improvement Project, Parcel #17, 18, and 29

Action: Approve the following Condemnation: Brown Grier Road Improvement Project, Parcel #17, 18, and 29

Project: Brown Grier Road Improvement Project, Parcel #17, 18, and 29

Program: Brown Grier Road Improvement Project

Owner(s): Christy Joy NC Partners LLC

Property Address: 9308 Christy Joy Drive, 14308 Brown Grier Road, and 3716 Margaret Mitchell Court

Total Parcel Area: 338,880 sq. ft. (8.93 ac.)

Property to be acquired by Fee: 2,339 sq. ft. (0.05 ac.) Fee Simple

Property to be acquired by Easements: 462 sq. ft. (0.01 ac.) Storm Drainage Easement, 7,353 sq. ft. (0.17 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: UR-2(CD)

Use: Urban-residential (Conditional)

Tax Code: 201-471-08, 201-471-09, 201-471-06

<https://polaris3g.mecklenburgcountync.gov/#mat=568242&pid=20147108&qsid=20147108>

<https://polaris3g.mecklenburgcountync.gov/#mat=566178&pid=20147109&qsid=20147109>

<https://polaris3g.mecklenburgcountync.gov/#mat=568255&pid=20147106&qsid=20147106>

Appraised Value: \$59,150

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

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

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

Council District: 3

54. Property Transactions - Brown Grier Road Improvement Project, Parcel #26

Action: Approve the following Condemnation: Brown Grier Road Improvement Project, Parcel #26

Project: Brown Grier Road Improvement Project, Parcel #26

Program: Brown Grier Road Improvement Project

Owner(s): Emerald Acres LLC, Emerald Green Partners LLC, and Tubbercurry Real Estate Ventures LLC

Property Address: 3627 Sandy Porter Road

Total Parcel Area: 397,720 sq. ft. (9.13 ac.)

Property to be acquired by Fee: 28,893 sq. ft. (0.66 ac.) Fee Simple

Property to be acquired by Easements: 15,659 sq. ft. (0.359 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-3

Use: Single-family Residential

Tax Code: 201-473-01

<https://polaris3g.mecklenburgcountync.gov/#mat=113391&pid=20147301&qisid=20147301>

Appraised Value: \$65,275

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

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

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

Council District: 3

55. Property Transactions - Brown Grier Road Improvement Project, Parcel #31

Action: Approve the following Condemnation: Brown Grier Road Improvement Project, Parcel #31

Project: Brown Grier Road Improvement Project, Parcel #31

Program: Brown Grier Road Improvement Project

Owner(s): M2 Whitehall LLC

Property Address: 3940 Arco Corporate Drive

Total Parcel Area: 128,923 sq. ft. (2.96 ac.)

Property to be acquired by Fee: 896 sq. ft. (0.02 ac.) Fee Simple

Property to be acquired by Easements: 609 sq. ft. (0.014 ac.) Utility Easement, 416 sq. ft. (0.01 ac.) Storm Drainage Easement, 240 sq. ft. (0.006 ac.) Sidewalk Utility Easement, 8,882 sq. ft. (0.204 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: B-2 (CD)

Use: General Business (Conditional Use)

Tax Code: 201-043-01

<https://polaris3g.mecklenburgcountync.gov/#mat=557278&pid=20104301&qisid=20104301>

Appraised Value: \$44,600

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: 3

Adjournment

REFERENCES

56. 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.

57. 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.

58. 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.