

City of Charlotte

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



Meeting Agenda

Monday, June 28, 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.

[2021-06-28 Council Agenda QA](#)

2. Action Review Agenda Overview

Staff Resource(s):

Marcus Jones, City Manager

3. Transformational Mobility Network Update

Staff Resource(s):

Marcus Jones, City Manager

Time: Presentation - 15 minutes; Discussion - 15 minutes

Explanation

- Provide an update on the Transformational Mobility Network.

[Transformational Mobility Network Update](#)

4. Council Committee Report Outs

Budget and Effectiveness Council Committee:

Chair Ed Driggs

Explanation

- Provide an overview of policy recommendations from the June 17, 2021, Budget and Effectiveness Council Committee meeting, including:
 - Updating virtual meeting provisions within the Rules of Procedure for the Charlotte City Council,
 - Upcoming municipal elections schedule, and
 - Redistricting.

Time: Discussion - 20 minutes

Arts and Culture Ad-Hoc Council Committee:

Vice Chair Ed Driggs

Explanation

- Provide an overview of policy recommendations from the June 22, 2021, Arts and Culture Ad-Hoc Council Committee meeting.

Time: Discussion - 10 minutes

5. American Rescue Plan Act Update

Staff Resource(s):

Shawn Heath, City Manager's Office

Time: Presentation - 10 minutes; Discussion - 10 minutes

Explanation

- Provide an overview of the proposed plan for American Rescue Plan Act funding.

6. Closed Session (as necessary)

PUBLIC FORUM

7. Public Forum

CONSENT

- 8. Consent agenda items 33 through 58 may be considered in one motion except for those items removed by a Council member. Items are removed by notifying the City Clerk.**

Consideration of Consent Items shall occur in the following order:

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

PUBLIC HEARING

9. Public Hearing on an Amendment to the Edgewood Plantation Historic Landmark Designation

Action:

Conduct a public hearing to consider an amendment to the Historic Landmark Designation Ordinance for the property known as the "Edgewood Plantation" (parcel identification numbers 027-611-04, 027-611-05, and 027-611-06) that would de-designate portions of the land previously included within the designation.

Staff Resource(s):

Taiwo Jaiyeoba, City Manager's Office
David Pettine, Planning, Design, and Development

Explanation

- The city has received a recommendation from the Charlotte-Mecklenburg Historic Landmarks Commission (HLC) to amend the Historic Landmark Designation Ordinance for the property known as the "Edgewood Plantation" (listed under Parcel Identification Numbers (PID) 027-611-04, 027-611-05, and 027-611-06, as of March 1, 2021), originally adopted by the Charlotte City Council on February 18, 1985.
- The ordinance would be amended to de-designate all of the land associated with PIDs 027-611-04 and 027-611-05 with the exception of the approximately two-acre parcel containing the historic plantation house and the log outbuilding. The 4.75-acre parcel identified as PID 027-611-06, the interiors and exteriors of the historic plantation house, and the log outbuilding would retain historic landmark designation.
- Public hearings are required prior to City Council action on designation requests.
- The Edgewood Plantation is located within the City of Charlotte's extraterritorial jurisdiction adjacent to Council District 4.
- The recommended amendment could significantly contribute to the long-term preservation of the Edgewood Plantation without significantly impacting the remaining designated property's historic significance as one of the few extant antebellum plantation houses in the county and its historic association with the county's prominent pioneer families.
- PIDs 027-611-04 and 027-611-05 are owned by Bowman Sumner LLC, and PID 027-611-06 is owned by Melanie Jones McLeod.
- PID 027-611-04 and 027-611-05 are zoned MX-2 and are located at 11124 and 11132 Eastfield Road. PID 027-611-06 is zoned R-3 and is located at 11100 Eastfield Road.
- The amount of deferrable taxes would be reduced in proportion to the approximately 19 acres of land recommended for de-designation from the originally designated parcel.
- 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 29, 2021, at 11:59 p.m. Any additional comments received will be provided to City Council.
- On August 9, 2021, City Council will be asked to adopt an ordinance amending the historic landmark designation for the Edgewood Plantation.

Attachment(s)

Information sheet
Draft Ordinance
Amended Survey and Research Report
Record of the vote of the HLC
Summary of department review
State Historic Preservation Office comment letter
HLC Response

[Edgewood Information sheet](#)

[Edgewood Draft Ordinance](#)

[Edgewood Amended Survey and Research Report](#)

[Edgewood Record of the vote of the HLC](#)

[Edgewood Plantation Dept Review Findings](#)

[Edgewood State Historic Preservation Office comment letter](#)

[Edgewood HLC Response](#)

10. Public Hearing on an Amendment to the Victor Shaw House Historic Landmark Designation

Action:

Conduct a public hearing to consider an amendment to the Historic Landmark Designation Ordinance for the property known as the "Victor Shaw House" (parcel identification number 095-055-44) that would de-designate portions of the land previously included within the designation.

Staff Resource(s):

Taiwo Jaiyeoba, City Manager's Office
David Pettine, Planning, Design, and Development

Explanation

- The city has received a recommendation from the Charlotte-Mecklenburg Historic Landmarks Commission (HLC) to amend the Historic Landmark Designation Ordinance for the property known as the "Victor Shaw House" (listed under Parcel Identification Number (PID) 095-055-44, as of January 1, 2021), originally adopted by the Charlotte City Council on June 21, 2004.
- The ordinance would be amended to de-designate all of the land associated with PID 095-055-44, with the exception of the three lots bordering Mecklenburg Avenue, an area totaling approximately one acre. The three lots consist of the lot containing the historic house and the two adjacent lots immediately to the east and west of the historic house. The historic house and the three referenced lots would retain the historic landmark designation.
- Public hearings are required prior to City Council action on designation requests.
- The Victor Shaw House is located within the City of Charlotte in Council District 1.
- The recommended amendment could significantly contribute to the long-term preservation of the Victor Shaw House without appreciably impacting the remaining designated property's historic association with Victor Shaw and historic architectural prominence in Plaza-Midwood.
- The property is zoned UR-2(CD) and is located at 2400 Mecklenburg Avenue.
- The property is owned by Mecklenburg Park, LLC.
- The amount of deferrable taxes would be reduced in proportion to the approximately 1.588 acres of land recommended for de-designation from the originally designated parcel.
- 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 29, 2021, at 11:59 p.m. Any additional comments received will be provided to City Council.
- On August 9, 2021, City Council will be asked to adopt an ordinance amending the historic landmark designation for the Victor Shaw House.

Attachment(s)

Information sheet
Draft Ordinance
Amended Survey and Research Report
Record of the vote of the HLC
Summary of department review
State Historic Preservation Office comment letter
HLC Response

[Shaw House Information sheet](#)

[Shaw House Draft ordinance](#)

[Shaw House Amended survey and research report](#)

[Shaw House HLC Vote](#)

[Shaw House Summary of department review](#)

[Shaw House Amendment State Historic Preservation Office comment letter](#)

[Shaw House file memo SHPO comments](#)

11. Public Hearing on the Ervin Building Historic Landmark Designation

Action:

Conduct a public hearing to consider historic landmark designation for the property known as the "Ervin Building" (parcel identification numbers 131-111-10 and 131-111-14).

Staff Resource(s):

Taiwo Jaiyeoba, City Manager's Office
David Pettine, Planning, Design, and Development

Explanation

- The city has received a recommendation from the Charlotte-Mecklenburg Historic Landmarks Commission (HLC) to designate the Ervin Building as a local historic landmark.
- Public hearings are required prior to City Council action on designation requests.
- The Ervin Building is located within the City of Charlotte in Council District 5.
- Designation of this property could significantly contribute to its long-term preservation.
- The Ervin Building is listed under parcel identification numbers 131-111-10 and 131-111-14, and the recommended designation would include the interior and exterior of the building and the land associated with the two tax parcels.
- The property is zoned MUDD-O and is located at 4037 East Independence Boulevard.
- The property is owned by The Ervin Building LLC.
- The aggregate potential amount of deferrable taxes for the two properties would be approximately \$1,532 for the City of Charlotte taxes and \$2,716 for Mecklenburg County taxes.
- 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 29, 2021, at 11:59 p.m. Any additional comments received will be provided to City Council.
- On August 9, 2021, City Council will be asked to adopt an ordinance approving the historic landmark designation for the Ervin Building.

Attachment(s)

Information sheet
Draft Ordinance
Designation Report
Record of the vote of the HLC
Summary of department review
State Historic Preservation Office comment letter
HLC Response

[Ervin Bldg Information sheet](#)

[Ervin Bldg Draft Ord](#)

[Ervin Building Designation Report](#)

[Ervin Bldg HLC Vote](#)

[Ervin Bldg Summary of department review](#)

[Ervin Bldg State Historic Preservation Office comment letter](#)

[Ervin file memo SHPO comments](#)

12. Public Hearing on the Larkwood-Chadbourn Hosiery Mill Plant Historic Landmark Designation

Action:

Conduct a public hearing to consider historic landmark designation for the property known as the "Larkwood-Chadbourn Hosiery Mill Plant" (parcel identification number 083-067-07).

Staff Resource(s):

Taiwo Jaiyeoba, City Manager's Office
David Pettine, Planning, Design, and Development

Explanation

- The city has received a recommendation from the Charlotte-Mecklenburg Historic Landmarks Commission to designate the Larkwood-Chadbourn Hosiery Mill Plant (Plant) as a local historic landmark.
- Public hearings are required prior to City Council action on designation requests.
- The Plant is located within the City of Charlotte in Council District 1.
- Designation of this property could significantly contribute to its long-term preservation.
- The Plant is listed under parcel identification number 083-067-07, and the recommended designation would include the interior and exterior of the mill building and boiler house, the smokestack, and the land associated with the tax parcel.
- The property is zoned TOD-M (CD) and is located at 451 Jordan Place.
- The property is owned by Chadbourn Mill Owner LLC.
- The potential amount of deferrable taxes would be approximately \$7,372 for the City of Charlotte taxes and \$13,066 for Mecklenburg County taxes.
- 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 29, 2021, at 11:59 p.m. Any additional comments received will be provided to City Council.
- On August 9, 2021, City Council will be asked to adopt an ordinance approving the historic landmark designation for the Plant.

Attachment(s)

Information sheet
Draft Ordinance
Designation Report
Record of the vote of the HLC
Summary of department review
State Historic Preservation Office comment letter
HLC Response

[Larkwood-Chadbourn Mill Information sheet](#)

[Larkwood-Chadbourn Mill Draft Ord](#)

[Larkwood-Chadbourn Designation Report](#)

[Larkwood-Chadbourn Mill HLC Vote](#)

[Larkwood-Chadbourn Summary of department review](#)

[Larkwood Chadbourn SHPO letter](#)

[Larkwood file memo HLC Response](#)

13. Public Hearing on the William H. Peeps House Historic Landmark Designation

Action:

Conduct a public hearing to consider historic landmark designation for the property known as the "William H. Peeps House" (parcel identification number 121-082-08).

Staff Resource(s):

Taiwo Jaiyeoba, City Manager's Office
David Pettine, Planning, Design, and Development

Explanation

- The city has received a recommendation from the Charlotte-Mecklenburg Historic Landmarks Commission to designate the William H. Peeps House as a local historic landmark.
- Public hearings are required prior to City Council action on designation requests.
- The William H. Peeps House is located within the City of Charlotte in Council District 1.
- Designation of this property could significantly contribute to its long-term preservation.
- The William H. Peeps House is listed under parcel identification number 121-082-08, and the recommended designation would include the interior and exterior of the house and the land associated with the tax parcel.
- The property is zoned R-5 and is located at 831 East Worthington Avenue.
- The property is owned by Steven and Polly Menaker.
- The potential amount of deferrable taxes would be approximately \$1,304 for the City of Charlotte taxes and approximately \$2,311 for Mecklenburg County taxes.
- 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 29, 2021, at 11:59 p.m. Any additional comments received will be provided to City Council.
- On August 9, 2021, City Council will be asked to adopt an ordinance approving the historic landmark designation for the Plant.

Attachment(s)

Information sheet
Draft Ordinance
Designation Report
Record of the vote of the HLC
Summary of department review
State Historic Preservation Office comment letter
HLC Response

[Peeps House Information sheet](#)

[Peeps House Ord](#)

[Peeps-House-Designation-Report](#)

[Peeps House HLC Vote](#)

[Peeps House Summary of department review](#)

[Peeps House State Historic Preservation Office comment letter](#)

[Peeps House file memo HLC Response](#)

14. Public Hearing on River District Phase 1 Area Voluntary Annexation

Action:

Conduct a public hearing on the River District Phase 1 Area voluntary annexation petition.

Staff Resource(s):

Taiwo Jaiyeoba, City Manager's Office

Holly Cramer, Planning, Design, and Development

Explanation

- Public hearings to obtain community input are required prior to City Council action on annexation requests.
- A petition has been received from the owner of this 167.31-acre property.
- The property is owned by PTC-R, LLC; Crescent River District, LLC; Aubrey and Rodney Elam; Tamara Mazzucco; Moses Maurice Lehfed; Alain Jebara; Bupsong and Chong Suk Choe; Chong Cha Kim; and Crescent Communities II, LLC.
- The property is zoned MX-2, mixed-use district and MUDD-O, mixed-use development district, optional.
- The petitioned area consists of eleven parcels, parcel identification numbers 141-131-18, 141-131-19, 141-142-06, 141-142-09, 141-143-01, 141-143-02, 141-143-03, 141-143-07, 141-143-15, 113-201-01, and 113-281-48.
- The property is located within Charlotte's extraterritorial jurisdiction and shares a boundary with current city limits.
- The intent of the annexation is to enable the development of 107 single family units, 860 multi-family units, 388,000 square feet of commercial uses, and 1,219,000 square feet of non-retail commercial uses.
- 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 29, 2021, at 11:59 p.m. Any additional comments received will be provided to City Council.
- On August 9, 2021, City Council will be asked to adopt an annexation ordinance to extend the corporate limits to include these properties and assign them to the adjacent City Council District 3.

Consistency with City Council Policies

- The annexation is consistent with city voluntary annexation policies approved by the City Council on March 24, 2003:
 - Is consistent with the policy to not adversely affect the city's ability to undertake future annexations;
 - Is consistent with the policy to not have undue negative impact on city finances or services;
 - The annexation of the River District Phase 1 Area would have an immediate impact on city finances due to several one-time expenses. However, such financial investments would see a return after approximately nine years, if this property were to be annexed due to recurring revenues rendered from the annexation of this area.
 - The intent of the petitioners is to seek annexation for additional parts of the 1,400-acre River District area through subsequent annexation petitions. Future annexations have the potential to further offset one-time expenses with additional revenues.
 - Is consistent with the policy to not create unincorporated areas that will be encompassed by new city limits;
- This voluntary annexation is being recommended because the city's interests will be served by annexing the petitioned property.

Attachment(s)

Map

[River District Phase 1 Area Annexation Map](#)

POLICY

15. City Manager's Report

16. Consideration of Municipal Elections Schedule

Action:

Receive public comment on the 2021/2022 municipal elections schedule.

Committee Discussion

- On June 17, 2021, the Budget and Effectiveness Council Committee:
 - Discussed voter participation concerns and costs of both options,
 - Requested the opportunity to receive public comment on the election schedule options, and
 - Voted:
 - Four to one, not to make a Committee recommendation on the referral regarding the municipal elections schedule and to defer the discussion to full Council. (YEAS: Council members Driggs, Eiselt, and Ajmera and Johnson NAYS: Council member Graham)

Attachment(s)

Presentation excerpt from June 17, 2021 Budget and Effectiveness Council Committee meeting

[Presentation excerpt from June 17, 2021 B&E Council Committee meeting](#)

17. Update Virtual Meeting Provisions

Action:

Approve the Budget and Effectiveness Council Committee's recommendations to amend the Rules of Procedure for the Charlotte City Council by updating:

- A. Rule 28 (a) (Telephonic and electronic attendance at meetings) (Committee meetings) to amend the notice requirement for electronic attendance at Council Committee meetings from 48 hours in advance to "two hours in advance";
- B. Rule 28 (a) to amend the language for electronic attendance by deleting "when they are unable, by reason of illness or injury, to attend in person" and adding "provided that at least three members of the committee shall be present in person";
- C. Rule 28 (b) (Council meetings) to amend reasons for electronic attendance to add "or a Council member is unable to attend due to a Council member's medical condition, illness or family emergency";
- D. Rule 28 (b) to amend by adding "Council members attending electronically are entitled to vote and fully participate in the business of the Council meeting"; and
- E. Rule 5 (g) (Addressing Council) to amend by adding a subsection that "When Council is meeting in person, any member of the public who plans to address Council during the meeting shall also be present in person at the Council meeting."

Committee Chair:

Ed Driggs, Budget and Effectiveness

Staff Resource(s):

Patrick Baker, City Attorney's Office

Lina James, City Attorney's Office

Explanation

- The Rules of Procedure for the Charlotte City Council (Rules of Procedure) was most recently revised on April 8, 2019. Under the current rules:
 - Rule 28 allows for telephonic and electronic attendance at Committee meetings and Council meetings under certain conditions. This rule was added by Council on May 24, 2010 and modified on April 11, 2016.
 - Rule 5 describes the process for members of the public to address Council.
- In October 2020, Mayor Lyles referred consideration of virtual meetings and attendance under the Rules of Procedure to the Budget and Effectiveness Council Committee after Council began meeting under the remote meeting laws.
- On May 14, 2021, the Governor's Executive Order 215 lifted several pandemic-related restrictions to reflect new public health recommendations for in person gatherings; however, the statewide declaration of emergency, which authorizes remote meetings, remains in place.
- Telephonic and electronic attendance is authorized for public bodies under the North Carolina Open Meetings law apart from statewide emergency declarations.
- Amendments to the Rules of Procedure must be voted on by City Council.

Committee Discussion

- The Budget and Effectiveness Council Committee (Committee) met on December 1, 2020, January 26, June 3 and 17, 2021, to discuss virtual meetings and the Rules of Procedure.

Action A, B, C, and D

- On June 17, 2021, the Committee voted to recommend the following changes to Rule 28:
 - Unanimously to amend section (a) which required committee members to provide 48-hour notice of electronic attendance for committee meetings to 2 hours' notice.
 - Three to two to amend section (a) to require at least three committee members attend meetings in person. [YEAS: Council members Driggs, Eiselt, and Graham (left meeting early and counted as an affirmative vote) NAYS: Council members Ajmera and Johnson]
 - Unanimously to amend by adding subsection (iv) to section (b) and by adding a provision at the end. Proposed new changes are underlined:
 - **Rule 28. Telephonic and electronic attendance at meetings**
 - (a). Committee meetings. Council members may attend committee meetings by telephone or other electronic means provided that at least three members of the committee shall be present in person. Members who plan to attend by electronic means shall notify city staff at least two 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; or,
 - (iv) a Council member is unable to attend due to a Council member's medical condition, illness or family emergency.

Action E

- On June 3, 2021, the Committee voted to recommend the following changes to Rule 5:
 - Three to two to amend by adding a provision to require in person attendance to address Council when Council meets in person.
 - (YEAS: Council members Driggs, Graham, and Eiselt. NAYS: Council members Ajmera and Johnson). Proposed new section (g) is underlined:
 - **Rule 5. Addressing Council**
 - (g). When Council is meeting in person, any member of the public who plans to address Council during the meeting shall also be present in person at the Council meeting.

Attachment(s)

Rules of Procedure of the Charlotte City Council - Redline

[Council Rules of Procedure - revised Rules 5 & 28 \(6-28-2021\)](#)

18. Establish an Arts and Culture Advisory Board

Action:

Approve the Arts and Culture Ad-Hoc Committee's recommendation to establish an Arts and Culture Advisory Board.

Committee Chair:

Julie Eiselt, Arts and Culture Ad-Hoc Committee

Staff Resource(s):

Tracy Dodson, City Manager's Office

Background

- In January 2021, Mayor Lyles charged an ad-hoc committee of council members with developing a policy for arts and culture.
- The Arts and Culture Ad-Hoc Committee (Committee) met on February 8, 2021 to discuss how to refocus arts and culture resources to raise Charlotte's profile as a destination city and to address community challenges such as social justice, education, workforce development, and equitable access to opportunity.
- The recommendations were discussed by City Council on at the March 1, 2021 Strategy Session. A letter outlining these recommendations is attached.
- Staff provided a presentation to City Council at the March 3, 2021 Budget Workshop that included the recommendation to establish an Arts and Culture Advisory Board.

Explanation

- The Arts and Culture Advisory Board (the Advisory Board) will work with the Arts and Culture Officer on the following initiatives:
 - Developing a comprehensive Arts and Culture Plan,
 - Allocating remaining funds of \$4.4 million to support arts, culture, and artists in Fiscal Year (FY) 2022, and
 - Allocating \$12 million each in FY 2023 and FY 2024.
- The Arts and Culture Advisory Board will be comprised of 18 individuals, including:
 - Nine Private Sector Appointments
 - One appointment will be an Arts and Science Council Appointee.
 - Nine public sector appointments
 - Three Mayor appointments
 - Six City Council appointments
- The members will serve one, three-year term. The future of the Arts and Culture Advisory Board will be determined through the Arts and Culture Plan.
- The Mayor will appoint the Chair.
- Members must take an oath of office and are subject to City Council's Attendance and Anti-Harassment Policies and Code of Ethics, Gift Policy and Disclosure Requirements for members of boards and must file a Statement of Economic Interest by February 1st of each year.

Committee Discussion

- On June 22, 2021, the Committee unanimously approved the recommendation to establish and Arts and Culture Advisory Board as outlined above.

Attachment(s)

Arts and Culture Ad-Hoc Committee Letter

[Arts and Culture Ad Hoc Committee Letter](#)

19. Adoption of Proposed Amendments to Development-Related Ordinances

Action:

Adopt 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.
- A public hearing on the proposed amendments was held on June 14, 2021. No comments from the public were received.

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.
- The proposed effective date of these changes is July 1, 2021.

Attachment(s)

Ordinance

Exhibit A: Chapter 9 - Floodplain Regulations - Redline

Exhibit B: Chapter 11 - Housing - Redline

Exhibit C: Chapter 17 - Soil Erosion and Sedimentation Control - Redline

Exhibit D: Chapter 18, Article IV - Post-Construction Stormwater - Redline

Exhibit E: Chapter 19 - Streets, Sidewalks and Other Public Places - Redline

[Ordinance](#)

[Exhibit A: 160D Revisions Chapter 9 FLOODPLAIN REGULATIONS Rev1](#)

[Exhibit B: Chapter 11 160D changes 2021-6-8 v2](#)

[Exhibit C: Chapter 17 - Soil Erosion and Sedimentation Control](#)

[Exhibit D: Chapter 18, Article IV - Post-Construction Stormwater](#)

[Exhibit E: Chapter 19 - Streets, Sidewalks and Other Public Places](#)

BUSINESS

20. Support North Carolina Department of Transportation Safety Projects

Action:

Adopt a resolution supporting North Carolina Department of Transportation safety projects at NC 49 (South Tryon Street) at General Drive and NC 49 (South Tryon Street) at Nevada Boulevard to improve traffic safety in support of the Vision Zero Action Plan.

Staff Resource(s):

Liz Babson, Transportation
Angela Berry, Transportation

Explanation

- The North Carolina Department of Transportation (NCDOT) conducted an evaluation of crash history at the intersections of South Tryon Street and General Drive located in Council District 3 and South Tryon Street and Nevada Boulevard located in Council District 3 and found a history of angle type crashes which included three fatalities.
- The NCDOT proposes:
 - Installation of a new traffic signal at the intersection of South Tryon Street and General Drive including pedestrian signals and accessible ramps, and
 - Conversion of South Tryon Street and Nevada Boulevard to a left turn directional crossover configuration.
- NCDOT will fully fund the cost of these improvements.
- The projects require a resolution of support for the use of NCDOT High Hazard Elimination funding.
- The projects support the Vision Zero Action Plan by advancing a safe transportation system for all users.
- NCDOT anticipates beginning design in FY 2022.

Fiscal Note

NCDOT Funding

Attachment(s)

Maps
Resolution

[S Tryon & General Map](#)

[S Tryon & Nevada Map](#)

[FY21 Resolution for General and S Tryon](#)

21. Acceptance of a PetCo Love Foundation Sponsorship

Action:

Adopt a resolution to accept a sponsorship in the amount of \$150,000 from PetCo Love Foundation for the Animal Care and Control Division of the Charlotte-Mecklenburg Police Department.

Staff Resource(s):

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

Explanation

- The Animal Care and Control Division (AC&C) has been awarded a PetCo Love Foundation sponsorship in the amount of \$150,000 to expand and enhance its Foster-to-Adopt program for heartworm-positive dogs.
- AC&C maintains a high inventory of adoptable dogs that are heartworm positive. This inventory is consistent throughout the year.
- Heartworms is a treatable condition but can be cost prohibitive for the average customer. This makes heartworm-positive dogs one of the most at-risk populations in the shelter environment.
- AC&C heartworm-positive dogs are currently treated in-house by the AC&C veterinarian, while being fostered, prior to adoption.
- The number of heartworm-positive dogs that can be treated is limited to approximately 100 dogs annually due to the veterinarian's schedule. Additional heartworm-positive dogs must receive treatment from outside sources.
- This investment will increase AC&C's treatment capacity of heartworm-positive dogs by using medical vouchers in partnership with local animal hospitals as well as providing funding for alternate treatment protocols. Both options will enhance the program by allowing for the immediate adoption of the heartworm-positive dogs.
- With this sponsorship, up to 200 additional heartworm-positive dogs will be adopted and receive heartworm treatment and prevention medications.
- The sponsorship is for a one-year term from May 31, 2021, through April 30, 2022.

Fiscal Note

General Grants Fund

Attachment(s)

Resolution
Sponsorship Agreement

[Petco Love Resolution](#)

[Charlotte-Mecklenburg Animal Care and Control Sponsorship Agreement](#)

22. Animal Care and Control Services Interlocal Agreements

Action:

- A. Adopt a resolution ratifying Interlocal Agreements between Charlotte-Mecklenburg Police Department's Animal Care and Control Division and Mecklenburg County towns of Cornelius, Davidson, Huntersville, Matthews, Mint Hill, and Pineville to provide animal care and control-related services, and**
- B. Authorize the City Manager to amend the agreements consistent with the purpose for which the agreements were approved.**

Staff Resource(s):

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

Explanation

- The city has interlocal agreements with six Mecklenburg County incorporated towns (Cornelius, Davidson, Huntersville, Matthews, Mint Hill, and Pineville) for the Charlotte-Mecklenburg Police Department (CMPD) Animal Care and Control Division (AC&C) to provide animal-related services.
- Services covered under these agreements include ordinance enforcement, sheltering, animal licensing, calls for service, dispatch, billing reconciliation, and administration services related for animal bite reports.
- Services provided are based on the individual agreements and the specific needs of each jurisdiction.
- The current agreements will expire on June 30, 2021.
- The new agreements will be in effect for five years and price per call for service rate will be reviewed and adjusted annually.
- When AC&C impounds, seizes, and shelters animals, the towns are charged impound and sheltering fees to cover the costs of intake and housing of the animals.
 - In Fiscal Year (FY) 2021, the city's cost is \$200 per call for service.
 - For FY 2022, CMPD recommends adjusting the calls for service cost to \$240.
- This adjustment is based on a cost analysis of AC&C response to each call for service and represents fully allocated cost recovery for the city.

Fiscal Note

Funding: All revenue from fees received will be deposited in the city's General Fund.

Attachment(s)

Resolution

[ACCInterlocalAgreementResolution2021](#)

23. Donation of Communications Gear

Action:

Adopt a resolution authorizing the donation of communications gear to the Gastonia Police Department.

Staff Resource(s):

Johnny Jennings, Police

Steven Brochu, Police

Explanation

- North Carolina General Statute 160A-280 authorizes the donation of personal property from a city to a non-profit organization or another government unit upon adoption of a resolution by City Council.
- The Gastonia Police Department routinely provides operational support to the Charlotte-Mecklenburg Police Department (CMPD) when requested for CMPD operations.
- This communications gear will enable the Gastonia Police Department Special Weapons and Tactics Team to communicate with Gastonia Police Department's team leaders and CMPD command during joint tactical operations.
- The gear was purchased by a U.S. Department of Justice 2020 Republican Presidential Candidate Nominating Convention Grant.
- The city does not need the communications gear for current operations and capacity.
- The total estimated value of the communications gear to be donated is \$14,560.
- The Gastonia Police Department will be responsible for all maintenance and replacement costs of the donated headsets.
- The communications gear is being donated under the guidelines established by the U.S. Department of Justice for purchases made with grant funds.

Attachment(s)

Resolution

[Communications Gear Donation Resolution](#)

24. Business Investment Grant for Robinhood Markets, Inc.

Action:

Approve the city's Business Investment Grant to Robinhood Markets, Inc. for a not to exceed amount of \$157,726 over five years.

Staff Resource(s):

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

Explanation

- Robinhood Markets, Inc. (Robinhood), a fintech company headquartered in Menlo Park, CA, provides easy-to-use and low-cost financial products and services for clients including the purchase and sale of equities, options, and cryptocurrencies to retail investors via commission-free trading.
- On March 30, 2021, Robinhood announced it would locate a customer experience and account operations center in Charlotte.
- 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 Business Investment Grant (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.
- A public hearing on the Robinhood BIG was held on June 14, 2021. No comments were received from the public.

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
 - Within five years of the end of the BIP Term - 30 percent of grant payments

Fiscal Note

Funding: Business Investment Grant

25. Appropriate Private Developer Funds

Action:

- A. Adopt a budget ordinance appropriating \$185,650 in private developer funds for traffic signal installations and improvements to the General Capital Projects Fund, and**
- B. Adopt a budget ordinance appropriating \$62,500 in supplemental developer funds for traffic signal installations and improvements on projects currently under construction to the General Capital Projects Fund.**

Staff Resource(s):

Liz Babson, Transportation
Charles Abel, Transportation

Explanation

- Private developer appropriations are needed when a developer is required through the city rezoning process to make traffic signal improvements.
- Funding contributions from private developers must be appropriated prior to the city's initiation of work.
- The \$185,650 in private developer funds is for road modifications, traffic signals, traffic signal modifications, and/or upgrades, and other related work associated with the developers' projects. The funding is restricted to the projects noted below:
 - CK Arboretum Southeast, LLC contributed \$150,000 for signal improvements associated with rezoning petition 2017-057 Arboretum Mixed Use Development (Council District 7).
 - Prosperity Village TH, LLC contributed \$35,650 for signal modifications at Johnston Oehler Road and Oehler Crossing Drive (Council District 4).
- The \$62,500 in supplemental developer funds is for signal modifications and other work associated with the developer's projects. The funding is restricted to the projects noted below:
 - Northwood Development, LLC contributed \$62,500 for additional funding for signal modifications at Johnston Road and Brixham Hill Avenue (Council District 7). The original appropriation for these modifications were approved by City Council on April 12, 2021.
- These developer contributions are based on cost estimates prepared by the Charlotte Department of Transportation (CDOT).
- Any funding contributed by the developer(s) for a signal project that is unused by the city will be refunded back to the developer(s) after project completion.
- CDOT will install and operate these signals as part of the existing signal systems in the area.

Fiscal Note

Funding: Private Developer Contributions

Attachment(s)

Map

Budget Ordinance A

Budget Ordinance B

[Improvements Map](#)

[Budget Ordinance A](#)

[Budget Ordinance B](#)

26. Resolution to Close a Portion of Gloryland Avenue

Action:

Adopt a resolution 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 received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way and attaches it to the adjacent property.
- The attached resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.
- The road to be closed is located in Council District 4.
- A public hearing for this resolution was held on June 14, 2021. No comments from the public were received.

Petitioner

J Forrest Development, LLC

Attachment(s)

Map

Resolution

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

[2020-35A Resolution to Close 6.28.2021](#)

27. Resolution to Close a Portion of South Graham Street

Action:

Adopt a resolution 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 received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way and attaches it to the adjacent property.
- The attached resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.
- The road to be closed is located in Council District 3.
- A public hearing for this resolution was held on June 14, 2021. No comments from the public were received.

Petitioner

Dickerson Realty Florida, Inc.

Attachment(s)

Map

Resolution

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

[2021-17A Resolution to Close 6.28.2021](#)

28. Appointments to the Bechtler Arts Foundation Board

Action:

Appoint 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.
 - Renemary Dubois, nominated by Council members Driggs and Winston.
 - Sam Spencer, nominated by Council members Ajmera, Bokhari, Egleston, and Eiselt.

Attachment(s)

Bechtler Arts Foundation Board Applications

29. Appointments to the Charlotte Business INClusion Advisory Committee

Action:

Appoint 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.
 - Krisha Chachra, nominated by Council members Ajmera, Graham, and Phipps.
 - Stephanie Moore Hand, nominated by Council members Bokhari, Egleston, Eiselt, and Watlington.
 - Victor Perez, nominated by Council members Driggs, Johnson, Newton, and Winston.

Attachment(s)

Charlotte Business INClusion Advisory Committee Applications

30. Appointments to the Historic Landmarks Commission

Action:

Appoint residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a three-year term beginning July 17, 2021, and ending July 16, 2024.
 - David Allen, nominated by Council members Ajmera and Phipps.
 - Joshua Shope, nominated by Council members Bokhari, Egleston, and Winston.

Attachment(s)

Historic Landmarks Commission Applications

31. Appointments to the Planning Commission

Action:

Appoint 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.
 - Hamilton Cort, nominated by Council members Egleston, Eiselt, and Winston.
 - Ronnie Harvey, nominated by Council members Bokhari, Graham, Johnson, Phipps, and Watlington.

Attachment(s)

Planning Commission Applications

32. Appointments to the Zoning Board of Adjustment

Action:

Appoint 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.
 - Roderick Davis, nominated by Council members Graham and Winston.
 - Mary Kelly, nominated by Council members Eiselt, Johnson, and Newton.

Attachment(s)

Zoning Board of Adjustment Applications

CONSENT

33. Provision of Internship Program for Youth

Action:

- A. Authorize the City Manager to negotiate and execute a contract with Road to Hire in the amount of \$898,228 for provision of the Pathways program for students' internships and summer bridge experiences, and**
- B. Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Tracy Dodson, City Manager's Office
Pamela Wideman, Neighborhood Services

Explanation

- This initiative is in support of the city's on-going efforts to provide career pathways for Charlotte youth.
- Road to Hire (R2H) is a 501(c)3 non-profit organization that connects low-income young adults with onramps to sustainable careers through high school programming, paid training, college access, and life skills support.
- The City of Charlotte previously partnered with R2H on similar initiatives.
 - In September 2020, the Department of Economic Development solicited a "Workforce Partner Support Grants" process. The intention was to use CARES Act funding to support initiatives by non-profits related to career resources and job placement assistance. One organization that applied and received assistance was R2H. R2H received \$250,000 to support "Road to Hire Fellowships" which are apprenticeships that serve 18 to 25-year-olds in Charlotte.
 - R2H has also partnered with the city in providing job training and access to jobs for the North End Smart District.
- R2H's Pathways program is designed to promote economic justice for students from Charlotte's highest-poverty high schools by investing in them from that critical last year before high school graduation, to and through college or apprenticeships, and into their first two years in high-growth careers.
- City funding will be used toward:
 - Paid summer learning internships before senior year of high school: Students are paid so they can afford to spend time being exposed to high-growth career opportunities like software development, engineering, nursing, and others. Summer programming includes hands-on support for students and families as they explore college, navigate admissions, and apply for financial aid. All R2H students will complete a FAFSA with the support of Road to Hire instructors.
 - Paid Summer Bridge program: A paid, 4-week Summer Bridge program prepares rising college freshman and incoming apprentices for college life and independent living.
- A waiver of a competitive solicitation process for services may be granted on a limited basis when deemed appropriate and in the city's best interest. A waiver has been approved for these services based on collaborative partnership with Mecklenburg County on using this program to support upward mobility.
- Mecklenburg County recently approved \$884,036 in support of this program in their FY22 budget.
- The funding is projected to provide over 370 paid internships over the summer of 2021.

Charlotte Business INclusion

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

Fiscal Note

Funding: General Capital Investment Plan

34. Charlotte-Mecklenburg Police Department Firearms and Accessories Purchase

Action:

- A. Approve the purchase of firearms, simunition, and accessories from a cooperative contract,
- B. Approve a unit price contract with Craig's Firearm Supply Inc. for the purchase of firearms and simunition for a term of one year under the North Carolina Statewide Term Contract 680A- Ammunition and Firearms effective August 1, 2016,
- C. Approve a unit price contract with Lawmen's for the purchase of firearm accessories for a term of one year under the North Carolina Statewide Term Contract 680A- Ammunition and Firearms effective August 1, 2016, and
- D. Authorize the City Manager to extend the contracts for additional terms as long as the cooperative contract is in effect, at prices and terms that are the same or more favorable than those offered under the cooperative contact.

Staff Resource(s):

Johnny Jennings, Police
Sherie Pearsall, Police
Jacquelyn Bryley, Police

Explanation

- This purchase is being made in order to replace the currently issued Smith & Wesson handgun with the Glock handgun, that will serve as the Police service weapon.
- The existing firearms are reaching the end of service life. The purchase of new firearms is needed in order to ensure operability of the weapon system and product warranty.
- The Glock handgun is being recommended due to its proven reliability, durability, and overall performance in the law enforcement community.
- G.S. 143-129(e)(3) allows local governments to purchase from formally organized cooperative purchasing contracts.
- A cooperative purchasing agreement results from the consolidation and competitive solicitation of multiple public agency requirements. By aggregating common needs all agencies can leverage economies of scale, such as volume discounts, improved terms and conditions, reduced administrative costs, and access to professional and technical expertise.
- Annual expenditures are estimated to be \$996,000.

Charlotte Business INclusion

These are cooperative purchasing contracts and are exempt (Part A: Appendix 27 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Police Operating Budget

35. Housing Counseling and Education Services

Action:

- A. Approve a contract with DreamKey Partners, Inc. (formerly Charlotte-Mecklenburg Housing Partnership) to provide housing counseling and education services for an initial term of one year, 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):

Pamela Wideman, Housing and Neighborhood Services

Miles Vaughn, Housing and Neighborhood Services

Explanation

- The city desires to continue partnering with DreamKey Partners, Inc., certified by the U.S. Department of Housing and Urban Development (HUD), to provide housing counseling and education services to prospective home buyers and homeowners.
- Homeownership is a key component in creating family self-sufficiency, economic mobility, and neighborhood stabilization.
- DreamKey Partners, Inc. will provide various types of counseling and education services to first-time home buyers and homeowners, including pre-purchase education, pre-closing education, post-home ownership counseling, individual financial counseling, and foreclosure prevention counseling. Services will include the ability to offer both virtual and in-person counseling and education and employ social distancing measures.
- DreamKey Partners, Inc. will serve a minimum of 675 households annually.
- The city has been partnering with HUD-certified organizations to offer these services since 2002. The counseling and education services are available to all Charlotte low- to moderate-income households; participants in the House Charlotte down payment assistance program are required to participate to help ensure they are positioned for homeownership success.
- On April 16, 2021, the city issued a Request for Proposals (RFP) for these services; three responses were received.
- DreamKey Partners, Inc. meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$316,300.

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

36. Thermoplastic Pavement Marking Equipment

Action:

- A. Approve the purchase of thermoplastic pavement marking equipment, by the sole source exemption, and**
- B. Approve a contract with Mark Rite Lines Equipment Company Inc. for the purchase of thermoplastic pavement marking equipment as a one-time purchase.**

Staff Resource(s):

Liz Babson, Transportation

Bryan Tarlton, Transportation

Sole Source Exemption

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

Explanation

- Charlotte Department of Transportation (CDOT) maintains approximately 5,400 lane miles of city streets including the pavement markings.
- Thermoplastic is one of the materials used to install and maintain pavement markings.
- This pavement marking equipment is highly specialized with limited availability. The vendor is the only manufacturer who offers smaller, operator-ride-on units that meet CDOT's operational needs.
- The equipment being purchased includes thermoplastic applicators and hauling trailers.
- One-time expenditures are estimated to be \$360,000.

Charlotte Business INclusion

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

Fiscal Note

Funding: General Capital Equipment Fund

37. Charlotte-Mecklenburg Animal Care and Control Shelter Compliance Renovations

Action:

- A. **Approve amendment #1 in the amount of \$429,507 with Bacon Group, Inc. for architectural services, and**

- B. **Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Phil Reiger, General Services
Jennifer Smith, General Services
Kathleen Cishek, General Services

Explanation

- The Charlotte-Mecklenburg Animal Care and Control (AC&C) facility, located at 8315 Byrum Drive in Council District 3, requires improvements to maintain its compliance status as a state-approved animal welfare facility.
- Several items throughout the facility were identified by North Carolina Department of Agriculture inspections to need improvement, including heating and cooling in the kennel area, ventilation, some surfaces not impervious to moisture, additional square footage for dog and cat housing, separation of species, and repair to steel support beams.
- On January 24, 2019, the city entered into a contract with the Bacon Group, Inc. for architectural services for the AC&C facility in the amount of \$405,866.
- Under this proposed amendment for \$429,507, the Bacon Group, Inc. will continue to provide architectural design and construction administration services for remaining compliance deficiencies as well as renovations to remove ADA barriers.
- The total contract amount including amendment #1 is \$835,373 and is available within the project budget.

Charlotte Business INClusion

The city negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INClusion Policy. Bacon Group, Inc. has committed 5.50% (\$23,640) of the contract amendment amount to the following certified firm:

- Paraclete, Inc. (MBE, SBE) (\$23,640) (cost estimating services)

Fiscal Note

Funding: General Capital Investment Plan

38. Citywide Generator Maintenance and Services

Action:

- A. Approve unit price contracts with the following companies for generator maintenance and services for an initial term of three years:**
- Curtis Power Solutions, LLC,
 - National Power, LLC,
 - PowerSecure, Inc., and
- B. Authorize the City Manager to renew the contracts for up to two, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

Phil Reiger, General Services

Kay Elmore, General Services

Explanation

- The city owns more than 250 emergency standby generators at various city facilities, including fire stations, airport buildings, transportation facilities, and communication towers.
- These generators provide back-up electric service to vital facilities when commercial electric service is not available to help ensure the health and safety of building occupants and continuity of public services.
- Generators must be inspected, tested, and serviced at least once a year to maintain readiness in case of emergency.
- This contract includes routine maintenance services and on-call services as needed.
- On March 29, 2021, the city issued a Request for Proposals (RFP); six responses were received.
- The companies selected best meet the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$460,000.

Charlotte Business INclusion

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

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

Fiscal Note

Funding: Various Departments' Operating Budgets

39. Construct Sardis Lane Bridge Replacement Project

Action:

Approve a contract in the amount of \$864,174.71 to the lowest responsive bidder NJR Group, Inc. for the Sardis Lane Bridge Replacement project.

Staff Resource(s):

Phil Reiger, General Services
Jennifer Smith, General Services
Allison Brickey, General Services

Explanation

- This project includes the replacement of the existing bridge on Sardis Lane over the McAlpine Creek tributary stream between Carosan Lane and Valleybrook Road in Council District 6.
- Construction will include a new bridge, curb, gutter, sidewalk, storm drainage, and asphalt paving.
- The project is financed 80 percent with federal funding administered by the North Carolina Department of Transportation Municipal Bridge Program and 20 percent funded by the city.
- On April 26, 2021, the city issued an Invitation to Bid; three bids were received.
- NJR Group, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by third quarter 2022.

Disadvantage Business Enterprise

Established DBE Goal: 14.00%

Committed DBE Goal: 14.70%

NJR Group, Inc. exceeded the established subcontracting goal and has committed 14.70% (\$127,027) of the total contract amount to the following certified firms:

- Clear Creek of Salisbury Inc. (DBE) (\$19,869) (concrete)
- Reynolds Fence & Guardrail Inc. (DBE) (\$21,914) (guardrail)
- Martin Landscaping Co Inc. (DBE) (\$45,622) (erosion control)
- B C Cannon Co Inc. (DBE) (\$7,897) (traffic control)
- EZ Striping (DBE) (\$2,070) (pavement markings)
- RRC Concrete Inc. (DBE) (\$29,655) (concrete)

Fiscal Note

Funding: General Capital Investment Plan

Attachment(s)

Map

[Map Construct Sardis Lane Bridge Replacement Project](#)

40. Engineering Services for Rea Road Widening

Action:

Approve a contract in the amount of \$747,642 with STV Engineers, Inc. for engineering services for the Rea Road Widening Project.

Staff Resource(s):

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

Explanation

- This contract includes consultant design and construction administration services for additional northbound and southbound lanes along Rea Road from the I-485 ramps to Williams Pond Lane in Council District 7.
- This project will include improvements at the intersections of Piper Station Drive and Ballantyne Commons Parkway to increase turn lane capacity.
- On September 19, 2019, the city issued a Request for Qualifications (RFQ); 32 responses were received.
- STV Engineers, Inc. is the best qualified firm to meet the city's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- City Council will be asked to approve a construction contract at a future meeting.

Charlotte Business INclusion

The city negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business Inclusion Policy). STV Engineers, Inc. has committed 15.89% (\$118,767) of the total contract amount to the following certified firms:

- Brand Equity Marketing, LLC (MBE) (\$2,100) (public engagement)
- Stewart Engineering, Inc. (MBE) (\$116,667) (subsurface utilities engineering, pavement design, landscape architecture)

Fiscal Note

Funding: General Capital Investment Plan

Attachment(s)

Map

[Map Engineering Services for Rea Road Widening](#)

41. Land Acquisition for Tree Canopy Preservation Program

Action:

- A. Approve the purchase of an approximately 5.115-acre parcel (parcel identification number 108-042-24) located at 8015 Robinson Church Road for a purchase price of \$250,625, and**
- B. Authorize the City Manager, or his designee, to negotiate and grant a conservation easement to the Catawba Lands Conservancy.**

Staff Resource(s):

Phil Reiger, General Services
Tony Korolos, General Services
Erin Oliverio, General Services

Explanation

- This 5.115-acre parcel (parcel identification number 108-042-24) will connect the city's largest tree canopy preservation site, Doe Creek, to Robinson Church Road. This connection will provide approximately two acres of land to plant for increased canopy coverage in addition to maintenance and educational opportunities.
- The Tree Canopy Preservation Program supports the goals and initiatives outlined in City Council's Urban Forest Master Plan, adopted on September 25, 2017. The program supports the goal of canopy cover and preservation through acquisition and protection of properties that are already forested or provides planting opportunities.
- Staff negotiated the purchase price of \$250,625 with the property owner based on appraised value and the desired sales price.
- The city will donate a conservation easement to the Catawba Lands Conservancy to ensure stewardship of the tree canopy and monitoring of the property in perpetuity.
- The city's Tree Ordinance allows developers to pay into the Tree Ordinance Mitigation Fund, administered by the city, in lieu of saving trees on site. The city uses these funds for property acquisition and expenditures associated with ongoing tree preservation and maintenance.
- The Charlotte-Mecklenburg Planning Commission recommended approval of the land purchase on February 22, 2021.

Fiscal Note

Funding: Tree Ordinance Mitigation Fund

Attachment(s)

Map

[Map Land Acquisition for Tree Canopy Preservation Program](#)

42. Compressed Natural Gas for Solid Waste Services

Action:

- A. **Approve the purchase of compressed natural gas, by the sole source exemption,**
- B. **Approve a contract with Piedmont Natural Gas for the purchase of compressed natural gas for the term of seven years, and**
- C. **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):

Rodney Jamison, Solid Waste Services

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

- Solid Waste Services' (SWS) current fleet includes 31 refuse trucks that are fueled by compressed natural gas (CNG).
- On March 28, 2016, a pilot program was approved to install a CNG fueling station to provide a centralized, less expensive option than purchasing CNG elsewhere.
- The site is located on city property adjacent to the SWS facility located at 1000 Otts Street in Council District 1.
- The onsite station provides cost avoidance by reducing miles driven directly to the vendor's fueling site and results in a reduction in maintenance and fuel costs.
- CNG is a less carbon intensive fossil fuel than petroleum, producing less local air emissions, and helps to diversify the fuel sources used by city fleet
- CNG can serve as a bridge to reduce air emissions until a feasible technology using a more fully zero-carbon fuel source is available.
- Annual expenditures are estimated to be \$360,000.

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: SWS Operating Budget

43. Mallard Creek Wastewater Treatment Plant Improvements

Action:

Approve a contract with PC/Leeper, A Joint Venture in the amount of \$964,696 for Construction Manager at Risk preconstruction phase services required for the Mallard Creek Wastewater Treatment Plant Phase 1 Improvements project.

Staff Resource(s):

Angela Charles, Charlotte Water

David Czerr, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- Charlotte Water has initiated a multi-phased program spanning several years within the Mallard Creek Basin (Council District 4), which includes the capacity expansion of the Mallard Creek Wastewater Treatment Plant (WWTP) to 14.9 million gallons per day (mgd).
- On February 4, 2021, the city issued a Request for Qualifications (RFQ); five responses were received.
- PC/Leeper, A Joint Venture is the best qualified firm to meet the city's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- The project delivery method will be by Construction Manager at Risk. Pre-construction services result in the preparation of the guaranteed maximum price and also include design/construction collaboration and scheduling.
- Subsequent phases of the plant expansion will bring the Mallard Creek WWTP from 14.9 mgd to 16 mgd, and ultimately 20 mgd projected by 2035 under separate design and construction contracts.

Charlotte Business INclusion

The city has established a 10.00% MSBE project goal. Because this is a Construction Manager at Risk project, the Construction Manager has the opportunity to add Small Business Enterprise (SBE) and Minority Business Enterprise (MBE) firms throughout the life of the project (Part G: Section 2.3 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

44. CATS Silver Line Safety and Security Consultant Contract

Action:

- A. Approve a contract for up to \$866,017.84 with AECOM for safety and security certification services related to the LYNX Silver Line Light Rail project, and
- B. Authorize the City Manager to negotiate and execute amendments to the contract consistent with the purpose for which the contract was approved.

Staff Resource(s):

John Lewis, CATS

David Moskowitz, CATS

Andrew Mock, CATS

Explanation

- On April 28, 2021, the Metropolitan Transit Commission adopted a refined locally preferred alternative (LPA) for the LYNX Silver Line Light Rail project (project). The 29-mile LPA consists of light rail transit from the City of Belmont, through Center City Charlotte and the Town of Matthews, and into Union County. The project extends through Council Districts 1, 2, 3, 5, and 6.
- This action approves a contract that will support the design and evaluation process related to safety and security aspects of the project and will develop a robust safety and security certification plan. Future phases of this contract are anticipated.
- On May 28, 2020, the city issued a Request for Qualifications (RFQ); five responses were received.
- AECOM best meets the city's needs based on demonstrated competence and qualification of professional services in response to the RFQ requirements.

Disadvantaged Business Enterprise

Establish DBE Goal: 18.00%

Committed DBE Goal: 55.78%

AECOM exceeded the established subcontracting goal and has committed 55.78% (\$483,041) of the total contracted amount to the following firm(s):

- Dovetail Consulting, Inc. (DBE), (\$483,041) (Transit Safety and Security Consultant)

Fiscal Note

Funding: CATS Capital Investment Program

45. Airport Environmental Consulting and Remedial Services

Action:

- A. **Approve a contract with Hart & Hickman, PC for environmental consulting and remedial 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):

Haley Gentry, Aviation

Jack Christine, Aviation

Explanation

- This contract will provide contaminant removal and corrective actions as required by the North Carolina Department of Environmental Quality.
- On April 9, 2021, the city issued a Request for Qualifications (RFQ); ten responses were received.
- Hart & Hickman, PC best meets the city's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- Annual expenditures are estimated to be \$850,000.
- This activity is occurring on Airport property located in Council District 3.

Charlotte Business INclusion

The city negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). Hart & Hickman, PC has identified MWSBEs on its project team, and for each work order issued, will commit a percentage of the total contract amount to the following certified firms:

- Enviro-Equipment Inc. (WBE, SBE) (field testing and equipment rental)
- Sweetwater Utility Exploration LLC. (WBE, SBE) (utility locating)
- Stewart Engineering, Inc. (MBE) (land surveying)

Fiscal Note

Funding: Aviation Capital Investment Plan

46. Airport Facility and Ground Lease to FedEx

Action:

- A. **Approve a facility lease with FedEx Corporation for a cargo facility at Charlotte Douglas International Airport for a term through July 31, 2028,**
- B. **Approve a nine-year ground lease with Fedex Corporation for 1.69 acres for a parking lot development, and**
- C. **Authorize the City Manager to approve an additional five-year term for each lease and to amend the leases consistent with the purpose for which the leases were approved.**

Staff Resource(s):

Haley Gentry, Aviation

Ted Kaplan, Aviation

Explanation

- FedEx is expanding its package delivery options and needs additional space for operations. The Airport has a vacant cargo facility at 4302 Yorkmont Road, which is adjacent to their existing location at 4200 Yorkmont Road.
- The annual facility rent, ground rent, and airport services fees for the 4302 Yorkmont Road cargo facility are estimated to be \$242,460.50.
- The expiration date of the facility lease matches the expiration in Fedex's lease for the cargo located at 4200 Yorkmont Road.
- FedEx also desires to lease an adjoining 1.69 acres to develop a parking facility to support its operations.
- The annual rent and airport services fees for the ground lease is estimated to be \$37,686. The nine-year lease value is estimated to be \$376,680.
- This activity is occurring on Airport property located in Council District 3.

Fiscal Note

Funding: Revenue from the lease agreements will be deposited within Aviation's Operating Budget.

47. Airport Passenger Boarding Bridges and Ground Support Equipment Installation and Commissioning

Action:

- A. **Approve a unit price contract with AERO BridgeWorks, Inc. for the installation and commissioning of Passenger Boarding Bridges, ground support equipment, and spare parts 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):

Haley Gentry, Aviation
Jack Christine, Aviation

Explanation

- This contract provides for the procurement, installation, and commissioning of Passenger Boarding Bridges (PBB), associated ground support equipment, and spare parts.
- The Airport will add 17 PBBs to Concourse E to improve safety and security by restricting access to the ramp. The new PBBs will also provide a better passenger experience by protecting passengers from the elements during boarding and deplaning operations.
- This contract will also replace 19 PBBs on other concourses that have reached the end of their useful service life.
- On February 11, 2021, the city issued a Request for Proposals (RFP); one response was received.
- AERO BridgeWorks, Inc. meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$8,100,000.
- This activity is occurring on Airport property located in Council District 3.

Charlotte Business INclusion

The city negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). Aero BridgeWorks, Inc. has identified the following certified firm to be utilized as the project evolves:

- Besco Electric Corporation (MBE) (electrical)

Fiscal Note

Funding: Aviation Capital Investment Program

48. Airport Passenger Boarding Bridge Painting Services Contract Amendment

Action:

Approve contract amendment #2 to add \$600,000 to Charlotte Paint Company, LLC for passenger boarding bridge painting services.

Staff Resource(s):

Haley Gentry, Aviation

Jack Christine, Aviation

Explanation

- Aviation owns and maintains 96 passenger boarding bridges. Painting passenger boarding bridges extends the useful life of the bridge by applying an epoxy coating to seal and protect against corrosion and water penetration.
- On March 26, 2019, the city issued a Request for Proposals (RFP); three responses were received.
- Charlotte Paint Company, LLC best meets the city's needs in terms of experience, operations plan, staffing and equipment, and compensation, and responsiveness to RFP requirements.
- On June 10, 2019, the city entered into a three-year contract with two, one-year extension options with Charlotte Paint Company, LLC for passenger boarding bridge painting services.
- On March 21, 2021, the City Manager approved contract amendment #1 for \$42,015 for additional bridge painting services.
- This amendment will add additional funds as operational changes have allowed for increased capacity in the number of bridges that are able to be completed during the plan term.
- The total value of this contract including all amendments is \$1,092,015
- This activity is occurring on airport property located in Council District 3.

Charlotte Business INCLUSION

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

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

Fiscal Note

Funding: Aviation Operating Budget

49. Airport Project Management Services

Action:

- A. **Approve a contract with T.Y. Lin International for project management and construction administration 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):

Haley Gentry, Aviation

Jack Christine, Aviation

Explanation

- Aviation requires a qualified aviation consultant to provide project management services for various projects in support of the construction program, including airside, landside, terminal, and infrastructure projects.
- T.Y. Lin International will operate as an extension of Aviation Department staff, leading and managing projects from conceptual initiation through closeout.
- On February 5, 2021, the city issued a Request for Qualifications (RFQ); five responses were received.
- T.Y. Lin International is the best qualified firm to meet the city's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- Annual expenditures are estimated to be \$5,000,000.
- This activity is occurring on Airport property located in Council District 3.

Disadvantaged Business Enterprise

The city negotiates subcontracting participation after the firm is selected for this service contract. T.Y. Lin has identified the following firms to be utilized as the project evolves:

- Bree & Associates (DBE) (Project Management Services)

Fiscal Note

Funding: Aviation Capital Investment Plan

50. Airport Security Checkpoint Queue Management Solution

Action:

- A. **Approve a contract with CrowdVision for security checkpoint queue management 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):

Haley Gentry, Aviation

Ted Kaplan, Aviation

Explanation

- In support of safe and efficient operations, Aviation sought out qualified firms to design, install, and maintain a system to measure passengers flows at the Security Checkpoints.
- This solution provides real-time security checkpoint wait-time information to passengers and passenger movement analytics for internal use. Similar systems are used at most large airports.
- On February 24, 2021, the city issued a Request for Proposals (RFP); three responses were received.
- CrowdVision best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$160,000 in the first year and \$85,000 in subsequent years.

Charlotte Business INclusion

The city negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). CrowdVision has identified the following certified firm to be utilized as the project evolves:

- Miles Enterprise Solutions (MBE) (sensor relocation and maintenance)

Fiscal Note

Funding: Aviation Capital Investment Plan

51. Airport South Crossfield Taxiway Construction Contract

Action:

Approve a contract in the amount of \$25,154,561.65 to the lowest responsive bidder Crowder Construction Company for the Deicing Pad and South Crossfield Taxiway Project Package 3.

Staff Resource(s):

Haley Gentry, Aviation

Jack Christine, Aviation

Explanation

- The Deicing Pad and South Crossfield Taxiway Project will increase airfield operational efficiency with the construction of a new cross-field taxiway connecting the center and eastern-most runway. In addition, this project includes the extension of Taxiway F and the relocation of existing deicing pads from the cargo area to the south end of the center runway.
- The overall project consists of three packages of work. This package includes the relocation of a portion of Yorkmont Road between West Boulevard and Hangar Road, and the construction of a new taxiway bridge and associated vehicle service road bridge.
- On April 16, 2021, the city issued an Invitation to Bid; five bids were received.
- Crowder Construction Company was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be completed by the second quarter of 2023.
- This activity is occurring on Airport property located in Council District 3.

Disadvantaged Business Enterprise

Established DBE Goal: 20.00%

Committed DBE Goal: 21.75%

Crowder Construction Company exceeded the established subcontracting goal and has committed 21.75% (\$5,472,229) of the base bid amount to the following certified firms:

- Bonn-J Contracting Inc. (DBE) (\$1,982,705) (MSE wall)
- National Erectors Rebar, Inc. (DBE) (\$1,159,981) (reinforcing steel furnish and install)
- VHM Contracting LLC (DBE) (\$565,000) (demo and hauling borrow)
- Top Choice Concrete (DBE) (\$404,816) (flatwork)
- Martin Landscaping Co. Inc. (DBE) (\$391,000) (erosion and landscaping)
- Ikon Hauling, LLC (DBE) (\$267,000) (hauling stone)
- JJ Dal Supply Company, LLC (DBE) (\$248,488) (electrical supply)
- Ace Steel of North Carolina, LLC (DBE) (\$171,000) (SIP furnish and install)
- CES Group Engineers (DBE) (\$110,000) (surveying)
- Express Logistics Services, Inc. (DBE) (\$91,320) (hauling stone)
- McCain Striping Service, Inc. (DBE) (\$47,471) (striping)
- BC Cannon Co. Inc. (DBE) (\$19,098) (traffic control)
- TJC Painting Contractors (DBE) (\$12,500) (anti-graffiti coating)
- DM Conlon Inc DBA Dan Kel Concrete Cutting (DBE) (\$1,850) (electrical supply cut)

Fiscal Note

Funding: Aviation Capital Investment Program

52. Airport Roof Maintenance Services

Action:

- A. Approve unit price contracts with the following companies for roof repairs for an initial term of three years:**
- Mitten and Company,
 - Davco Roofing, and
- B. Authorize the City Manager to renew the contracts for up to two, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

Haley Gentry, Aviation

Jack Christine, Aviation

Explanation

- These contracts provide roofing repairs to the estimated five million square feet of all airport-owned facilities. Roof maintenance is essential to prevent leaking and damage to Airport property.
- On March 15, 2021, the city issued a Request for Proposals (RFP); three responses were received.
- Mitten and Company and Davco Roofing best meets the city's needs in terms of qualifications and experience, operations plan, staffing plan, and compensation.
- Annual expenditures are estimated to be \$350,000.
- This activity is occurring on airport property located in Council District 3.

Charlotte Business INClusion

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

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

Fiscal Note

Funding: Aviation Operating Budget

53. Set Public Hearing on Mallard Glen Area Voluntary Annexation

Action:

Adopt a resolution setting the public hearing for August 9, 2021, for the Mallard Glen Area voluntary annexation petition.

Staff Resource(s):

Taiwo Jaiyeoba, City Manager's Office
Holly Cramer, Planning, Design, and Development

Explanation

- The city has received a petition for voluntary annexation of private property.
- Public hearings are required prior to City Council action on annexation requests.
- This property is located within Charlotte's extraterritorial jurisdiction.
- The area proposed for annexation shares boundaries with current city limits.
- Annexation of this area will allow for more orderly land development review, extension of city services, capital investments, and future annexation processes.
- The 122.21-acre "Mallard Glen" site is located along the east side of Interstate 85, the west side of Interstate 485, and north of West Mallard Creek Church Road.
 - The property is currently vacant.
 - The petitioner has plans to develop 275 single family units.
 - The property is zoned R-3 which allows for single family residential uses.
 - The property is located adjacent to City Council District 4.
 - The petitioned area consists of two parcels, parcel identification numbers 029-111-06 and 029-111-02.

Consistency with City Council Policies

- The annexation is consistent with city voluntary annexation policies approved by the City Council on March 24, 2003:
 - Is consistent with the policy to not adversely affect the city's ability to undertake future annexations;
 - Is consistent with the policy to not have undue negative impact on city finances or services; and
 - Is consistent with the policy to not create unincorporated areas that will be encompassed by new city limits.

Attachment(s)

Map

Resolution

[Mallard Glen Area Annexation Map](#)

[Resolution for Mallard Glen Area Annexation](#)

54. Refund of Property Taxes

Action:

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$1,536.65.

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](#)

55. Meeting Minutes

Action:

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

- **May 03, 2021 City Manager's Proposed Fiscal Year 2022 Budget Presentation.**

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

56. Property Transactions - Brown Grier Road Improvement Project, Parcel #12

Action: Approve the following Acquisition: Brown Grier Road Improvement Project, Parcel #12

Project: Brown Grier Road Improvement Project, Parcel #12

Program: Brown Grier Road Improvement Project

Owner(s): Kinh S Thai and Anh Tuan Thai

Property Address: 3855 Griers Fork Drive

Total Parcel Area: 10,828 sq. ft. (0.25 ac.)

Property to be acquired by Fee: 1,340 sq. ft. (0.31 ac.) Fee Simple

Property to be acquired by Easements: 814 sq. ft. (0.019 ac.) Utility Easement, 2,146 sq. ft. (0.049 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R-4 (CD)

Use: Single-family Residential

Tax Code: 201-473-12

<https://polaris3g.mecklenburgcountync.gov/#mat=425954&pid=20147312&gisid=20147312>

Purchase Price: \$15,000

Council District: 3

57. 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 Ventruess 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&gisid=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

58. Property Transactions - Parkwood Avenue Streetscape, Parcel #23

Action: Approve the following Acquisition: Parkwood Avenue Streetscape, Parcel #23

Project: Parkwood Avenue Streetscape, Parcel #23

Program: Parkwood Avenue Streetscape

Owner(s): WPP Block Owner II L.P.

Property Address: 317 East 16th Street

Total Parcel Area: 78,049 sq. ft. (1.79 ac.)

Property to be acquired by Easements: 6,919 sq. ft. (0.159 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: TOD-UC

Use: Transit Oriented Development - Urban Center

Tax Code: 083-011-50

<https://polaris3g.mecklenburgcountync.gov/#mat=603460&pid=08301150&qisid=08301150>

Purchase Price: \$76,100

Council District: 1

Adjournment

REFERENCES

59. 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.

60. 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.

61. 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.