

City of Charlotte

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



Meeting Agenda

Monday, November 22, 2021

Council Chambers

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 ACTION REVIEW, CHARLOTTE-MECKLENBURG GOVERNMENT CENTER, REGULAR MEETING HOSTED FROM ROOM 267

This meeting will be accessible via the Government Channel, the City's Facebook page, and the City's YouTube channel.

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.

[2021-11-22 Council Agenda QA](#)

2. Action Review Agenda Overview

Staff Resource(s):

Marcus Jones, City Manager

3. Mayor's Racial Equity Initiative Report

Staff Resource(s):

Marcus Jones, City Manager

Time: Presentation - 10 minutes; Discussion - 15 minutes

Explanation

- Provide a report on the Mayor's Racial Equity Initiative.

[Mayor's Racial Equity Initiative Report](#)

4. COVID-19 Update

Staff Resource(s):

Brent Cagle, City Manager's Office

Time: Presentation - 10 minutes; Discussion - 15 minutes

Explanation

- Provide an update on the City's COVID-19 response.

[COVID-19 Update](#)

5. State Powell Bill Allocation Update

Staff Resource(s):

Ryan Bergman, Strategy and Budget
Liz Babson, Transportation

Time: Presentation - 10 minutes; Discussion - 15 minutes

Explanation

- Provide an update on the City's State Powell Bill allocation.

6. Closed Session (as necessary)

**6:30 P.M. CITY COUNCIL BUSINESS MEETING,
CHARLOTTE-MECKLENBURG GOVERNMENT CENTER,
REGULAR MEETING HOSTED FROM COUNCIL CHAMBERS**

This meeting will be accessible via the Government Channel, the City's Facebook page, and the City's YouTube channel.

Call to Order

Introductions

Invocation

Pledge of Allegiance

PUBLIC FORUM

7. Public Forum

CONSENT

- 8. Consent agenda items 26 through 44 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 Comment on the Center City 2040 Vision Plan

Action:

Receive public comments on the Center City 2040 Vision Plan.

Committee Chair:

Julie Eiselt, Transportation, Planning, and Environment

Staff Resource(s):

Taiwo Jaiyeoba, City Manager's Office

Monica Holmes, Planning, Design, and Development

Explanation

- The Center City 2040 Vision Plan (Plan) updates prior Center City Vision Plans, including the vision, goals, and focus areas to reflect the changing dynamic in Center City.
- The Plan focuses on the area within Center City Partner's Municipal Service District boundary in Council Districts 1, 2, and 3 and was created by compiling extensive input from Center City leaders, business owners, residents, and other stakeholders. It envisions a Center City that is inclusive, resilient, and diverse.

Community Input

- The project management team held multiple public meetings and facilitated several Steering Committee meetings throughout the process. Beginning in late Summer 2019 and continuing through 2020, the team had several rounds of engagement that included pop-up events, a Mobility Summit, the Innovators Action Forum, and Library Branch Outreach events. During the COVID-19 pandemic, outreach included an online community meeting in November 2020.

Plan Recommendations

- The Plan includes a refreshed vision statement, along with goals and implementation strategies to achieve that vision.
- The Plan includes 10 focus areas, inside and adjacent to Uptown Charlotte, including Second Ward, the Blue Line/Silver Line crossing, Tryon Street, Brevard Street, and the Foundry District/Cedar Yards.

Transportation, Planning, and Environment Council Committee

- Prior to Fall 2021, the Plan was presented for information at several earlier Transportation, Planning, and Environment Council Committee (Committee) meetings, including two additional meetings in 2021 and once each in 2019 and 2020.
- The Plan was presented for information and discussion at the September 22, 2021 Committee meeting.
- On October 25, 2021, the Committee voted unanimously (Council members Eiselt (Chair), Driggs, Newton, and Winston) (Vice Chair Egleston was absent) to refer the Plan to the full City Council for public comment.

Next Steps

- City Council will be asked to consider adopting the vision and recommendations in the Plan at a future City Council Business Meeting, following a recommendation by the Planning Committee.

Attachment(s)

The Center City Vision Plan can be found at www.Allin2040.com.

Presentation

[Center City 2040 Vision Plan Presentation](#)

POLICY

10. City Manager's Report

[11.22.2021 City Manager's Memo](#)

11. 2022 Federal and State Legislative Agendas

Action:

Approve the Intergovernmental Relations Committee recommendation to approve the 2022 Federal and State Legislative Agendas.

Committee Chairs:

Tariq Bokhari, Intergovernmental Relations
Braxton Winston, Intergovernmental Relations

Staff Resource(s):

Dana Fenton, City Manager's Office

Explanation

- On November 1, 2021, Intergovernmental Relations Committee Co-Chairs briefed the Mayor and City Council on the proposed 2022 Federal and State Legislative Agendas.
- The proposed 2022 Federal Legislative Agenda addresses issues relating to infrastructure and community needs and comprehensive immigration reform.
- The proposed 2022 State Legislative Agenda addresses issues relating to mobility and infrastructure and community needs.
- On November 8, 2021, staff presented the proposed 2022 Federal and State Legislative Agendas to the City Council.

Intergovernmental Relations Committee Action

- On October 18, 2021, the Intergovernmental Relations Committee voted unanimously (Bokhari, Winston, Egleston, Newton, Phipps) to recommend the issues in the 2022 Federal and State Legislative Agendas to the City Council.

Next Steps

- The approved 2022 Federal Legislative Agenda will be presented to the Mecklenburg Congressional Delegation at a time to be determined, however the Committee targeted the dates of March 6 - 9, 2022, for the briefings.
- The approved 2022 State Legislative Agenda will be presented to the Mecklenburg State Delegation at a time to be determined, however the Committee targeted the months of January through April of 2022 for the briefing.

Attachment(s)

Proposed 2022 Federal Legislative Agenda

Proposed 2022 State Legislative Agenda

[Proposed 2022 federal legislative agenda](#)

[Proposed 2022 state legislative agenda](#)

BUSINESS

12. Atrium Health Innovation District Infrastructure Reimbursement Agreements

Action:

- A. Authorize the City Manager to negotiate and execute an infrastructure reimbursement agreement with the Charlotte Innovation District Management Company for the reimbursement of costs for public infrastructure in an amount not to exceed \$60 million for public infrastructure and public parking which will be reimbursed through 90 percent of incremental City and County property taxes from a designated area over 15 years, or until fully reimbursed, whichever occurs first, and**
- B. Authorize the City Manager to negotiate and execute an infrastructure reimbursement agreement with the Charlotte Innovation District Management Company for the reimbursement of costs for public infrastructure in an amount not to exceed \$15 million for public infrastructure improvements, which is expected to be reimbursed in multiple bond referendums or payments from other municipal sources of funding.**

Staff Resource(s):

Tracy Dodson, City Manager's Office

Explanation

- Charlotte Innovation District Management Company plans to develop a \$1.5 billion medical school and innovation district on approximately 26 acres along McDowell Street between Stonewall Street and Morehead Street in Council District 1. The project will occur in multiple phases with initial phase beginning in the first half of 2022 and will provide over 900,000 square feet in education, mixed-used, and research buildings as well as housing.
- The Charlotte Innovation District Management Company sole members are Wake Forest University Health Science and Atrium Health, Inc.
- These improvements implement the City's goals of increasing economic development, increasing the local tax base, creating jobs, improving road networks and pedestrian connectivity, traffic mitigation, creating open space and placemaking opportunities, and public parking.
- During the November 1, 2021 Strategy Session meeting, the City's partnership on the project was requested. As part of this partnership, the Charlotte Innovation District Management Company committed to the following:
 - Medical school and innovation district that creates jobs and grows the healthcare industry.
 - Establish a Community Advisory Board that will ensure community benefit from the Innovation District. This will include priorities such as a comprehensive workforce and education initiatives to create a pipeline from the local community, MWSBE support, and affordable housing.
 - Establish the Bishop Battle Scholarship Fund.
 - Atrium Health will provide 14-acre site on North Tryon (located within a corridor of opportunity) adjacent to light rail for redevelopment into affordable home ownership and rental housing (30 percent Average Median Income (AMI) to market rate). Atrium will partner with Inlivan to develop the site and an adjacent 14-acres owned by Inlivan,
 - Provide target of 5 percent of Phase I housing to workforce/affordable with majority of units at 50 percent AMI and below in Innovation District, and
- Current property taxes generated by the site are \$264,111 and upon full build out it will grow to generate around \$8 million in annual property taxes.
- The Charlotte Innovation District Management Company will construct municipal infrastructure improvements within its development through the Tax Increment Grant (TIG) and City's Capital Investment Plan (CIP).

Action A:

Infrastructure Reimbursement Agreement - TIG

- \$60 million TIG that will be paid over 15 years at 90 percent of incremental City and County property taxes received from a designated area.
- The public improvements to be reimbursed under the terms of the Agreement include:
 - Transmission line relocation, public roadway and intersection improvements, grading and demo, storm culvert relocation, regional parking deck construction, and public water and sanitary sewer improvements.

Action B:

Infrastructure Reimbursement Agreement - CIP

- \$15 million in funding to the Charlotte Innovation District Management Company for public infrastructure improvements anticipated to be dispersed in payments from future Bond Referendums.
- Improvements to be made include public roadway, intersection improvements, and utility improvements.
- Under the terms of the agreement, the Charlotte Innovation District Management Company would build the public improvements and be reimbursed upon completion of said improvements to the City's standards through the CIP or other funding sources.

Charlotte Business INClusion

Prior to the City Manager executing the infrastructure reimbursement agreements, Charlotte Business INClusion will work with the Developer to negotiate and incorporate an approved MWSBE participation plan with subcontracting goals on all work tied to all phases of the agreements. (Part G, Section 2.6 of the Charlotte Business INClusion Policy).

Fiscal Note

Funding: General Capital Investment Plan, Tax Increment Grant, or Other Municipal Funding Sources

Attachment(s)

November 1, 2021 City Council Strategy Session Presentation

[11_1_21 City of Charlotte Innovation District Charlotte Presentation](#)

[Charlotte Innovation District](#)

13. Garrison Road South Infrastructure Reimbursement Agreement

Action:

- A. **Authorize the City Manager to negotiate and execute an infrastructure reimbursement agreement with McCraney Property Company in an amount not to exceed \$8,500,000 for municipal infrastructure improvements, and**

- B. **Adopt a budget ordinance transferring \$1,509,716 of capital project savings for the Garrison Road South project in the General Capital Projects Fund.**

Staff Resource(s):

Tracy Dodson, City Manager's Office
Lilias Folkes John, Economic Development

Explanation

- The McCraney Property Company is a private development site located in the Dixie Berryhill area adjacent to Council District 3.
- City Council approved the rezoning for this redevelopment on February 15, 2021, which includes 1.2 million square feet of new industrial development with strong environmental commitments.
- McCraney Property Company (the Developer) plans to redevelop approximately 150 acres on the east and west side of Garrison Road through two phases.
- The total estimated private investment related to phase one and two roadway improvements is approximately \$95 million.
- It is often advantageous for the City to have a developer construct certain infrastructure improvements that directly benefit the City and the developer. In such instances, the City enters into reimbursement agreements with developers to construct the improvements.
- Under the terms of this agreement, the Developer would build the municipal infrastructure improvements and be reimbursed upon completion.
- Municipal infrastructure improvements include design and construction of a new north-south connector road between Horton Road and Dixie River Road with a crossing over Beaver Dam Creek and right-of-way dedication to the City.
- Construction of the municipal infrastructure improvements may be completed in two phases as defined by rezoning petition 2019-173.
- Reimbursement for both phases is contingent upon the Developer's successful dedication and conveyance of right-of-way to the City.
- The phase one reimbursement is also contingent on support and approval from the Mecklenburg County Board of County Commissioners and the State of North Carolina's Department of Environmental Quality.
- These improvements will provide roadway capacity, maximize network connections and traffic mitigation, and increase economic development.

Background

- On August 23, 2021, City Council approved an amendment to a previously-approved infrastructure reimbursement agreement for the construction of West Boulevard in the Dixie Berryhill area. The amendment totaled \$1,529,716 to fund the design and construction of additional improvements required by the North Carolina Department of Transportation (NCDOT) to increase connectivity.
- Due to the cost of the additional NCDOT requirements for the West Boulevard infrastructure reimbursement agreement, \$1,509,716 of previously-approved 2016 General Obligation Bond savings is being transferred to the Garrison Road South infrastructure reimbursement agreement for a total of \$8,500,000.
- The \$1,509,716 of savings is from the previously approved South End Pedestrian and Bicycle Connector project which is no longer needed. CATS, through a public-private partnership, plans to construct a new LYNX Blue Line light rail station in the vicinity, which will accomplish all of the

South End Pedestrian and Bicycle Connector project goals. City Council approved Engineering Services for the new South End Station on September 13, 2021.

Charlotte Business INClusion

Prior to the City Manager executing the infrastructure reimbursement agreement, Charlotte Business INClusion will work with the Developer to negotiate and incorporate an approved MWSBE participation plan with subcontracting goals on all work tied to all phases of the agreement. (Part G, Section 2.6 of the Charlotte Business INClusion Policy).

Fiscal Note

Funding: General Capital Investment Plan

Attachment(s)

Map

Budget Ordinance

February 15, 2021 Approved Zoning Ordinance

[Map Garrison Road South Infrastructure Reimbursement Agreement](#)

[BO Garrison](#)

[February 15, 2021 Approved Zoning Ordinance](#)

14. Adopt a Revised Resolution Transferring City-Owned Property

Action:

Adopt a revised resolution amending the unit mix of affordable housing units to be developed by Laurel Street Residential, LLC in collaboration with Little Rock Community Development Corporation on vacant City-owned property consisting of 0.826 acres located at 705 East 7th Street (parcel identification number 080-104-02).

Staff Resource(s):

Pamela Wideman, Housing and Neighborhood Services

Miles Vaughn, Housing and Neighborhood Services

Explanation

- On July 22, 2019, City Council adopted a resolution authorizing the conveyance of City-owned land, valued at \$1,320,000, for the development of 7th Street Apartments, a mixed-income housing community located at 705 East 7th Street in Council District 1 to be developed by Laurel Street Residential, LLC in collaboration with the Little Rock Community Development Corporation.
- The developer's financing has been challenged due to the COVID-19 pandemic. As a result, Laurel Street Residential, LLC has incurred an increased funding gap that needs to be addressed.
- This action amends the resolution and addresses the funding gap by reconfiguring the Area Median Income (AMI) unit targeting, ultimately resulting in an overall increase in affordable housing units. All City AMI targeting requirements will still be met. The amended resolution makes the following revisions:
 - Number of units: 105 rather than 100,
 - 51-60 percent AMI Units: 10 rather than 20 units,
 - 61-80 percent AMI Units: 23 rather than 10 units,
 - 81-120 percent AMI Units: 52 rather than 50 units, and
 - Period of performance: five rather than three years.
- This action further supports City Council's July 22, 2019, approval of a \$1,500,000 Housing Trust Fund (HTF) allocation. This action does not further obligate the City financially or impact the Capital Investment Plan and is requested to assist the developer in meeting a funding gap.

Background

- On November 26, 2001, City Council established the HTF to provide gap-financing to assist with the development of affordable housing in Charlotte.
- On August 27, 2018, City Council adopted the Housing Charlotte Framework, which recommends expanding the supply of high-quality rental housing by building new affordable housing, preserving existing naturally occurring affordable housing and promoting family-self-sufficiency initiatives. This request for Council action supports the Council's commitment to both expanding and preserving the supply of affordable housing.
- On April 22, 2019, City Council adopted the U.S. Department of Housing and Urban Development's Annual Action Plan (Plan). The Plan:
 - Identifies the need for affordable, safe and decent housing for low and moderate-income families, and
 - Reaffirms three basic goals of the city's Housing Policy:
 - Preserve the existing housing stock,
 - Expand the supply of affordable housing, and
 - Support family self-sufficiency initiatives.
- Local HTF allocations demonstrate local alignment with state-supported affordable housing developments and allow for the leveraging of local dollars with state tax-credit allocations.
- Additionally, the use of city-owned land allows for additional leveraging of local HTF allocations. This strategy is a best practice used across the country to assist in expanding the supply of affordable housing and is consistent with the Housing Charlotte Framework, City-Owned Real Estate and

Facilities Policy, as well as the Guidelines for Evaluation and Disposition of City-Owned Land for Affordable Housing.

Attachment(s)

7th Street Apartments Resolution July 2019 (Original)

7th Street Apartments Resolution November 2021 (Revised)

[7th Street Apts Resolution ORIGINAL July 2019](#)

[7th Street Apts Resolution REVISED November 2021](#)

15. HOME Affordable Housing Developments

Action:

- A. Authorize the City Manager to negotiate and execute contracts with the following organizations for affordable housing developments funded by the federal HOME Investment Partnerships Program:**
- **CrossRoads Corporation for Affordable Housing and Community Development (\$500,000),**
 - **Lakewood Apartments/Urban Trends Real Estate, Inc. (\$2,250,000),**
 - **Habitat for Humanity for the Greater Charlotte Region (\$1,400,000), and**
- B. Authorize the City Manager to amend the contracts consistent with the purposes for which the contracts were approved.**

Staff Resource(s):

Pamela Wideman, Housing and Neighborhood Services

Miles Vaughn, Housing and Neighborhood Services

Explanation

- Each year the City of Charlotte receives a grant through the HOME Investment Partnerships Program from the U.S. Department of Housing and Urban Development (HUD).
- These funds are designed to increase homeownership and affordable housing opportunities for low and very low-income residents.
- The following proposals were provided in response to an open Request for Proposals released by Housing and Neighborhood Services requesting developments that provide innovative, affordable single- and multi-family housing options for City residents.
- These developments must be completed within the four-year time span allotted by HUD. If an organization fails to complete their development or forfeits the HOME funding for reasons of nonperformance or any other reasons identified by the City, the funds will be redistributed to other HOME-eligible developments.
- Each of the homes funded will have deed restrictions for a minimum of 15 years for homeownership and 20 years for multi-family rental and must adhere to compliance monitoring by Housing and Neighborhood Services staff.
- In response to COVID-19, HUD has waived the requirement that the City provide a match of 25 percent through September 30, 2022; expenditures after this date will require the 25 percent match.
- CrossRoads Corporation Elizabeth Heights Homeownership
 - CrossRoads Corporation, a Community Development Housing Organization, is located in the Grier Heights community in Council District 1, a rapidly changing community.
 - This funding request will allow the organization to complete five affordable homeownership opportunities in partnership with the Self-Help Community Development Corporation.
- Lakewood Apartments
 - Urban Trends Real Estate, Inc. proposes to create a 36-unit multi-family development (Lakewood Apartments) in the Lakewood community in Council District 2 for households earning 60 percent and below the area median income (AMI).
 - The development proposal has strong community support as evidenced by a community meeting held on June 13, 2019.
- Habitat for Humanity Down Payment Assistance
 - Habitat for Humanity (Habitat) is requesting funding to be used as down payment assistance to assist in creating 22 affordable homeownership opportunities.
 - Approval of this funding will assist lower income residents, with purchasing homes in neighborhoods near the City's Corridors of Opportunity.
 - All homebuyers served will be at or below 80 percent of the AMI with the majority of homebuyers earning 50 percent of the AMI.

Background

- On August 27, 2018, City Council adopted the Housing Charlotte Framework (Framework), which recommends expanding the supply of high-quality housing by building new affordable housing, preserving existing naturally occurring affordable housing, and promoting family self-sufficiency initiatives such as homeownership. The proposed projects are consistent with the Framework and utilize innovative approaches considered best practices.
- The proposed projects are consistent with the HUD Annual Action Plan (Plan) adopted by Council on April 26, 2021. The Plan:
 - Identifies the need for affordable, safe, and decent housing for low and moderate-income families, and
 - Reaffirms three basic goals of the City's housing policy:
 - Preserve the existing housing stock;
 - Expand the supply of affordable housing; and
 - Support family self-sufficiency initiatives.

HUD Contracting Requirements

The developments funded by these grants are subject to applicable HUD requirements for providing training, employment, and contracting opportunities to Section 3 residents and minority, women, and small business enterprises.

Fiscal Note

Funding: HOME Investment Partnerships Program

16. CATS Memorandum of Understanding for Allocation of Federal Transportation Funds

Action:

- A. **Adopt a resolution authorizing the City to enter into a Memorandum of Understanding with other local jurisdictions to govern the allocation of certain transportation grant funds from the Federal Transit Administration, and**
- B. **Authorize the City Manager to negotiate and approve revisions to the draft Memorandum of Understanding and to execute the final Memorandum of Understanding.**

Staff Resource(s):

John Lewis, Jr., CATS

David McDonald, CATS

Explanation

- Under federal law, certain types of transportation grant funds are provided directly by the Federal Transit Administration (FTA) to the City of Charlotte and then must be further allocated to eligible agencies within the Charlotte NC-SC Urbanized Area.
- Currently, these eligible agencies are the Charlotte Area Transit System in Charlotte, Mecklenburg Transportation System in Mecklenburg County, Iredell County Area Transportation System in Iredell County, Union County Transportation in Union County, and Transit services administered by the Rock Hill-Fort Mill Area Transportation Study in York and Lancaster Counties in South Carolina.
- Decisions about how to allocate these funds are made by the Charlotte Regional Transportation Planning Organization (CRTPO). Federal law requires that those allocations be made by the CRTPO in accordance with a process that ensures each jurisdiction has input. The proposed Memorandum of Understanding (MOU) establishes that process.
- The MOU includes an agreed-upon formula that has been adopted by the CRTPO to use in allocating funds among the jurisdictions that are parties to it. The formula considers fixed guideway, bus incentive, low-income population, bus vehicle revenue miles, population, and ridership in the calculation of the shares of federal funding.
- Each year, based on the agreed-upon formula in the MOU and on information about the various jurisdictions from the national transit database, the CRTPO will prepare a draft allocation of available FTA funds. Each jurisdiction then will have an opportunity to comment on the proposed allocation before it is given final approval by the CRTPO to govern the final allocation of funds.
- The CRTPO approved this formula and the process within the MOU by a unanimous vote on July 21, 2021.
- Estimated allocation is as follows:
 - Charlotte Area Transit System \$ 17,689,782,
 - Iredell County Area Transportation System \$701,590,
 - Mecklenburg Transportation System \$ 1,232,820,
 - Union County Transportation \$969,420, and
 - Rock Hill-Fort Mill Area Transportation \$150,000.

Attachment(s)

Resolution

Draft MOU

Map

[Federal MOU Resolution](#)

[Draft MOU](#)

[Urbanized Area Map](#)

17. Exchange of Land Rights along the LYNX Light Rail Corridor with East West Station Retail LP

Action:

- A. **Adopt a resolution authorizing an exchange of land rights between the City of Charlotte and East West Station Retail LP or its successors and assigns ("Property Owner") involving parcel identification number 121-015-04,**
- B. **Authorize the City Manager to execute all necessary documents to complete the exchange of land rights between the City of Charlotte and Property Owner, and**
- C. **Adopt a budget ordinance appropriating \$287,934 from East West Station Retail LP for full and fair consideration of CATS-owned property in the CATS Capital Investment Plan Fund.**

Staff Resource(s):

John Lewis, Jr., CATS

John Howard, CATS

Explanation

- The Property Owner is proposing to build a 23-story commercial development ("Development") in South End near the intersection of East Boulevard and Camden Road, adjacent to the LYNX East/West Station, in Council District 3.
- In order to construct the Development, the Property Owner requires use of some of the City's excess LYNX right-of-way. The City's ownership of the LYNX right-of-way between Scaleybark and Uptown is a "charter" right-of-way that the City originally purchased from Norfolk Southern Railroad.
- The City's right-of-way is approximately 130 feet wide, which is wider than necessary for the City's use and development of the LYNX Blue Line and Rail Trail. Therefore, per the City's Administrative Policy, the City generally retains approximately 70 feet in width while allowing the excess right-of-way of approximately 30 feet on either side to be used by the adjacent Property Owner to facilitate transit supportive redevelopment.
- In order to construct the Development, the Property Owner must also relocate certain fixtures owned by the City, including a decorative water fountain, bike racks, and two Overhead Catenary System poles which are a part of the LYNX Rail System.
- The Property Owner will exchange property rights with the City for full and fair consideration as required by law. Fair consideration can be any combination of cash, real property, or personal property and other benefits.
- The exchange is recommended for the following reasons:
 - The Property Owner will convey approximately 13,687 square feet of that portion of the rail corridor used by LYNX and the Rail Trail to the City and will be required to reconstruct and maintain the City's Rail Trail on this property, as well as certain other improvements and aesthetic enhancements outlined in a license agreement. The Property Owner will also be required to install certain ADA improvements to enhance the accessibility of the LYNX East/West Station. To bring this transaction to the standard of full and fair consideration, as required by North Carolina law, the Property Owner must also remit to the City \$287,934. The property, improvements, maintenance obligations, and remittance have a total combined value of approximately \$742,500.
 - The City will release approximately 8,250 square feet of excess right-of-way, valued at approximately \$742,500, to the Property Owner. Additionally, the City will execute a License Agreement, and other similar documents, with the Property Owner that requires the Property Owner to construct and maintain the Rail Trail as described above and allows for the construction of the Development.

Background

- The Council-adopted Transit Station Area Plans define development standards for property adjacent

to the rail corridor and envision that excess right-of-way will be incorporated into adjacent transit supportive development. Alternatively, the excess right of way may be retained by the City as buffer if needed.

Fiscal Note

Funding: Proceeds from the exchange will be deposited in the CATS Capital Investment Plan.

Attachment(s)

Map

Resolution

Budget Ordinance

[Map](#)

[Resolution](#)

[CATS Land Exchange Budget Ordinance](#)

18. Sale of City-Owned Property on Walkers Ferry Road

Action:

- A. Adopt a resolution approving the sale of approximately 8.620 acres of City-owned property on Walkers Ferry Road (parcel identification numbers 113-361-21, 113-361-22, 113-361-23, 113-361-20, 113-361-69, 113-361-24, 113-361-70, 113-361-13, 113-361-14, 113-361-15, 113-361-16, and 113-361-17) to 8301 Old Dowd Road, LLC for \$546,000, and**
- B. Authorize the City Manager to negotiate and execute all documents necessary to complete the sale of the property.**

Staff Resource(s):

Haley Gentry, Aviation

Ted Kaplan, Aviation

Explanation

- Aviation is selling Master Plan parcels on Walkers Ferry Road located in Council District 3. These parcels are no longer needed for airport purposes. The sale is made up of 12 vacant parcels of land currently zoned R-3 and totaling approximately 8.620 acres. As part of this sale, Aviation is requesting to rezone these parcels to I-2 to be compatible with future development plans for the property.
- Aviation will ensure that disposal of this subject property will be used in a manner that is compliant with airport operations as provided in Federal Aviation Administration (FAA) regulation and policy.
- Aviation has acquired multiple parcels of land located along Walkers Ferry Road as part of the Master Plan/Storm Water Management Plan.
- Aviation received an offer to purchase this property.
- On July 2, 2021, Aviation advertised this offer to purchase to solicit any upset bids during a 10-day period, and no upset bids were received.
- Aviation contracted with two appraisers to complete independent appraisals to determine fair market value of the property.
- This sale is contingent upon FAA approval.

Fiscal Note

Funding: Proceeds from the sale will be deposited in the Aviation Capital Investment Plan.

Attachment(s)

Map

Resolution

[Walkers Ferry Map](#)

[Walkers Ferry Road Resolution](#)

19. Naturally Occurring Affordable Housing Rental Subsidy Request at Maple Way Apartments

Action:

- A. **Approve a Naturally Occurring Affordable Housing Rental Subsidy Program reimbursement request to allocate funds over a 20-year period for nine new long-term rental subsidies at Maple Way Apartments for households earning 30 percent and below the area median income, and**
- B. **Authorize the City Manager to negotiate, execute, amend, and renew contracts as needed and consistent with the purpose for which the program was approved, with**
 - **McAlway NOAH, LLC (Maple Way Apartments), and**
 - **Socialserve.**

Staff Resource(s):

Pamela Wideman, Housing and Neighborhood Services

Explanation

- On November 8, 2021, City Council approved the guidelines for the Naturally Occurring Affordable Housing (NOAH) Rental Subsidy Program (Program Guidelines).
- McAlway NOAH, LLC, an affiliate of Ascent Housing, (Owner) acquired Maple Way Apartments in October 2021 and will create new long-term rental subsidies for 30 percent Area Median Income (AMI) households (currently \$25,250/family of four).
 - Maple Way Apartments is a 60-unit existing multi-family affordable housing development located at 1012 McAlway Road in Council District 5 comprised of:
 - 18 units at or below 30 percent AMI,
 - 12 units at or below 50 percent AMI,
 - 18 units at or below 60 percent AMI, and
 - 12 units at or below 80 percent AMI.
- Of the 18 total units set aside for 30 percent AMI households, the Owner has agreed to specifically set aside nine units for 30 percent AMI households who do not have existing vouchers or other forms of rental assistance for 20 years.
- To create new, long-term rent subsidies for these nine units, the city is being asked to commit to annual funding for the length of the property's 20-year deed restriction at an amount not to exceed the development's annual City property tax bill. The maximum amount of the reimbursement will be adjusted each year in correspondence with the actual amount of the current year's property taxes. In 2021, the development's City property tax bill is \$15,138 (parcel 157-109-76).
- The rental subsidies will pay the difference between what the resident household can afford (30 percent of their income) and the lesser of the property's asking rent or Fair Market Rent.
- Funds will be provided to Socialserve, a local non-profit organization, who will identify eligible tenants and administer the rental subsidy on behalf of the City.
- Additionally, pursuant to the Program Guidelines, the Owner has agreed to:
 - Allocate a minimum of 80 percent of all units to residents earning 80 percent AMI (currently \$67,350/family of four) and below, with the majority of units set aside for 60 percent AMI (currently \$50,520/family of four) and below, through a 20-year long-term deed restriction,
 - Distribute rental subsidies evenly across one-bedroom, two-bedroom, and three-bedroom units as applicable, and
 - Commit to housing new residents who qualify for the rental subsidy as units come available through natural turnover to avoid displacement.
- On October 5, 2021, Mecklenburg County approved the Owner's request to provide rental subsidies for the County's portion of the property taxes for 20 years.

Background

- In August 2018, City Council adopted the Housing Charlotte Framework which recommends

preserving NOAH properties and aligning local resources to support opportunities to use rental subsidies to support target populations, particularly in areas with strong pathways to opportunity. Rental subsidies reduce housing instability for low-income families; improve outcomes for children; and help to reduce poverty, homelessness, and other hardships.

- On September 27, 2021, City Council approved a \$1,400,000 Housing Trust Fund allocation for Maple Way Apartments.

Fiscal Note

Funding: General Capital Investment Plan

20. Naturally Occurring Affordable Housing Rental Subsidy Request at the Pines on Wendover Apartments

Action:

- A. **Approve a Naturally Occurring Affordable Housing Rental Subsidy Program reimbursement request to allocate funds over a 20-year period for six new long-term rental subsidies at the Pines on Wendover Apartments for households earning 30 percent and below the area median income, and**

- B. **Authorize the City Manager to negotiate, execute, amend, and renew contracts as needed and consistent with the purpose for which the program was approved with**
 - **Wendover NOAH, LLC (Pines on Wendover Apartments), and**
 - **Socialserve.**

Staff Resource(s):

Pamela Wideman, Housing and Neighborhood Services

Explanation

- On November 8, 2021, City Council approved the guidelines for the Naturally Occurring Affordable Housing (NOAH) Rental Subsidy Program (Program Guidelines).
- Wendover NOAH, LLC, an affiliate of Ascent Housing, (Owner) acquired the Pines on Wendover Apartments in September 2021 and will create new long-term rental subsidies for 30 percent Area Median Income (AMI) households (currently \$25,250/family of four).
 - Pines on Wendover Apartments is a 44-unit existing multi-family affordable housing development located at 630 North Wendover Road in Council District 1 comprised of:
 - 13 units at or below 30 percent AMI,
 - 22 units at or below 60 percent AMI, and
 - Nine units at or below 80 percent AMI.
- Of the 13 total units set aside for 30 percent AMI households, the Owner has agreed to specifically set aside six units for 30 percent AMI households that do not have existing vouchers or other forms of rental assistance for 20 years.
- To create new, long-term rent subsidies for these six units, the City is being asked to commit to annual funding for the length of the property's 20-year deed restriction at an amount not to exceed the development's annual City property tax bill. The maximum amount of the reimbursement will be adjusted each year in correspondence with the actual amount of the current year's property taxes. In 2021, the development's City property tax bill is \$14,726 (parcel 157-097-09).
- The rental subsidies will pay the difference between what the resident household can afford (30 percent of their income) and the lesser of the property's asking rent or Fair Market Rent.
- Funds will be provided to Socialserve, a local non-profit organization, who will identify eligible tenants and administer the rental subsidy on behalf of the City.
- Additionally, pursuant to the Program Guidelines, the Owner has agreed to:
 - Allocate a minimum of 80 percent of all units to residents earning 80 percent AMI (currently \$67,350/family of four) and below, with the majority of units set aside for 60 percent AMI (currently \$50,520/family of four) and below, through a 20-year long-term deed restriction,
 - Distribute rental subsidies evenly across one-bedroom, two-bedroom, and three-bedroom units as applicable, and
 - Commit to housing new residents who qualify for the rental subsidy as units come available through natural turnover to avoid displacement.
- On October 5, 2021, Mecklenburg County approved the Owner's request to provide rental subsidies for the County's portion of the property taxes for 20 years.

Background

- In August 2018, City Council adopted the Housing Charlotte Framework which recommends preserving NOAH properties and aligning local resources to support opportunities to use rental

subsidies to support target populations, particularly in areas with strong pathways to opportunity. Rental subsidies reduce housing instability for low-income families; improve outcomes for children; and help to reduce poverty, homelessness, and other hardships.

- On, July 19, 2021, City Council approved a \$1,050,000 Housing Trust Fund allocation for the Pines on Wendover Apartments.

Fiscal Note

Funding: General Capital Investment Plan

21. Naturally Occurring Affordable Housing Rental Subsidy Request at Shamrock Gardens Apartments

Action:

- A. Approve a Naturally Occurring Affordable Housing (NOAH) Rental Subsidy Program reimbursement request to allocate funds over a 20-year period for 40 new long-term rental subsidies at Shamrock Gardens Apartments for households earning 30 percent and below the area median income, and**
- B. Authorize the City Manager to negotiate, execute, amend, and renew contracts as needed and consistent with the purpose for which the program was approved, with**
- **Shamrock NOAH, LLC (Shamrock Gardens Apartments), and**
 - **Socialserve**

Staff Resource(s):

Pamela Wideman, Housing and Neighborhood Services

Explanation

- On November 8, 2021, City Council approved the guidelines for the Naturally Occurring Affordable Housing (NOAH) Rental Subsidy Program (Program Guidelines).
- Shamrock NOAH, LLC, an affiliate of Ascent Housing, (Owner) proposes to acquire and renovate the Shamrock Gardens Apartments and will create new long-term rental subsidies for 30 percent Area Median Income (AMI) households (currently \$25,250/family of four).
 - Shamrock Gardens Apartments is a 265-unit existing multi-family affordable housing development located at 3779 Michigan Avenue in Council District 1 comprised of:
 - 80 units at or below 30 percent AMI,
 - 53 units at or below 50 percent AMI,
 - 80 units at or below 60 percent AMI, and
 - 52 units at or below 80 percent AMI.
- Of the 80 total units set aside for 30 percent AMI households, the Owner has agreed to specifically set aside 40 units for 30 percent AMI households who do not have existing vouchers or other forms of rental assistance for 20 years.
- To create new, long-term rent subsidies for these 40 units, the City is being asked to commit to annual funding for the length of the property's 20-year deed restriction at an amount not to exceed the development's annual City property tax bill. The maximum amount of the reimbursement will be adjusted each year in correspondence with the actual amount of the current year's property taxes. In 2021, the development's City property tax bill is \$69,543 (parcels 099-014-10, 099-014-16, 099-051-04, 099-052-28, and 099-014-11).
- The rental subsidies will pay the difference between what the resident household can afford (30 percent of their income) and the lesser of the property's asking rent or Fair Market Rent.
- Funds will be provided to Socialserve, a local non-profit organization, who will identify eligible tenants and administer the rental subsidy on behalf of the City.
- Additionally, pursuant to the Program Guidelines, the Owner has agreed to:
 - Allocate a minimum of 80 percent of all units to residents earning 80 percent AMI (currently \$67,350/family of four) and below, with the majority of units set aside for 60 percent AMI (currently \$50,520/family of four) and below, through a 20-year long-term deed restriction,
 - Distribute rental subsidies evenly across one-bedroom, two-bedroom, and three-bedroom units as applicable, and
 - Commit to housing new residents who qualify for the rental subsidy as units come available through natural turnover to avoid displacement.
- On October 5, 2021, Mecklenburg County approved the Owner's request to provide rental subsidies for the County's portion of the property taxes for 20 years.

Background

- In August 2018, City Council adopted the Housing Charlotte Framework which recommends preserving NOAH properties and aligning local resources to support opportunities to use rental subsidies to support target populations, particularly in areas with strong pathways to opportunity. Rental subsidies reduce housing instability for low-income families; improve outcomes for children; and help to reduce poverty, homelessness, and other hardships.
- On, September 27, 2021, City Council approved a \$6,000,000 Housing Trust Fund allocation for Shamrock Gardens Apartments.

Fiscal Note

Funding: General Capital Investment Plan

22. Nominations to the Arts and Science Council Advisory Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term for a District Six South and East Advisory Council Representative beginning upon appointment and ending June 30, 2022. (Nomination by Council member Tariq Bokhari)
 - Lawrence Shaheen has resigned.

Attachment(s)

Arts and Science Council Advisory Committee Applications

23. Appointments to the Bicycle Advisory Committee

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 January 1, 2022, and ending December 31, 2024.
 - Paula Broadwell, nominated by Council members Driggs, Eiselt, and Winston.
 - Lindsay McCleary, nominated by Council members Bokhari and Egleston.

Attachment(s)

Bicycle Advisory Committee Applications

24. Appointments to the Community Relations Committee

Action:

Appoint residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term beginning upon appointment and ending September 30, 2023.
 - Toya Bailey, nominated by Council members Bokhari, Egleston, and Phipps.

Attachment(s)

Community Relations Committee Applications

25. 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 partial term beginning upon appointment and ending January 31, 2024.
 - Padma Bulusu, nominated by Council members Ajmera and Phipps.
 - Tarik Hameed, nominated by Council members Bokhari and Egleston.

Attachment(s)

Zoning Board of Adjustment Applications

CONSENT

26. Citywide Overhead Door Maintenance and Services

Action:

- A. Approve a unit price contract with Carolina Door Specialties, Inc. for overhead door maintenance and services for an initial term of three years, and**
- B. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

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

Explanation

- The City owns approximately 250 sectional, rollup, rolling steel doors, rolling and bi-fold hangar doors, rolling grills, and commercial fire doors.
- Carolina Door Specialties, Inc. will provide maintenance and repair services for doors located in police stations, fire stations, Charlotte Area Transit facilities, Aviation facilities, Charlotte Water facilities, cultural facilities, and other City facilities.
- On August 17, 2021, the City issued a Request for Proposals (RFP); three responses were received.
- Carolina Door Specialties, Inc. best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$400,000.

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

27. Citywide Vehicles and Equipment Cooperative Purchasing Contracts

Action:

- A. Approve the purchase of vehicles and equipment from cooperative contracts,
- B. Approve unit price contracts with the following vendors for the purchase of vehicles and equipment for a term of one year under the North Carolina Sheriff's Association (NCSA):
- Amick Equipment Co. Inc. (NCSA Contract 22-06-0426),
 - Knapheide Truck Equipment (NCSA Contract 22-06-0426),
 - Capital Chevrolet (NCSA Contract 22-08-0913),
 - Capital Ford (NCSA Contract 22-08-0913),
 - Four Seasons Ford (NCSA Contract 22-08-0913),
 - Modern Chevrolet of Winston-Salem (NCSA Contract 22-08-0913),
 - Performance Ford (NCSA Contract 22-08-0913),
 - Piedmont Truck Center (NCSA Contract 22-08-0913),
- C. Approve a unit price contract with the following vendor for the purchase of vehicles and equipment for a term of one year under Sourcewell:
- Altec Industries (Sourcewell Contract 012418-ALT), and
- D. Authorize the City Manager to extend the contracts for additional terms as long as the cooperative contracts are in effect, at prices and terms that are the same or more favorable than those offered under the cooperative contracts.

Staff Resource(s):

Phil Reiger, General Services

Kay Elmore, General Services

Chris Trull, General Services

Explanation

- City vehicles and equipment are assessed on an annual basis to determine replacement needs based on a rating of vehicle usage, age, maintenance costs, and condition.
- Vehicles and equipment being purchased include but are not limited to light-duty hybrid SUVs and electric sedans, heavy-duty cab and chassis, street maintenance equipment, sewer cleaning equipment, mini excavators, skid steers, utility vehicles, forklifts, and heavy-duty construction equipment.
- NC General Statute Section 143-129(e)(3) allows local governments to purchase from formally organized cooperative purchasing contracts.
- A cooperative purchasing agreement results from the consolidation and competitive solicitation of multiple public agency requirements. By aggregating common needs all agencies are able to leverage economies of scale, such as volume discounts, improved terms and conditions, reduced administrative costs, and access to professional and technical expertise.
- Annual expenditures are estimated to be \$4,734,000.

Charlotte Business INclusion

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

Fiscal Note

Funding: General and Enterprise Capital Equipment Funds

28. Curbside Residential Recycling Collection Services Contract Amendment

Action:

Approve a contract amendment to extend a contract with Waste Management of Carolinas, Inc. for curbside residential recycling collection services for a term up to 13 months.

Staff Resource(s):

Rodney Jamison, Solid Waste Services

Explanation

- On June 23, 2008, City Council adopted a resolution to execute an agreement with Mecklenburg County that establishes a system for the management of recyclables, yard waste, and refuse generated by the residents of the City of Charlotte.
- On December 8, 2014, City Council awarded a seven-year contract, expiring August 30, 2022, for the collection and proper disposal of recyclables for over 225,000 curbside residential households to Waste Management of Carolinas, Inc.
- The contract extension will support ongoing recycling requirements while a new competitive solicitation is conducted for a long-term recycling collection solution.
- A waiver of solicitation has been approved for these services to allow for continuity of services.
- The cost of services, under this extension, is an annual increase of three percent from the original contract.
- Estimated expenditures for a 13-month period are \$8,700,000.

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: Solid Waste Services Operating Budget

29. CATS Cummins Bus Engines and Cummins Bus Engine Parts

Action:

- A. Approve a unit price contract to the lowest responsive bidder Cummins inc. for the purchase of Cummins engines and Cummins engine parts for the CATS bus fleet for an initial three-year term, 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 the purpose for which the contract was approved.**

Staff Resource(s):

John Lewis, Jr., CATS

Allen C. Smith III, CATS

Jennifer Fehribach, CATS

Explanation

- This contract will provide replacement Cummins engines and Cummins engine parts for the maintenance of the CATS bus fleet.
- On August 27, 2021, CATS issued an Invitation to Bid; three bids were received.
- Cummins inc. was selected as the lowest responsive, responsible bidder.
- Bus engines and engine parts will be purchased on an as-needed basis under the contract terms.
- Annual expenditures are estimated to be \$650,000 for Cummins engine parts and \$750,000 for Cummins Engines.

Disadvantaged Business Enterprise (DBE)

No goals shall be established on Contracts where: (a) there are no subcontracting opportunities identified for the Contract; or (b) there are no DBEs certified to perform the scopes of work that the City regards as realistic opportunities for subcontracting.

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

Fiscal Note

Funding: CATS Operating Budget

30. Airport Automated Screening Lanes Contract Amendment

Action:

- A. **Approve contract amendment #2 for \$3,955,000 to the contract with Vanderlande Industries, Inc. for automated screening lanes, including four years maintenance and warranty for Checkpoint 1 equipment,**
- B. **Approve the transfer of the automated screening lanes without monetary consideration to the Transportation Security Administration as authorized under NC General Statute Section 160A-274 and approve all contracts related to this transfer, and**
- C. **Approve contract amendment #2 for \$144,958 to the contract with Leidos, Inc. for equipment movement of Transportation Security Equipment.**

Staff Resource(s):

Haley Gentry, Aviation

Jack Christine, Aviation

Background

- Aviation is undergoing a Terminal Lobby Expansion project to renovate the existing terminal lobby and checkpoints. During construction, certain checkpoints will be required to close putting additional strain on the remaining checkpoints.
- Automated Screening Lanes (ASL) provide higher passenger checkpoint throughput than standard lanes and will help to maintain checkpoint wait times while the number of checkpoints is reduced during renovations.
- This activity is occurring on Airport property, located in Council District 3.

Explanation

Actions A and B

- On October 28, 2019, City Council approved a contract in the amount of \$3,651,000 with Vanderlande Industries, Inc. for five ASL systems, including four years maintenance and warranty for Checkpoint E equipment.
- On February 1, 2020, the City Manager approved contract amendment #1 in the amount of \$23,250 for additional design services.
- This amendment provides six additional ASL systems for Checkpoint 1 and provides them to the Transportation Security Administration (TSA) for its use in place of the standard equipment used to screen passenger's bags at the checkpoint.
- The new total amount of the contract, including amendment #2, will be \$7,629,250.

Action C

- On May 4, 2020, the City Manager approved a contract in the amount of \$84,283 with Leidos, Inc. for equipment movement of Transportation Security Equipment for Checkpoint E equipment.
- On October 13, 2020, the City Manager approved contract amendment #1 in the amount of \$371,333 for additional services required to test the new Checkpoint 1 security equipment.
- This amendment provides for equipment movement and testing for the Checkpoint 1 equipment.
- The new total amount of the contract, including amendment #2, is estimated to be \$600,574.

Charlotte Business INclusion

No subcontracting goal was established for this Amendment because there are no subcontracting opportunities (Part D: Section 6 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Aviation Capital Investment Plan

31. Airport Civil Engineering Consultation Services

Action:

Approve a contract for civil engineering consultation services with the following vendors for a three-year term:

- WSP USA Inc.,
- Delta Airport Consultants Inc.,
- Talbert, Bright & Ellington Inc.,
- RS&H Architects Engineers Planners Inc., and
- HNTB North Carolina PC.

Staff Resource(s):

Haley Gentry, Aviation

Jack Christine, Aviation

Explanation

- Aviation requires engineering consultation, design services, and construction administration for terminal, cargo, airfield, and landside site development facilities.
- The pricing for these services is based on the size and nature of the requested task order service.
- On February 28, 2020, the City issued a Request for Qualifications (RFQ); 13 responses were received.
- The companies selected are best qualified to meet the City's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- Total estimated expenditures across all contracts over the three-year term are \$7,500,000.
- This activity is occurring on Airport property, located in Council District 3.

Disadvantaged Business Enterprise/Charlotte Business INclusion

There are no subcontracting goals associated with this selection. However, DBE and/or MWSBE goals will be negotiated as scopes of work are assigned. Aviation will monitor goal achievement throughout the life of the contract.

Fiscal Note

Funding: Aviation Capital Investment Plan

32. Airport Roadway Relocation Construction

Action:

Approve a contract in the amount of \$8,990,058 to the lowest responsive bidder Blythe Development Co. for the North End-Around Taxiway Private Access Drive construction project.

Staff Resource(s):

Haley Gentry, Aviation

Jack Christine, Aviation

Explanation

- This contract will provide for the construction of a new roadway to allow customers to exit Long Term 1, as well as provide access to the terminal for deliveries. Completion of this work will allow a portion of Old Dowd Road which conflicts with the North End-Around Taxiway project to be taken out of service.
- This work will include roadway, storm drainage, traffic signal, fiber installation, water and sewer relocation, landscaping, and parking lot infill construction to create additional parking spaces in the Long Term 1 parking lot.
- On August 23, 2021, the City issued an Invitation to Bid; seven bids were received.
- Blythe Development Co. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by fourth quarter FY 2023.
- This activity is occurring on Airport property, located in Council District 3.

Disadvantaged Business Enterprise

Established DBE Goal: 20.00%

Committed DBE Goal: 18.02%

Blythe Development Co. failed to meet the established subcontracting goal but demonstrated that they met Good Faith Efforts in accordance with CFR49 Part 26.53. Blythe Development Co. has committed 18.02% (\$1,620,250) of the total contract amount to the following certified firms:

- Express Logistics (DBE) (\$789,525) (hauling)
- RRC Concrete (DBE) (\$600,300) (concrete)
- Roadmasters (DBE) (\$83,800) (traffic control, signs)
- Martin Landscaping (DBE) (\$66,752) (seeding, matting)
- McCain Striping Service (DBE) (\$54,225) (pavement markings)
- The Sharon Company (DBE) (\$25,648) (steel beam guardrail)

Fiscal Note

Funding: Aviation Capital Investment Plan

33. Airport Terminal Atrium Renovations

Action:

Approve a contract in the amount of \$6,023,775 to the lowest responsive bidder Edison Foard, Inc. for the Atrium Life Safety Upgrades and Improvements project.

Staff Resource(s):

Haley Gentry, Aviation

Jack Christine, Aviation

Explanation

- On January 14, 2019, City Council approved a contract with Gresham Smith to provide the design services required to address enhancements for circulation, egress, life safety, and mechanical systems for the atrium area of the terminal.
- This project will upgrade the fire protection system throughout the Atrium, Mezzanine, and Airline Club Space; and will also install LED lighting, signage, wayfinding improvements, and additional Flight Information Displays in the Atrium.
- On September 7, 2021, the City issued an Invitation to Bid; one bid was received.
- On September 28, 2021, the project was re-advertised for bid; two bids were received.
- Edison Foard, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by fourth quarter 2023.
- This activity is occurring on Airport property, located in Council District 3.

Charlotte Business INclusion

Established SBE Goal: 5.00%

Committed SBE Goal: 5.21%

Edison Foard, Inc. exceeded the established subcontracting goal and has committed 5.21% (\$313,564) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- D.E. Walker Construction Co (SBE) (\$170,000) (displays and mounts)
- Providence Paint Company (SBE) (\$134,064) (painting)
- Green Commercial Cleaning (MBE, SBE) (\$9,500) (final clean for AA club)

Established MBE Goal: 5.00%

Committed MBE Goal: 24.43%

Edison Foard, Inc. exceeded the established subcontracting goal and has committed 24.43% (\$1,471,500) of the total contract amount to the following certified firm (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Besco Electrical (MBE) (\$1,471,500) (electrical)

Fiscal Note

Funding: Aviation Capital Investment Plan

34. Airport Traffic Services Contract

Action:

- A. **Approve a contract with ACTS Airport Services, Inc. for airport traffic 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

- Aviation is responsible for providing a safe, secure, and efficient terminal curbside environment for passenger drop-off and pick-up activities at Charlotte Douglas International Airport.
- ACTS Airport Services, Inc. will provide traffic control services to ensure proper movement of private and commercial vehicles in the terminal curbside areas.
- On September 14, 2021, the City issued a Request for Proposals (RFP); one response was received.
- ACTS Airport Services, Inc. meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$3,000,000.
- 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). ACTS Airport Services, Inc has identified the following certified firm and will use this firm when the contract is activated:

- Professional Security Services (MBE) (17.20%) (traffic control officers)

Fiscal Note

Funding: Aviation Operating Budget

35. Replacement of Charlottenc.gov Website

Action:

- A. **Authorize the City Manager to negotiate and execute a contract with Granicus, LLC to replace, implement, and maintain charlottenc.gov;**
- B. **Authorize the City Manager to approve price adjustments and to amend the contract consistent with the purpose for which the contract was approved; and**
- C. **Authorize the City Manager to purchase such additional software licenses, modules, services, maintenance, and support as required to maintain the system for as long as the City uses the system.**

Staff Resource(s):

Reenie Askew, Innovation and Technology
Jason Schneider, Charlotte Communications and Marketing

Explanation

- The City's public-facing website, charlottenc.gov, is currently built and managed on Microsoft SharePoint 2013 and has been on this platform in earlier versions since the late 1990s.
- The website includes pages for elected officials and all City departments, including those that are uniquely branded such as Charlotte Water, the Charlotte Area Transit System, and the Charlotte-Mecklenburg Police Department.
- The City and residents will benefit from an updated user interface that is simpler and easier to use, allows for integration with other digital platforms, and facilitates social engagement opportunities.
- On May 27, 2021, the City issued a Request for Proposals (RFP); eight responses were received.
- Granicus, LLC best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$360,000 for the first year and \$120,000 each year thereafter.
- As a result of this website replacement, residents will benefit from a more robust and user-friendly site.

Charlotte Business INClusion

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

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

Fiscal Note

Funding: General Capital Investment Plan and Innovation and Technology Operating Budget

36. Set a Public Hearing on Creekside Grove Subdivision Area Voluntary Annexation

Action:

Adopt a resolution setting a public hearing for January 10, 2022, for the Creekside Grove Subdivision 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 development review, extension of City services, capital investments, and future annexation processes.
- The 3.579-acres "Creekside Grove Subdivision" site is located along the east side of Hood Road and the south side of Plaza Road in eastern Mecklenburg County.
 - The property is currently vacant.
 - The petitioner has plans to develop 10 single-family detached units on the site.
 - The property is zoned R-4, which allows for single-family residential uses.
 - The property is located immediately adjacent to Council District 5.
 - The petitioned area consists of a portion of one parcel: parcel identification number (PID) 111-011-09. Most of this parcel is already located within City Limits; the annexation area would bring the rest of the parcel into City limits.

Consistency with City Council Policies

- The annexation is consistent with the following 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; and
 - Is consistent with the policy to not have undue negative impact on City finances or services.
- The annexation is inconsistent with the policy to not create unincorporated areas that will be encompassed by new City limits; however, the petitioner is unable to acquire PID 111-011-08 and the parcel is unusable for the petitioner's planned development.
- This annexation petition is recommended for approval because despite encompassing PID 111-011-08 with new City limits, the proposed annexation will have a positive impact on City resources and aid the future development of the area.

Attachment(s)

Map

Resolution

[Creekside Grove Subdivision Area Annexation Map](#)

[Resolution for Creekside Grove Subdivision Area Annexation](#)

37. Refund of Property Taxes

Action:

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$78,815.58.

Staff Resource(s):

Teresa Smith, 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

[Resolution](#)

[List of Taxpayers](#)

38. Meeting Minutes

Action:

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

- **October 4, 2021 Strategy Session, and**
- **October 11, 2021 Business Meeting.**

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

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

PROPERTY TRANSACTIONS

39. Property Transactions - Brown Grier Road Improvement Project, Parcel #16

Action: Approve the following Acquisition: Brown Grier Road Improvement Project, Parcel #16

Project: Brown Grier Road Improvement Project, Parcel #16

Program: Brown Grier Road Improvement Project

Owner(s): Charlotte Mecklenburg Board of Education

Property Address: 4000 Gallant Lane

Total Parcel Area: 1,431,701 sq. ft. (32.87 ac.)

Property to be acquired by Fee: 65,274 sq. ft. (1.50 ac.) Fee Simple

Property to be acquired by Easements: 12,936 sq. ft. (0.297 ac.) Utility Easement, 87 sq. ft. (0.002 ac.) Storm Drainage Easement, 15,593 sq. ft. (0.358 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: R-3

Use: Single-family Residential

Tax Code: 201-471-02

<https://polaris3g.mecklenburgcountync.gov/#mat=119647&pid=20147102&gclid=20147102>

Purchase Price: \$119,241

Council District: 3

40. Property Transactions - DeArmon Road Improvements, Parcel #3

Action: Approve the following Condemnation: DeArmon Road Improvements, Parcel #3

Project: DeArmon Road Improvements, Parcel #3

Program: DeArmon Road Improvements

Owner(s): Progress Residential Borrower 1 LLC

Property Address: 8626 Galena View Drive

Total Parcel Area: 5,776 sq. ft. (0.13 ac.)

Property to be acquired by Easements: 571 sq. ft. (0.013 ac. Temporary Construction Easement

Structures/Improvements to be impacted: N/A

Landscaping to be impacted: Trees and bushes

Zoned: R-6 (CD)

Use: Single-family Residential

Tax Code: 027-712-09

<https://polaris3g.mecklenburgcountync.gov/#mat=207282&pid=02771209&gisid=02771209>

Appraised Value: \$5,900

Property Owner's Concerns: None

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

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

Council District: 4

41. Property Transactions - DeArmon Road Improvements, Parcel #16

Action: Approve the following Acquisition: DeArmon Road Improvements, Parcel #16

Project: DeArmon Road Improvements, Parcel #16

Program: DeArmon Road Improvements

Owner(s): Nicole R Harbor

Property Address: 5231 Eagle Creek Drive

Total Parcel Area: 8,743 sq. ft. (0.20 ac.)

Property to be acquired by Fee: 34 sq. ft. (0.008 ac.) Fee Simple

Property to be acquired by Easements: 1,818 sq. ft. (0.042 ac.) Utility Easement, 870 sq. ft. (0.02 ac.) Sidewalk Utility Easement, 939 sq. ft. (0.022 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Sign

Landscaping to be impacted: Trees and shrubs

Zoned: R-3

Use: Single-family Residential

Tax Code: 027-063-33

<https://polaris3g.mecklenburgcountync.gov/#mat=348472&pid=02706333&qisid=02706333>

Purchase Price: \$66,275

Council District: 4

42. Property Transactions - DeArmon Road Improvements, Parcel #21

Action: Approve the following Condemnation: DeArmon Road Improvements, Parcel #21

Project: DeArmon Road Improvements, Parcel #21

Program: DeArmon Road Improvements

Owner(s): Crown Atlantic Company LLC

Property Address: 12430 DeArmon Road

Total Parcel Area: 574,380 sq. ft. (13.19 ac.)

Property to be acquired by Fee: 20,314 sq. ft. (0.47 ac.) Fee Simple

Property to be acquired by Easements: 1,016 sq. ft. (0.023 ac.) Utility Easement, 3,512 sq. ft. (0.081 ac.) Storm Drainage Easement, 1,325 sq. ft. (0.03 ac.) Slope Easement, 7,844 sq. ft. (0.18 ac.) Sidewalk Utility Easement, 6,617 sq. ft. (0.152 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: N/A

Zoned: INST (CD)

Use: Institutional (Conditional Zoning)

Tax Code: 027-062-04

<https://polaris3g.mecklenburgcountync.gov/#mat=26719&pid=02706204&qisid=02706204>

Appraised Value: \$32,650

Property Owner's Concerns: The property owner is concerned about the potential impacts to the property.

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

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

Council District: 4

43. Property Transactions - DeArmon Road Improvements, Parcel #36

Action: Approve the following Condemnation: DeArmon Road Improvements, Parcel #36

Project: DeArmon Road Improvements, Parcel #36

Program: DeArmon Road Improvements

Owner(s): Manochehr Ghahhari and Claudia Sandra Jacobs

Property Address: 12301 DeArmon Road

Total Parcel Area: 183,006 sq. ft. (4.23 ac.)

Property to be acquired Fee: 12,839 sq. ft. (0.29 ac.) Fee Simple

Property to be acquired by Easements: 2,452 sq. ft. (0.056 ac.) Utility Easement, 1,559 sq. ft. (0.036 ac.) Storm Drainage Easement, 3,681 sq. ft. (0.085 ac.) Slope Easement, 1,814 sq. ft. (0.042 ac.) Sidewalk Utility Easement, 6,121 sq. ft. (0.141 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Split rail fence and parking area light

Landscaping to be impacted: Tree

Zoned: R-3

Use: Single-family Residential

Tax Code: 027-072-19

<https://polaris3g.mecklenburgcountync.gov/#mat=27189&pid=02707219&gisid=02707219>

Appraised Value: \$46,025

Property Owner's Concerns: The property owner is concerned about the design of the project.

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

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

Council District: 4

44. Property Transactions - DeArmon Road Improvements, Parcel #37 and 39

Action: Approve the following Condemnation: DeArmon Road Improvements, Parcel #37 and 39

Project: DeArmon Road Improvements, Parcel #37 and 39

Program: DeArmon Road Improvements

Owner(s): Prosperity Village Homeowners Association

Property Address: 12400 and 12545 Jessica Place

Total Parcel Area: 770,823 sq. ft. (17.70 ac.)

Property to be acquired by Fee: 218 sq. ft. (0.005 ac.) Fee Simple

Property to be acquired by Easements: 10,075 sq. ft. (0.231 ac.) Utility Easement, 1,581 sq. ft. (0.036 ac.) Storm Drainage Easement, 1,456 sq. ft. (0.033 ac.) Slope Easement, 6,649 sq. ft. (0.153 ac.) Sidewalk Utility Easement, 3,215 sq. ft. (0.074 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: R-8 MF (CD)

Use: Multi-family Residential

Tax Code: 027-073-83 and 027-074-84

<https://polaris3g.mecklenburgcountync.gov/#mat=435662&pid=02707383&qsid=02707383>

<https://polaris3g.mecklenburgcountync.gov/#pid=02707384&qsid=02707384>

Appraised Value: \$72,425

Property Owner's Concerns: The property owner is concerned about the potential impacts to the property.

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

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

Council District: 4

ZONING HEARINGS

45. Rezoning Petition: 2021-114 by Appaloosa Real Estate Partners

Location: Approximately 3.55 acres located on the southwest side of Ridge Road and northeast side of Interstate 485, west of Mallard Creek Road. (Council District 4 - Johnson)

Current Zoning: R-3 (single-family residential)

Proposed Zoning: B-D (CD) (business distribution, conditional)

Staff Recommendation:

Staff recommends APPROVAL of this petition upon resolution of outstanding issues related to transportation.

Attachments:

Pre-Hearing Staff Analysis

Site Plan

[2021_114_PHSA_DONE](#)

[2021_114_RevSitePlan_2021_10_11](#)

46. Rezoning Petition: 2021-117 by Jeffrey Weiskopf

Location: Approximately 21.4 acres located west of the intersection of Moss Road and Yorkridge Drive. (Council District 3 - Watlington)

Current Zoning: R-9MF (CD) & R-15MF (CD) (multi-family residential, conditional)

Proposed Zoning: R-17MF (multi-family residential)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

Pre-Hearing Staff Analysis

[2021_117_PHSA_DONE](#)

47. Rezoning Petition: 2021-121 by Anthony Fox

Location: Approximately 1.69 acres located on the east side of North Tryon Street, north of University City Boulevard, and west of East W.T. Harris Boulevard. (Council District 4 - Johnson)

Current Zoning: B-2 (general business)

Proposed Zoning: TOD-CC (transit-oriented development - community center)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

Pre-Hearing Staff Analysis

[2021_121_PHSА_DONE](#)

48. Rezoning Petition: 2021-122 by Kairol Residential

Location: Approximately 7.20 acres located along the south side of Clanton Road, north side of Blairhill Road, east of Interstate 77. (Council District 3 - Watlington)

Current Zoning: B-1 (neighborhood business)

Proposed Zoning: TOD-NC (transit-oriented development - neighborhood center)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

Pre-Hearing Staff Analysis

[2021_122_PHSА_DONE](#)

49. Rezoning Petition: 2021-123 by Mill Creek Residential Trust

Location: Approximately 3.03 acres located on the east side of South Tryon Street, north of Clanton Road, and west of South Boulevard. (Council District 3 - Watlington)

Current Zoning: TOD-TR (transit-oriented development - transition)

Proposed Zoning: TOD-NC (transit-oriented development - neighborhood center)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

Pre-Hearing Staff Analysis

[2021_123_PHSА_DONE](#)

50. Rezoning Petition: 2021-124 by Judson Stringfellow; JDSI, LLC

Location: Approximately 7.53 acres located on the west side of East W.T. Harris Boulevard, north of Albemarle Road, and south of Hickory Grove Road. (Council District 5 - Newton)

Current Zoning: R-12MF (CD) (multi-family residential, conditional)

Proposed Zoning: R-8 (single-family residential)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

Pre-Hearing Staff Analysis

[2021_124_PHSА_DONE](#)

51. Rezoning Petition: 2021-126 by North Carolina Kenworth, Inc. dba. MHC Kenworth

Location: Approximately 5.57 acres located on the south side of east Westinghouse Boulevard, east of Nations Ford Road, and west of Downs Road. (Council District 3 - Watlington)

Current Zoning: I-2 (CD) (general industrial, conditional)

Proposed Zoning: I-1 (CD) (light industrial, conditional)

Staff Recommendation:

Staff recommends APPROVAL of this petition upon resolution of outstanding technical issues related to site and building design.

Attachments:

Pre-Hearing Staff Analysis

Site Plan

[2021_126_PHSА_DONE](#)

[2021_126_siteplarev_21_10_11](#)

52. Rezoning Petition: 2021-130 by DRB Group

Location: Approximately 5.6 acres located on Rozzelles Ferry Road between Coronet Way and Bungalow Road. (Council District 2 - Graham)

Current Zoning: I-1 (CD) (light industrial, conditional) and R-22MF (multi-family residential)

Proposed Zoning: UR-2 (CD) (urban residential, conditional)

Staff Recommendation:

Staff recommends APPROVAL of this petition upon resolution of an outstanding issue related to transportation and requested technical revisions related to the environment and site and building design.

Attachments:

Pre-Hearing Staff Analysis

Site Plan

[2021_130_PHSА_DONE](#)

[2021_130_SitePlanRev_10_11_2021](#)

53. Rezoning Petition: 2021-131 by West Morehead Ventures, LLC

Location: Approximately 0.48 acres located on the eastern quadrant of the intersection of Harding Place and Kenilworth Avenue, west of South Kings Drive. (Council District 1 - Egleston)

Current Zoning: MUDD-O PED (mixed-use development, optional, pedestrian overlay)

Proposed Zoning: O-2 PED (office, pedestrian overlay)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

Pre-Hearing Staff Analysis

[2021_131_PHSА_DONE](#)

54. Rezoning Petition: 2021-132 by EEA-Wildwood, LLC

Location: Approximately 16.58 acres located on the west side of Scaleybark Road, north of East Woodlawn Road, and east of Murrayhill Road. (Council District 1 - Egleston)

Current Zoning: R-12MF (CD) (multi-family residential, conditional)

Proposed Zoning: R-17MF (CD) (multi-family residential, conditional)

Staff Recommendation:

Staff recommends APPROVAL of this petition upon resolution of outstanding issues related to transportation.

Attachments:

Pre-Hearing Staff Analysis

Site Plan

[2021_132_PHSА_DONE](#)

[2021_132_REV_SitePlan_2021_10_11](#)

55. Rezoning Petition: 2021-134 by Greg Finnican

Location: Approximately 1.41 acres located at the southwest intersection of Statesville Road and Motorsports Lane, south of Cindy Lane, and east of Interstate 77. (Council District 2 - Graham)

Current Zoning: B-2 (general business)

Proposed Zoning: I-1 (light industrial)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

Pre-Hearing Staff Analysis

[2021_134_PHSА_DONE](#)

56. Rezoning Petition: 2021-187 by Dowell Finch

Location: Approximately 27.34 acres located east of Pavilion Boulevard, north of Harris Houston Road, and south of North Tryon Street. (Council District 4 - Johnson)

Current Zoning: MX-2 (CD) (mixed-use district, conditional)

Proposed Zoning: R-3 (single-family residential)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

Pre-Hearing Staff Analysis

[2021_187_PHSА_DONE](#)

57. Rezoning Petition: 2021-095 by Kenjoh Outdoor

Location: Approximately 2.85 acres located along the southeast interchange of Interstate 77 and Interstate 85, west of Statesville Avenue. (Council District 1 - Egleston)

Current Zoning: I-1 (CD) (light industrial, conditional)

Proposed Zoning: I-1 (light industrial)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

Pre-Hearing Staff Analysis

[2021_095_PHSА_DONE](#)

Adjournment

REFERENCES

58. 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.

59. 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.

60. 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.