

# **City of Charlotte**

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



## **Meeting Agenda**

**Monday, April 11, 2022**

**Council Chamber**

### **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 also 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.

[2022-4-11 Council Agenda QA](#)

### **2. Action Review Agenda Overview**

**Staff Resource(s):**

Marcus Jones, City Manager

### **3. Action Review Items**

#### **7th and North Tryon Update**

**Staff Resource(s):**

Tracy Dodson, City Manager's Office

**Time:** Presentation - 15 minutes; Discussion - 15 minutes

**Explanation**

- Provide an update on the 7th and North Tryon redevelopment project.

[7th and North Tryon Update](#)

### **4. Closed Session (as necessary)**

**6:30 P.M. CITY COUNCIL BUSINESS MEETING,  
CHARLOTTE-MECKLENBURG GOVERNMENT CENTER,  
COUNCIL CHAMBER**

*Call to Order*

*Introductions*

*Invocation*

*Pledge of Allegiance*

## **PUBLIC FORUM**

### **5. Public Forum**

## **CONSENT**

- 6. Consent agenda items 21 through 53 may be considered in one motion except for those items removed by a Council member. Items are removed by notifying the City Clerk.**

Consideration of Consent Items shall occur in the following order:

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

## **AWARDS AND RECOGNITIONS**

### **7. Fair Housing Month Proclamation**

**Action:**

Mayor Lyles will read a proclamation recognizing April 2022 as Fair Housing Month.

## PUBLIC HEARING

### 8. Public Hearing on the Proposed Fiscal Year 2023 Annual Action Plan for Housing and Community Development

**Action:**

Conduct a public hearing on the proposed Fiscal Year 2023 Annual Action Plan for Housing and Community Development.

**Staff Resource(s):**

Shawn Heath, City Manager's Office  
Rebecca Hefner, Housing and Neighborhood Services

**Policy**

- The U.S. Department of Housing and Urban Development (HUD) mandates the development of an Annual Action Plan (Plan) to receive federal funding for housing and community development activities.
- The Plan describes the City's use of HUD funding during fiscal year 2023 and is consistent with the City's Housing Charlotte Framework to preserve existing housing, expand supply of low- and moderate-income housing, and support family self-sufficiency.

**Community Input**

- A draft copy of the Plan was published to the City's website with paper copies available by request. The documents were available in English and Spanish when requested.
- Public forums were held virtually on February 15 and February 17, 2022. During the forums, staff provided an overview of the Action Plan, answered participants' questions, and provided residents with opportunities to make comments.
- The Plan can be found at <https://charlottenc.gov/HNS/Housing/Strategy/Documents/>.

**Explanation**

- The Plan includes housing and community development needs and resources for the City and the Regional Housing Consortium.
- The Regional Housing Consortium is a partnership among the City; Mecklenburg County; and the towns of Cornelius, Pineville, Matthews, Mint Hill, Huntersville, and Davidson.
- In fiscal year (FY) 2023, the City expects to receive the following federal funding allocations, totaling \$12,596,929 (funding amounts are estimates based on prior fiscal year allocations; actual FY 2023 funding amounts are expected to be released in the next few weeks):
  - Community Development Block Grant: \$5,866,405,
  - HOME Investment Partnerships: \$3,191,443,
  - Emergency Solution Grants: \$509,569, and
  - Housing Opportunity for Persons with AIDS: \$3,029,512.

**Next Steps**

- City Council will be asked to approve the Plan at its May 9, 2022 Business Meeting.

**Attachment(s)**

Proposed FY 2023 Annual Action Plan for Housing and Community Development - Executive Summary

[FY23 AAP Executive Summary Draft](#)

## 9. Public Hearing on Airport 2022 General Airport Revenue Bonds and Bond Anticipation Notes

### Action:

- A. Conduct a public hearing related to the issuance of General Airport Revenue Bonds and Revenue Bond Anticipation Notes to provide permanent financing for projects listed below, and**
- B. Adopt resolutions authorizing and approving the issuance of General Airport Revenue Bonds up to \$425,000,000 and Revenue Bond Anticipation Notes up to \$300,000,000 and calling for the execution and delivery of various documents necessary to complete the sale.**

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

Haley Gentry, Aviation  
Teresa Smith, Finance  
Matthew Hastedt, Finance

### **Explanation**

- At its March 28, 2022 Business Meeting, City Council authorized the application to the Local Government Commission (LGC) for debt issuance to fund Aviation Capital Investment Plan projects and to refund existing debt.
- At its March 28, 2022 Business Meeting, City Council set a public hearing for General Aviation Revenue Bonds (GARBs) expected to be issued in May 2022.
- The 2022 GARBs will provide long-term financing for the following or other similar projects which are part of the Aviation Capital Investment Plan:
  - Terminal Lobby Expansion,
  - Terminal Lobby Expansion - Canopy, and
  - Terminal Lobby Expansion - Roof.
- The 2022 Bond Anticipation Notes will provide short-term financing for the following or other similar projects:
  - Concourse A Expansion Phase 2,
  - Federal Inspection Facility Renovations,
  - North End Around Taxiway and Relocation,
  - Taxiway F Extension, Deice Pad, and Taxiway South Cross Field, and
  - Concourse E Dual Taxilanes.
- Long- and short-term financing authorized by these actions is secured by Airport revenue, and the Airport's signatory airlines have approved the projects.
- Prior to issuing this debt, a third-party feasibility study will be completed to indicate that sufficient revenues are forecasted to be available to repay the debt.
- With the City Council approval, it is anticipated the LGC will approve this action at its May meeting.
- Internal Revenue Service regulations require a public hearing on new, tax-exempt, debt-funded projects.
- Action B provides approval to the City Manager and the Authorized Officers named in the Resolution to take necessary actions to complete the financing and related documentation for the life of debt.

### **Fiscal Note**

Funding: Airport Debt Service Fund

### **Attachment(s)**

TEFRA Notice  
Series Resolutions



[TEFRA Notice](#)

[Series Resolution \(including Appendix A\) - City of Charlotte NC Airport Revenue Bonds Series 2022AB](#)

[Series Resolution \(including Appendix A\) - City of Charlotte NC Airport Revenue BAN 2022](#)

## **POLICY**

### **10. City Manager's Report**

[04.11.22 City Manager's Memo](#)

## **BUSINESS**

## 11. North Greenville Infrastructure Reimbursement Agreement

### Action:

- A. Authorize the City Manager to negotiate and execute an infrastructure reimbursement agreement with The Drakeford Company in an amount not to exceed \$2,214,718 for public infrastructure, which is expected to be reimbursed through 45 percent of incremental City and County property taxes from a designated area over 15 years, or until fully reimbursed, whichever occurs first, and**
- B. Adopt a resolution approving an Interlocal Agreement with Mecklenburg County for the Greenville North Infrastructure Reimbursement Agreement.**

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

Tracy Dodson, City Manager's Office

### **Explanation**

- The Drakeford Company (Developer) has proposed to develop a pedestrian-oriented multi-use redevelopment on approximately seven acres located at the southwest corner of Statesville Avenue and Oaklawn Avenue in Council District 1. The redevelopment will comprise a mix of the following uses - approximately 20,000 square feet of commercial space and 92 attached residential units. The residential units will be a mix of for-sale and for-rent units.
- The development, which is located within the City's Corridors of Opportunity, will further the City's goals of increasing economic development, increasing accessibility to neighborhoods serving commercial amenities for the surrounding neighborhoods, improving pedestrian and vehicular connectivity, and creating open space and placemaking opportunities.
- Once complete, the development will increase the supply of housing and provide options for a mix of household incomes. The development will also increase access and pedestrian connectivity for residents of surrounding communities to and through the site for neighborhood serving retail (including food and beverage tenant(s)).
- The Developer will commit to offering at least 10 percent of the total residential units available for households earning 60 to 100 percent of the Area Median Income (AMI). Five percent of the total residential units available for households earning 60 to 80 percent of the AMI and five percent of the total residential units available for households earning 80 to 100 percent of the AMI.
  - The Developer will accept Housing Choice Vouchers for units reserved for households earning 60 to 80 percent of AMI.

### Action A:

Infrastructure Reimbursement Agreement - Tax Increment Grant (TIG)

- The Developer has requested reimbursement of an amount not to exceed \$2,214,718 in public infrastructure improvements.
- The development qualifies for a 15-year, 45 percent TIG in the form of an Infrastructure Reimbursement Agreement (Agreement).
- The public improvements to be reimbursed under the terms of the Agreement include:
  - Construction of two public streets and on-street parking,
  - Construction of streetscape and sidewalk improvements, including pedestrian lighting, along the perimeter of the site, and
  - Construction of relevant utility connections and relocation of applicable utility poles.
- Under the terms of the Agreement, the Developer will build the public improvements and will be reimbursed through 45 percent of incremental City and County property taxes from a designated area over 15 years.
- Additional provisions of the Agreement include:
  - Up to \$2,214,718 (City \$798,905 and County \$1,415,813) in reimbursed infrastructure cost with an interest cost of carry equivalent to the City's cost of funds,
  - The Developer must request first grant payment within four years after the completion of the

public improvements, and

- TIG term ends at 15 years, or when the grant payments equal a present value equal to 2,214,718, whichever occurs first.

Action B:

- The reimbursement arrangement requires the City and County to execute an interlocal agreement, which obligates the County to pay 45 percent of the incremental County property taxes from the designated area to the City during the term of the agreement.
- The City will remit such payment annually to The Drakeford Company.
- The Mecklenburg County Board of County Commissioners unanimously approved its portion of the agreement at its April 5, 2022 meeting.

**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 agreements. (Part G, Section 2.6 of the Charlotte Business INClusion Policy).

**Fiscal Note**

Funding: Tax Increment Grant

**Attachment(s)**

Resolution

[Drakeford Interlocal Resolution](#)

## 12. SouthPark Municipal Service District

### **Action:**

**Adopt an ordinance approving the creation of the SouthPark Municipal Service District.**

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

Tracy Dodson, City Manager's Office

### **Policy**

- State law allows cities to create municipal service districts (MSDs) to promote economic development and/or provide services at a higher level in the district than provided for the entire City.
- Urban development/redevelopment areas are one of the municipal services for which a district can be created.
- MSDs are funded through an assessment on all property owners within the district boundaries. All the money raised by the MSD assessment must be spent on district enhancement programs.
- The City currently has MSDs in Center City, South End, and University City.

### **Explanation**

- According to NC General Statute Section 160A-537(f), "no ordinance defining a service district as provided for in this section shall be finally adopted until it has been passed at two meetings of the city council by majority vote of the voting members present, and no service district shall be defined except by ordinance."
- At the March 28, 2022 Business Meeting, City Council unanimously adopted the ordinance approving the creation of the SouthPark Municipal Service District.
- This action requests the second of two required approvals by City Council.
- Upon this approval, the MSD will be finally adopted with an effective date of July 1, 2022.
- In 2016, members of SouthPark's business community began discussions to create a municipal service district (MSD) in the SouthPark area to enhance the economic vitality of the area.
- SouthPark Community Partners is the leading business and community advocacy group for the creation of the SouthPark MSD. This group of business and community leaders have participated in SouthPark studies and intend to lead efforts to enhance the SouthPark community. City of Charlotte staff have served as support to the group as they explore the establishment of an MSD.
- Since 2000, there have been several studies completed to address the future of SouthPark. Implementation strategies in each plan have recommended the use of an MSD as an effective and appropriate tool to support a successful vision for SouthPark. Completed SouthPark publications include:
  - 2000: Charlotte City Council's SouthPark Small Area Plan,
  - 2010: City of Charlotte's Centers, Corridors, and Wedges Growth Framework,
  - 2016: Urban Land Institute's (ULI) SouthPark: Envisioning a More Walkable, Multimodal, Future for SouthPark,
  - 2018: City of Charlotte's Community Neighborhood Improvement Plan (CNIP), and
  - 2019: The Loop Framework Plan.
- Following a review of several options, the proposed boundaries of the SouthPark MSD are focused on the commercial core of the area.
- The proposed MSD tax rate would be four cents per \$100 in valuation, which would generate an estimated \$1,350,000 annually. This funding would be used to hire administrative personnel; provide advocacy, marketing, and promotion efforts; enhance safety; implement capital investments; and support other economic development initiatives identified through the previously completed SouthPark studies.
- The SouthPark Community Partners has requested that the SouthPark MSD be effective beginning on July 1, 2022. To meet this request and enable the City to follow required statutory guidelines, staff proposed the following process for considering creation of this district:
  - December 13, 2021: Council action to prepare MSD report (completed),
  - January 28, 2022: City notified affected property owners about MSD (completed),

- January 28, 2022: The City finalized and distributed the MSD report (completed),
  - February 28, 2022: Council conducted public hearing (completed),
  - March 28, 2022: Council ordinance review- first reading and approval, and
  - April 11, 2022: Council ordinance review- second reading and approval.
- The City is required to prepare an MSD Finding of Need (FON) report before conducting the public hearing. This report documents proposed district boundaries, tax rate, and plan for providing services. The report was completed and made available through the City Clerk's Office beginning on January 28, 2022. It was also distributed to Council and key stakeholders.

### **Boundaries**

- The SouthPark MSD boundary follows property lines and includes properties south of Scofield Road and Wickersham Road, west of Sharon Road and Cameron Valley Parkway, north of Sharon View Road, and east of Park South Drive.
- Based on significant feedback from residents, the Piedmont Row condominium community is excluded from the MSD boundary.
- State law outlines several guidelines for determining boundaries of municipal service districts. Properties within the SouthPark MSD boundaries must satisfy at least one of the following guidelines:
  - Location in or surrounding existing or redeveloping concentrations of retail, office, or significant employment-generating uses,
  - Surrounding major institutional uses, such as a university or hospital, and
  - Location within 1,500 feet of major transportation and transit corridors, except for residential parcels which must be within 150 feet.

### **Future Actions**

- If approved, Council would set the MSD tax rate as part of the annual budget ordinance. Pursuant to the statutes, Council's action would be effective on July 1, 2022.
- To provide short-term organizational support for the establishment of the SouthPark MSD during the "pilot year" the City intends to partner with SouthPark Community Partners, a non-profit organization that has been created to administer these services pending Council approval of the district, to provide the outlined services via a Procurement Waiver.
- A formal RFP process to select a contract provider will be issued in a timely manner to be completed prior to the start of year two.

### **Community Input**

- SouthPark Community Partners recommended the proposed boundaries, tax rate, and preliminary work plan for a SouthPark MSD, following engagement and support during several planning initiatives focusing on the SouthPark neighborhood that have been completed since 2016.
- In March 2021, SouthPark Community Partners began a four-week process to gauge local interest. SouthPark Community Partners has received letters of support for the creation of the MSD from both large and small property owners, as well as South Park Association of Neighborhoods (SPAN), a non-profit organization established in 2017, to advocate on the area's residential neighborhoods.
- As part of the public notification process, nearly 750 letters were sent in late-January 2022 to all property owners within the district notifying them of the proposed MSD and the date, time, and location of the public hearing.
- A legal notice about the public hearing and map of the area was published in The Mecklenburg Times on February 8, 2022 and February 15, 2022. The FON report, documenting the MSD proposal, was also available in the City Clerk's office and electronically.
- A public hearing on the proposed SouthPark MSD was held on February 28, 2022. Three members of the public spoke in favor of the proposed MSD. One member of the public spoke against the proposed MSD.
- Following engagement with residential property owners, the Piedmont Row condominium community is excluded from the MSD.

- The Clerk's office received three other requests for exemption from individual property owners, including two owners from the Morrison 721 condominium community and one owner from the Trianon condominium community.
- There continues to be communication and collaboration with SouthPark community residents, developers, business owners, and tenants. The existing Loop website (<https://www.theloopclt.org/>) is being expanded to include a page dedicated to the MSD. The webpage will be used to share the latest information and provide a central location to gather input.

**Attachment(s)**

Ordinance

FON report on SouthPark MSD

Exhibit A - MSD Map

Exhibit B - MSD Parcels

Exhibit C - MSD Excluded Parcels

[Ordinance](#)

[SouthParkMSD FON Report](#)

[EXHIBIT A MSD Map](#)

[EXHIBIT B MSDParcels](#)

[EXHIBIT C Parcels Excluded from MSD](#)



## 13. Affordable Housing Development Support Requests

### **Action:**

**Approve \$12,403,700 in Housing Trust Fund allocations for the following multi-family rental affordable housing developments contingent upon their receiving a Low-Income Housing Tax Credit award from the North Carolina Housing Finance Agency, where applicable:**

- **Evoke Living at Eastland, \$2,496,000 (9% LIHTC) in Council District 5,**
- **Forest Park Apartments, \$2,500,000 (4% LIHTC) in Council District 3,**
- **Marvin Road Apartments, \$2,240,000 (9% LIHTC) in Council District 1,**
- **Mallard Creek Seniors, \$2,950,000 (9% LIHTC) in Council District 2,**
- **Northlake Center Apartments, \$500,000 (9% LIHTC) in Council District 4,**
- **Parkside at Long Creek, \$1,487,000 (9% LIHTC) in Council District 4, and**
- **East Lane Drive Townhomes, \$230,000 (Homeownership) in Council District 5.**

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

Shawn Heath, City Manager's Office  
Rebecca Hefner, Housing and Neighborhood Services  
Miles Vaughn, Housing and Neighborhood Services

### **Explanation**

- On January 25, 2022, the City issued a Request for Proposals (RFP) to aid in the production of affordable housing units through the Housing Trust Fund (HTF).
- In response to this RFP, 12 proposals were received seeking various types of gap financing support including nine percent and four percent tax credits from the North Carolina Housing Finance Agency (NCHFA).
- Approval of the recommended developments will add 602 affordable and workforce housing units to the City's existing supply.
- The recommended developments meet all submission requirements, including land use and rezoning approvals. Additionally, the following guiding principles were adhered to in the evaluation of the proposals:
  - Ensuring affordable, multi-family housing developer experience,
  - Creating mixed-income developments in areas of high opportunity,
  - Achieving long-term affordability, and
  - Maximizing the leverage of available resources.
- Additionally, the NCHFA will base their final tax credit awards on:
  - Market demand and local housing needs,
  - Ability to serve qualified residents for the longest affordability period,
  - Design and quality of construction, and
  - Financial structure and long-term viability.
- Developments seeking nine percent tax credit awards must submit their applications to the NCHFA by May 13, 2022. The NCHFA will announce tax credit awards in August 2022.

### **Background**

- On November 26, 2001, City Council established the HTF to provide financing for affordable housing in the Charlotte area.
- On August 27, 2018, City Council adopted the Housing Charlotte Framework, which recommends expanding the supply of high-quality rental housing by building affordable housing, preserving existing naturally occurring affordable housing, and promoting family self-sufficiency initiatives.
- On April 26, 2021, City Council adopted the U.S. Department of Housing and Urban Development's Annual Action Plan (Plan) which identifies the need for affordable, safe, and decent housing for low-and-moderate income families and reaffirms the goals of the Housing Charlotte Framework.
- Support of HTF allocations is consistent with the strategies outlined in both the Housing Charlotte Framework and the Plan, demonstrates local alignment with state-supported affordable housing developments, and allows for local leveraging of tax credit awards.

**City Council Discussion**

- Staff provided briefings of the affordable housing development support requests to City Council during their April 4, 2022 Strategy Session.

**Charlotte Business INclusion**

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

**Fiscal Note**

Funding: General Capital Investment Plan

**Attachment(s)**

April 4, 2022 Council Strategy Session Presentation

[Affordable Housing Development Support Requests](#)

## 14. Amend Restrictive Covenants for Property on Matheson Avenue

**Action:**

- A. **Approve an amendment to the restrictive covenants of property located on Matheson Avenue to extend the timeframe for completion of a for sale single-family housing development, and**
- B. **Authorize the City Manager, or his designee, to execute all documents necessary to amend the restrictive covenants.**

**Staff Resource(s):**

Shawn Heath, City Manager's Office  
Rebecca Hefner, Housing and Neighborhood Services  
Phil Reiger, General Services  
Greg Crawford, General Services

**Explanation**

- On October 8, 2018, City Council authorized the fee simple transfer of property located on Matheson Avenue (original parcel identification number 083-156-16) in Council District 1 to Four Oaks Builders, LLC (the Developer), a North Carolina limited liability company, for the development of three for sale single-family homes, including one available to a HouseCharlotte eligible household earning 80 percent or below the area median income.
- On January 10, 2019, the City conveyed the property to the Developer. The transaction included reservations and restrictions, including a three-year term to have the improvements constructed and ready for sale, which ended on January 10, 2022.
- The Developer subdivided said property, resulting in a new parcel (parcel identification number 083-156-42) consisting of 0.16 acre to be used for development of the affordable for sale unit. The affordable unit is currently under construction and will have a 15-year affordability deed restriction.
- Due to COVID-19 related supply chain constraints, construction activity has been delayed. The site also needs a water and sewer line extension, which will take an additional 12 to 18 months to complete.
- This action extends the reversionary restriction by three years to January 10, 2025. Staff will monitor progress to ensure timely completion.

**Attachment(s)**

Map

[Map Amend Restrictive Covenants for Property on Matheson Avenue.pdf](#)

## 15. HOME-American Rescue Plan Act Funding Support Requests

### Action:

- A. Approve \$9,566,784 in HOME-American Rescue Plan Act funds for contracts providing various services supporting the mitigation of COVID-19 impacts in the Charlotte community, as follows:**
- **United Way of Central Carolinas, \$4,898,984;**
  - **Socialserve, \$1,350,360;**
  - **The Salvation Army, \$1,188,000;**
  - **Roof Above, \$1,065,480;**
  - **Hope House Foundation, \$443,560;**
  - **The Relatives, \$323,400;**
  - **Dreamkey Partners, \$297,000; and**
- B. Authorize the City Manager, or his designee, to negotiate and execute any necessary contracts and agreements related to these support requests.**

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

Shawn Heath, City Manager's Office

Rebecca Hefner, Housing and Neighborhood Services

### **Explanation**

- On August 9, 2021, City Council appropriated \$11,566,784 in HOME American Rescue Plan Act (ARPA) funding to address COVID-19 impacts in the community.
- On December 6, 2021, City Council approved \$2,000,000 in funding to support substance abuse recovery services provided by the Charlotte Rescue Mission.
- On March 28, 2022, City Council received a presentation providing an overview of the request for proposals recommendations for HOME Program funding.
- The City worked with community partners through a competitive Request for Proposals (RFP) process to identify the most beneficial uses for the remaining \$9,566,784 in HOME ARPA funding.
- The following agencies are recommended for funding to provide tenant-based rental assistance and/or supportive services to people experiencing or at-risk of homelessness:
  - United Way of Central Carolinas, \$4,898,984;
  - Socialserve, \$1,350,360;
  - The Salvation Army, \$1,188,000;
  - Roof Above, \$1,065,480;
  - Hope House Foundation, \$443,560;
  - The Relatives, \$323,400; and
  - Dreamkey Partners, \$297,000.

### **Background**

- The U.S. Department of Housing and Urban Development's (HUD) HOME Program provides formula grants to states, localities, and communities based on population. The funds are used in partnership with local for-profit and non-profit groups to fund a wide range of activities such as constructing, purchasing, and/or rehabilitating affordable housing for rental or homeownership opportunities for households earning 80 percent and below the Area Median Income as mandated by HUD. HOME funds may also be used to provide direct rental assistance to low-income households.
- To help address the economic impacts of the COVID-19 pandemic, Congress appropriated additional HOME Program funds in H.R. 1319, the American Rescue Plan Act of 2021.
- As a result of the ARPA, the City is estimated to receive a total of \$11,566,784 in additional HOME Program funding.
- Eligible uses of the funding include:
  - Tenant-based rental assistance;
  - The development and support of affordable housing pursuant to federal requirements;

- Supportive services such as transitional housing, housing counseling, and homelessness prevention services; and
  - The purchase and development of non-congregate shelter units.
- HOME Program funding provided under the ARPA must be used to benefit individuals or families who are:
  - Homeless;
  - At risk of homelessness;
  - Fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking, or human trafficking; or
  - Veterans and families that include a veteran who meets one of the preceding criteria.
- Funds will expire on September 30, 2025.

**Fiscal Note**

Funding: HOME-ARPA Funding

**Attachment(s)**

March 28, 2022 Action Review Presentation

[HOME Program Request for Proposals Recommendations](#)

## 16. Lead and Copper Rule Revision Grant

### **Action:**

- A. **Adopt a resolution authorizing Charlotte Water to apply for a grant in the amount of \$400,000 with the North Carolina Department of Environmental Quality for American Rescue Plan Act funds for the Lead and Copper Rule Revision project,**
- B. **Accept a grant in the amount of \$400,000 from the North Carolina Department of Environmental Quality for American Rescue Plan Act funds for the Lead and Copper Rule Revision project, if awarded, and**
- C. **Adopt a budget ordinance appropriating \$400,000 from the North Carolina Department of Environmental Quality to the Charlotte Water Capital Projects Fund upon being named a successful grant recipient.**

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

Angela Charles, Charlotte Water  
Ron Hargrove, Charlotte Water  
Carl Wilson, Charlotte Water

### **Explanation**

- This grant will support Charlotte Water's adherence to the Environmental Protection Agency's (EPA) Lead and Copper Rule Revision (Rule) by developing an inventory of water services line materials within the service area.
- The Rule includes investigative research into public and private water services lines to explore if customers may be impacted by lead in drinking water.
- The Rule requires water systems to develop an inventory to identify the materials of service lines connected to the public water distribution system, to be submitted to the State by late 2024 as directed by the EPA.
- Awarded funds will be expended by December 2026.

### **Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

### **Attachment(s)**

Budget Ordinance  
Resolution

[Lead and Copper Rule Revision Grant Budget Ordinance](#)

[Resolution-Lead and Copper Rule Revision Grant](#)

## 17. Sale of City-Owned Property on Silver Maple Lane

### Action:

- A. **Adopt a resolution approving the upset bid process and sale of 0.721 acre of City-owned property at 8398 Silver Maple Lane (parcel identification number 197-172-52) to James W. Adams III and Emily D. Adams for \$24,000, and**
- B. **Authorize the City Clerk to publish a notice of the proposed sale, including a description of the property, the amount of the offer, and the terms under which the offer may be upset.**

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

Phil Reiger, General Services  
Gregory Crawford, General Services  
Angela Charles, Charlotte Water

### **Explanation**

- James W. Adams III and Emily D. Adams (the "Adams"), offered to purchase approximately 0.721 acre in Ashe Plantation in Council District 6.
- The parcel, zoned residential, was acquired as part of the Ashe Plantation water system, and Charlotte Water abandoned the well on October 11, 2017. The property is located in the town of Mint Hill.
- City Council has the authority to sell property through upset bid procedures, according to NC General Statute Section 160A-269 and its Charter, Section 8.22.
- As part of the mandatory referral process, the Planning Commission reviewed the property for surplus sale on June 19, 2017, with no additional comments.
- The property was appraised on December 27, 2021 and has a fair market value of \$24,000.
- The offer to purchase in the amount of \$24,000 and the required five percent deposit from the Adams have been made.
- This transaction is consistent with the Council-adopted "City-Owned Real Estate and Facilities Policy" and "Guidelines for Evaluation and Disposition of City-Owned Land for Affordable Housing."

### **Fiscal Note**

Funding: Proceeds from the sale will be deposited into the Charlotte Water Operating Budget

### **Attachment(s)**

Map  
Resolution

[Map Sale of City-Owned Property on Silver Maple Lane.pdf](#)

[Resolution Authorizing Upset Bid Process](#)

## 18. Amend the 2022 City Council Meeting Schedule

**Action:**

Approve amendments to the 2022 City Council Regular and Budget Meeting Schedule.

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- NC General Statute Section 143-318.12 requires that the City Clerk maintain on file a schedule of the City Council's regular meetings and that the approved schedule shall be posted to the City's website. If a schedule is duly adopted and filed, no further notice of regular meetings is necessary.
- The 2022 City Council Regular and Budget Meeting Schedule (Schedule) is being amended in accordance with the revised 2022 municipal elections schedule.
- This action amends the Schedule, most recently adopted by City Council on December 13, 2021, by:
  - Adding an April 28, 2022 Virtual General Assembly Delegation Briefing at 12:00 p.m.;
  - Moving the May 16, 2022 Zoning Briefing (Optional) at 12:00 p.m. and the Zoning Meeting at 5:00 p.m. to May 23, 2022;
  - Moving the May 18, 2022 FY 2023 Budget Straw Votes Meeting at 1:00 p.m. to May 25, 2022;
  - Moving the May 23, 2022 Action Review at 5:00 p.m. and Business Meeting and FY 2023 Budget Adoption at 6:30 p.m. to May 31, 2022;
  - Moving the May 23, 2022 Public Forum to May 9, 2022.
  - Adding a June 1, 2022 NC League of Municipalities City-State Dinner in Raleigh, NC;
  - Removing the September 6, 2022 Strategy Session at 5:00 p.m., and adding meetings for newly elected Council members in 2022:
    - Council Agenda Action Review (Optional) meeting on August 22, 2022, at 12:00 p.m.;
    - Organizational Meeting (Swearing-In Ceremony) on September 6, 2022, at 6:00 p.m.;
    - and
    - Council Agenda Action Review (Optional) meeting on September 12, 2022, at 12:00 p.m.

**Attachment(s)**

Amended 2022 City Council Meeting Schedule

[2022 Council Meeting Schedule Draft Amended](#)

## 19. Appointments to the Business Advisory Committee

**Action:**

Appoint residents to serve as specified.

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- Two appointments for three-year terms beginning May 1, 2022, and ending April 28, 2025.
  - Dante Anderson, nominated by Council members Ajmera, Newton, and Winston.
  - Victor Perez, nominated by Council members Ajmera, Driggs, Newton, and Phipps.
  - Robert Phocas, nominated by Council members Bokhari, Egleston, Eiselt, and Winston.
  - Najam Usmani, nominated by Council members Egleston and Eiselt.

**Attachment(s)**

Business Advisory Committee Applications

## 20. Appointments to the Charlotte Tree Advisory Commission

**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 December 13, 2022.
  - Elizabeth Magan, nominated by Council members Driggs and Phipps.
  - Chris Steude, nominated by Council members Bokhari and Egleston.
  - Elliott Voreis, nominated by Council members Ajmera, Driggs, Johnson, and Winston.

**Attachment(s)**

Charlotte Tree Advisory Commission Applications



## CONSENT

### 21. RECOVER Latent Fingerprint System

**Action:**

- A. Approve the purchase of the RECOVER Latent Fingerprint System by the sole source exemption,**
- B. Approve a contract with Foster and Freeman USA Inc for the purchase of the RECOVER Latent Fingerprint System, and**
- C. Authorize the City Manager to purchase such additional software licenses, services, hardware, maintenance and support, and system upgrades/expansions as required to maintain the system for as long as the City uses the system.**

**Staff Resource(s):**

Johnny Jennings, Police

Matthew Mathis, Police

**Sole Source Exemption**

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

**Explanation**

- The Charlotte-Mecklenburg Police Department's (CMPD) Crime Lab has five specialized sections that provide state-of-the-art forensic analytical services. The CMPD Crime Lab is a full service, accredited forensic laboratory.
- The RECOVER Latent Fingerprint System uses specialized fingerprint processing and imaging equipment designed to develop fingerprints on a range of difficult surfaces including those that have been exposed to extreme heat.
- The RECOVER Latent Fingerprint System uses a chemical development process for recovering fingerprints on metal surfaces. This chemical process was developed by the vendor and is not available through other companies.
- Annual expenditures are estimated to be \$180,000 for the first year and \$10,000 subsequently for annual maintenance support costs.

**Charlotte Business INclusion**

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

**Fiscal Note**

Funding: General Grants Fund

## 22. Citywide Onboarding Services

### **Action:**

- A. Approve contracts with the following companies for citywide onboarding services for an initial term of three years:**
- **Wolfe, Inc.,**
  - **US ISS Agency LLC,**
  - **Concentra,**
  - **Forensic Polygraph Consultants,**
  - **Employment Practices Counsel, Inc. (WBE, SBE), and**
- B. Authorize the City Manager to renew the contracts for up to two, one-year terms with possible price adjustments, and to amend the contracts consistent with the purpose for which the contracts were approved.**

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

Phil Reiger, General Services

Kay Elmore, General Services

### **Explanation**

- The City utilizes various firms to support onboarding and hiring needs of various City departments.
- Depending on the position, onboarding services may include, but are not limited to, background investigations, drug and alcohol testing, pre-employment physicals, and polygraph examinations.
- On September 17, 2021, the City issued a Request for Proposals (RFP); 12 responses were received.
- The companies selected best meet the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual aggregate expenditures are estimated to be \$850,000.

### **Charlotte Business INclusion**

Employment Practices Counsel, Inc. is a City-certified WBE and SBE.

The City negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). Each of the firms listed have identified certified firms to be utilized as the project evolves:

Wolfe, Inc. has committed 40.00% (\$380,000) of its total contract value to the following certified firms:

- TruLabs Diagnostics (MBE) (drug screen collection services; breath alcohol testing and after-hours services)
- Before Your Hire (WBE) (background screening services)
- Rapid Response LLC (MBE) (drug screen collection services; breath alcohol testing)
- Fact Labs (MBE) (drug screen collection services; breath alcohol testing)

US ISS Agency LLC has committed 66.67% (\$66,700) of its total contract value to the following certified firms:

- DARSTAR Services LLC (MBE) (polygraph examiner services)
- Blue Ridge Polygraph (MBE) (polygraph examiner services)

Employment Practices Counsel, Inc. (WBE, SBE) has committed 20.00% (\$20,000) of its total contract value for drug screening services to the following certified firm:

- Fact Labs (MBE) (drug screen collection services)

### **Fiscal Note**

Funding: Various Departments' Operating Budgets

## 23. Construct 9th and College Storm Drainage Improvement Project

### **Action:**

**Approve a contract in the amount of \$1,432,617.04 to the lowest responsive bidder OnSite Development, LLC for the 9th and College Storm Drainage Improvement Project.**

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

Angela Charles, Charlotte Water

Mike Davis, Storm Water Services

Matthew Gustis, Storm Water Services

### **Explanation**

- This project will reduce street flooding and improve aging infrastructure in the Upper Little Sugar Creek watershed along 9th Street, between North College Street and the CATS Blue Line light rail, in Council District 1.
- Construction will include the installation of storm drainage, water/sanitary sewer, curb, gutter, and sidewalk.
- On January 7, 2022, the City issued an Invitation to Bid (ITB); one bid was received.
  - NC General Statute Section 143-132 prohibits municipalities from awarding construction contracts over \$500,000 without receiving at least three competitive bids from the initial advertisement of the contract. The City may subsequently award the contract even if re-advertisements result in fewer than three competitive bids.
- On February 8, 2022, the ITB was re-issued; one bid was received.
- OnSite Development, LLC was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by the first quarter of 2023.

### **Charlotte Business INclusion**

Established MBE Goal: 8.00%

Committed MBE Goal: 8.00%

OnSite Development, LLC met the established MBE subcontracting goal and has committed \$114,609 or approximately 8.00% of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Streeter Trucking Company (MBE, SBE) and Tony's Trucking (MBE, SBE) (\$114,609) (hauling)

Established SBE Goal: 17.00%

Committed SBE Goal: 17.03%

OnSite Development, LLC met the established SBE subcontracting goal and has committed \$243,980 or approximately 17.03% of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- L. Carranza Dump Truck Service (SBE) and Solano's Trucking (SBE) (\$131,680) (hauling)
- Amp Utility Distribution Services, LLC (WBE, SBE) (\$100,000) (materials)
- LTR Concrete, LLC (\$9,000) (SBE) (concrete)
- Striping Construction (SBE) (\$3,300) (striping)

### **Fiscal Note**

Funding: Storm Water Capital Investment Plan

## 24. Boiler System Preventative Maintenance and Repair Services

### **Action:**

- A. Approve a unit price contract with Mitcham and Company, Inc. for preventative and corrective maintenance services for boiler systems at Charlotte Water facilities for an initial term of three years, and**
  
- B. Authorize the City Manager to renew the contract for up to three, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

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

Angela Charles, Charlotte Water  
Ron Hargrove, Charlotte Water  
Travis Hunnicutt, Charlotte Water

### **Explanation**

- This contract will provide regular preventative maintenance and repair services as required to ensure the safe and reliable operation of boiler systems, which provide process heat for the water treatment process.
- On January 18, 2022, the City issued a Request for Proposals (RFP); one response was received.
- Mitcham and Company meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$225,000.

### **Charlotte Business INclusion**

Per the 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: Charlotte Water Operating Budget

## 25. Clarke Creek Pumping Station and Force Main Owner's Advisor Services

### **Action:**

**Approve a professional services contract with Brown and Caldwell in the amount of \$2,705,041 to provide owner's advisor services for the Clarke Creek Pumping Station and Force Main Project.**

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

Angela Charles, Charlotte Water

David Czerr, Charlotte Water

Carl Wilson, Charlotte Water

### **Explanation**

- This contract will provide design assistance, value engineering, constructability and phasing reviews, evaluation and negotiation of guaranteed maximum price for construction, and construction administration and inspection activities.
- The project will construct sanitary sewer infrastructure to transfer flows from east Mecklenburg County to the McDowell Creek Wastewater Treatment Plant (adjacent to Council District 4).
- On December 14, 2021, the City issued a Request for Qualifications (RFQ); six responses were received.
- Brown and Caldwell is the best qualified firm to meet the City's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- The project is anticipated to be complete by third quarter 2024.

### **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). Brown and Caldwell has committed 21.43% (\$579,750) of the total contract amount to the following certified firm:

- Froehling & Robertson, Inc. (MBE) (\$579,750) (material testing and special inspections)

### **Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

### **Attachment(s)**

Map

[Map-Clarke Creek Pumping Station and Force Main Owner's Advisor Services](#)

## 26. McAlpine Creek Wastewater Treatment Plant Reliability and Process Improvements Construction Change Order

### **Action:**

**Approve change order #3 for \$5,000,000 to Garney Companies, Inc. for the McAlpine Creek Wastewater Treatment Plant Reliability and Process Improvements Project.**

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

Angela Charles, Charlotte Water

Ron Hargrove, Charlotte Water

Carl Wilson, Charlotte Water

### **Explanation**

- This project rehabilitates or replaces critical components of the wastewater treatment process systems at the McAlpine Creek Wastewater Treatment Plant (WWTP), located in the Town of Pineville (adjacent to Council District 7).
- Due to unforeseen conditions, four of the existing 16 clarifier tanks will require additional structural, mechanical, and electrical rehabilitation to ensure safe and reliable operation of this critical infrastructure for the foreseeable future.
- This project was designed to be constructed in phases over a span of up to five years. The first phase contract was approved by City Council on February 26, 2018, with subsequent phase approvals on May 14, 2018, January 14, 2019, May 13, 2019, September 29, 2019, and February 24, 2020.
- The new total value of the contract is \$142,919,997
- The project is anticipated to be complete by fourth quarter 2023.

### **Charlotte Business INclusion**

All additional work involved in this change order will be performed by Garney Companies, Inc. and their existing subcontractors (Part D: Section 6 of the Charlotte Business INclusion Policy).

### **Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

## 27. CATS Bus Automatic Vehicle Location and Dispatch System On-Going Maintenance and Support

### Action:

- A. Approve contract extension #1 for up to five years with Trapeze for maintenance and support services for the bus automatic vehicle location and dispatch system, TransitMaster,
- 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, services, hardware, maintenance and support, and system upgrades/expansions as required to maintain the system for as long as the City uses the system.

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

John Lewis, Jr., CATS

### **Explanation**

- The TransitMaster application is used to manage the local, fixed route and express bus systems. This application provides situational awareness of the bus fleet, a communication path for the drivers, and allows dispatchers to adjust service to established bus routes.
- CATS desires to explore alternatives to update the system, and this contract extension will allow time to properly solution and bid a replacement.
- Waiver of a competitive solicitation process for services may be granted on a limited basis when deemed appropriate and in the City's best interest. A waiver has been approved for these services based on continuity of service due to the many integrations and dependencies between TransitMaster and other operationally critical CATS' services.
- The five-year expenditure is estimated to be \$2,624,737.

### **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: CATS Operating Budget

## 28. CATS Light Rail Vehicle Parts and Repair

### Action:

- A. **Approve the purchase of parts and maintenance overhaul services for a Light Rail Vehicle auxiliary power supply system by the sole source exemption,**
- B. **Approve a contract with Powertech for the purchase of parts and repair services for a term of three years, and**
- C. **Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

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

John Lewis, Jr., CATS

Allen C. Smith III, CATS

### **Sole Source Exemption**

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

### **Explanation**

- PowerTech is the Original Equipment Manufacturer of the Light Rail Vehicles (LRVs) auxiliary power supply (APS) parts and repairs services necessary to maintain LRVs on the LYNX Blue Line.
- The parts and services under this contract are for overhaul of APS units to maintain the LYNX Blue Line LRVs.
- Annual expenditures are estimated to be \$325,000.

### **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.

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

### **Fiscal Note**

CATS Operating Budget



## 29. CATS Ultra-Low Sulfur Diesel Fuel

### Action:

- A. **Approve a unit price contract with the lowest responsive bidder James River Solutions for the purchase of ultra-low sulfur diesel fuel on a fixed-price basis for an initial term of three years, and**
- B. **Authorize the City Manager to renew the contracts for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract were approved.**

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

John Lewis, Jr., CATS

Allen Smith, III, CATS

Jennifer Fehribach, CATS

### **Explanation**

- The Charlotte Area Transit System (CATS) manages fuel purchases using both fixed-price forward and variable index-price methods, in order to ensure a consistent supply of fuel for bus operations and to reduce price volatility. These methodologies are standard practice in an industry where prices are volatile. CATS existing rolling stock assets include in excess of 350 buses and paratransit vehicles that require diesel as the fuel source.
- CATS existing rolling stock assets include in excess of 350 buses and paratransit vehicles that require diesel as the fuel source. Diesel fueled vehicles will be replaced with zero emission vehicles as they reach their useful life.
- On January 10, 2022, the City issued an Invitation to Bid; five bids were received.
- James River Solutions was selected as the lowest responsive, responsible bidder.
- Annual expenditures are estimated to be \$3,700,000.

### **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.

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

### **Fiscal Note**

Funding: CATS Operating Budget

## 30. Airport Grading and Drainage Construction Contract

### Action:

- A. Reject the low bid submitted by Blythe Development Co. for the North End-Around Taxiway Grading and Drainage Construction Project, and**
- B. Approve a contract in the amount of \$42,184,265.30 to the lowest responsive, responsible bidder ES Wagner Company, LLC for the North End-Around Taxiway Grading and Drainage Construction Project.**

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

Haley Gentry, Aviation

Jack Christine, Aviation

### **Explanation**

- Aviation is currently in the design phase for the North End Around Taxiway, which will increase operational efficiency and enhance safety by reducing runway crossings for Runway 18C-36C.
- The overall project consists of seven packages of work. This package includes major grading, drainage, utility, and navigational aid relocation and modifications.
- On December 16, 2021, the City issued an Invitation to Bid; three bids were received.
- ES Wagner Company, LLC was selected as the lowest responsive, responsible bidder.
- Blythe Development Co. failed to meet the established DBE goal at bid and did not earn the required Good Faith Effort Points in accordance with 49 CFR Part 26 regulations.
- The project is anticipated to be complete by third quarter 2023.
- This activity is occurring on airport property, located in Council District 3.

### **Disadvantaged Business Enterprise**

Established DBE Goal: 13.00%

Committed DBE Goal (at time of Bid): 13.03%

ES Wagner Company, LLC exceeded the established subcontracting goal and has committed 13.03% (\$5,496,885) of the base bid amount to the following certified firms:

- Apex Petroleum (DBE) (\$1,416,340) (fuel supplier)
- Moffat Pipe (DBE) (\$1,370,455) (jack and bore)
- Superior Seeding (DBE) (\$989,680) (seeding)
- Seal Brothers Contracting (DBE) (\$445,523) (erosion control)
- JJ Dal Electric Supply (DBE) (\$330,000) (electric supply)
- Millennium Misir Trucking (DBE) (\$218,085) (hauling)
- Bates Precast Concrete (DBE) (\$214,000) (structural steel, precast concrete)
- All Points Trucking (DBE) (\$186,358) (hauling)
- Precision Contracting Services (DBE) (\$148,925) (airfield fiber optic and cable)
- Carolina Guardrail (DBE) (\$89,125) (guardrail)
- BC Cannon (DBE) (\$50,927) (traffic control)
- Express Logistics (DBE) (\$37,467) (hauling)

### **Fiscal Note**

Funding: Aviation Capital Investment Plan

## 31. Emergency Medical Services at the Airport

### **Action:**

- A. **Approve a contract with Mecklenburg Emergency Medical Services Agency for the provision of emergency medical services at Charlotte Douglas International Airport 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**

- Mecklenburg Emergency Medical Services Agency (MEDIC) has been providing emergency medical services (EMS) at the Airport since January 1, 2012.
- This contract will provide two, two-person crews consisting of a paramedic and an emergency medical technician for on-site daily response to EMS calls for service such as cardiac arrests, seizures, difficulty breathing, falls, and traumatic injuries.
- Waiver of a competitive solicitation process for services may be granted on a limited basis when deemed appropriate and in the City's best interest. A waiver has been approved for these services based on MEDIC being the only pre-hospital emergency medical agency within the City of Charlotte and Mecklenburg County that provides advanced level EMS care and transport.
- Annual expenditures are estimated to be \$950,000.
- This activity of occurring on Airport property, located in Council District 3.

### **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: Aviation Operating Budget

## 32. Set a Public Hearing on Windsford Voluntary Annexation

### **Action:**

**Adopt a resolution setting a public hearing for May 9, 2022, for the Windsford voluntary annexation petition.**

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

Alyson Craig, Planning, Design, and Development  
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 a boundary 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 28.0637-acre "Windsford" site is located along the south side of Miranda Road, west of Beatties Ford Road in Mecklenburg County.
  - Most of the site is currently vacant with some single-family residential uses.
  - The petitioner has plans to develop 121 single-family homes as part of a larger development that extends into a parcel already in City limits.
  - The property is zoned R-3, which allows for single-family residential uses up to three dwelling units per acre.
  - The property is located immediately adjacent to City Council District 2.
  - The petitioned area consists of seven parcels: parcel identification numbers 037-081-05, 037-081-30, 037-081-29, 037-081-19, 037-081-16, 037-081-25, 037-081-21.

### **Consistency with City Council Policies**

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

### **Attachment(s)**

Map  
Resolution

[Windsford Area Annexation Map](#)

[Resolution for Windsford Area Annexation](#)

### 33. Set a Public Hearing on Enclave at Fairhill Pond Voluntary Annexation

**Action:**

**Adopt a resolution setting a public hearing for May 9, 2022, for the Enclave at Fairhill Pond voluntary annexation petition.**

**Staff Resource(s):**

Alyson Craig, Planning, Design, and Development

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 13.003-acre "Enclave at Fairhill Pond" site is located along the north side of Hucks Road and the west side of Browne Road in Mecklenburg County.
  - The site currently has single-family residential uses.
  - The petitioner has plans to develop 44 single-family homes.
  - The property is zoned R-4, which allows for single-family residential uses up to four dwelling units per acre.
  - The property is located immediately adjacent to City Council District 4.
  - The petitioned area consists of three parcels: parcel identification numbers 027-641-05, 027-641-04, and 027-641-28.

**Consistency with City Council Policies**

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

**Attachment(s)**

Map

Resolution

[Enclave at Fairhill Pond Annexation Map](#)

[Resolution for Enclave at Fairhill Pond Area Annexation](#)

### **34. Resolution of Intent to Abandon a Portion of the Alleyway off of East 16th Street Parallel to Pegram Street**

**Action:**

- A. Adopt a Resolution of Intent to abandon a portion of the alleyway off of East 16th Street parallel to Pegram Street, and**
  
- B. Set a Public Hearing for June 13, 2022.**

**Staff Resource(s):**

Liz Babson, Transportation

Casey Mashburn, Transportation

**Explanation**

- NC General Statute Section 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The alleyway is located in Council District 1.

**Petitioners**

JBH Development, LLC

**Attachment(s)**

Map

Resolution

[2020-23A Alleyway off of E16th parallel to Pegram Abandonment Map Revised](#)

[2020-23A Resolution of Intent 04.11.2022](#)

## 35. Resolution of Intent to Abandon Unopened Beechway Circle and Mark Way Right-of-Way

### **Action:**

- A. Adopt a Resolution of Intent to abandon unopened Beechway Circle and Mark Way Right-of-Way, and**
- B. Set a Public Hearing for June 13, 2022.**

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

Liz Babson, Transportation

Casey Mashburn, Transportation

### **Explanation**

- North Carolina General Statute Section 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The right-of-way is located in Council District 1.

### **Petitioners**

Sugar Creek Apartments, LLC

### **Attachment(s)**

Map

Resolution

[2021-29A Unopened Beechway Cr and Mark Way Abandonment Map](#)

[2021-29A Resolution of Intent 04.11.2022](#)

## 36. Resolution of Intent to Abandon Unopened Wayne Avenue and a Portion of May Street

### **Action:**

- A. Adopt a Resolution of Intent to abandon Unopened Wayne Avenue and a Portion of May Street, and**
  
- B. Set a Public Hearing for June 13, 2022.**

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

Liz Babson, Transportation

Casey Mashburn, Transportation

### **Explanation**

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

### **Petitioners**

Neal Properties, Inc., Lester Moultrie, and Joan Stowe

### **Attachment(s)**

Map

Resolution

[2021-28A Unopened Wayne Ave Abandonment Map](#)

[2021-28A Resolution of Intent 04.11.2022](#)



## PROPERTY TRANSACTIONS

### 37. Aviation Property Transactions - North Side of Old Dowd Road

**Action:** Approve the following Acquisition: NEAT (North End Around Taxiway) Project

The property is acquired in accordance with Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration Reimbursement.

**Project:** NEAT (North End Around Taxiway)

**Owner(s):** Norfolk Southern Railway Company

**Property Address:** North side of Old Dowd Road, East of I-485 and West of Little Rock Road

**Total Parcel Area:** 37.98 acres

**Property to be acquired by Fee Simple:** 114,517 sf (2.629 ac)

**Property to be acquired by Easements:** Permanent Slope Easements - 79,604 sf (1.8275 ac); Temporary Construction Easements - 23,495 sf (0.5394 ac)

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

**Landscaping to be impacted:** Grass, small shrubs, brush

**Zoned:** I-2

**Use:** Industrial

**Parcel Identification Number(s):** Not defined by Mecklenburg County tax records and a portion of a larger assemblage of Railway controlled by Norfolk Southern Railroad (NSRR).

**Purchase Price:** \$464,000, and all relocation benefits in compliance with Federal, State or Local regulations.

**Council District:** 3

**Attachment:** Map

[CLT-NSRR EXHIBIT OVERALL 10-04-21](#)

## 38. Aviation Property Transactions - 5400 Wilkinson Blvd.

**Action:** Approve the following Acquisition: Aviation Master Plan

The property is acquired in accordance with Federal Regulations in 49 C.F.R. Part 24 that implement the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration Reimbursement.

**Project:** Aviation Master Plan

**Owner(s):** James A. Worthy

**Property Address:** 5400 Wilkinson Blvd.

**Total Parcel Area:** 1.679 acres

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

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

**Landscaping to be impacted:** Vacant Lot

**Zoned:** I-2

**Use:** Commercial

**Parcel Identification Number(s):** 061-271-05

<https://polaris3g.mecklenburgcountync.gov/#mat=148769&pid=06127105&qsid=06127105>

**Purchase Price:** \$1,445,500, and all relocation benefits in compliance with Federal, State or Local regulations.

**Council District:** 3

### 39. Charlotte Water Property Transactions - Charlotte Airport Area Waterline Progressive Design-Build Project (Old Dowd Road 24" WM Connect), Parcels #9, 10, and 11

**Action:** Approve the following Condemnation: Charlotte Airport Area Waterline Progressive Design-Build Project (Old Dowd Road 24" WM Connect), Parcels #9, 10, and 11

**Project:** Charlotte Airport Area Waterline Progressive Design-Build Project (Old Dowd Road 24" WM Connect), Parcels #9, 10, and 11

**Owner(s):** Paul B. Bradley and Carter H. Bradley

**Property Address:** 4300, 4308, 4316 Business Center Drive

**Total Parcel Area:** 166,399 sq. ft. (3.82 ac.)

**Property to be acquired by Easements:** 16,100 sq. ft. (0.37 ac.) in Waterline Easement, plus 7,166 sq. ft. (0.17 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** Concrete pad

**Landscaping to be impacted:** None

**Zoned:** B-2

**Use:** Commercial

**Tax Code:** 055-351-37, 055-351-38, 055-351-39

<https://polaris3g.mecklenburgcountync.gov/#mat=125252&pid=05535137&qsid=05535137>

<https://polaris3g.mecklenburgcountync.gov/#mat=125562&pid=05535138&qsid=05535138>

<https://polaris3g.mecklenburgcountync.gov/#mat=463181&pid=05535139&qsid=05535139>

**Appraised Value:** \$76,825

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

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

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

**Council District:** 3

## 40. Charlotte Water Property Transactions - Charlotte Airport Area Waterline Progressive Design-Build Project (Old Dowd Road 24" WM Connect), Parcel #14

**Action:** Approve the following Condemnation: Charlotte Airport Area Waterline Progressive Design-Build Project (Old Dowd Road 24" WM Connect), Parcel #14

**Project:** Charlotte Airport Area Waterline Progressive Design-Build Project (Old Dowd Road 24" WM Connect), Parcel #14

**Owner(s):** Graham & Faust, LLC

**Property Address:** 2539 Little Rock Road

**Total Parcel Area:** 48,787.2 sq. ft. (1.12 ac.)

**Property to be acquired by Easements:** 6,888 sq. ft. (0.16 ac.) in Waterline Easement

**Structures/Improvements to be impacted:** Parking during construction

**Landscaping to be impacted:** Four large evergreen trees

**Zoned:** B-1(CD) Neighborhood Business

**Use:** Commercial

**Tax Code:** 061-302-22

<https://polaris3g.mecklenburgcountync.gov/#mat=87053&pid=06130222&qisid=06130222>

**Appraised Value:** \$90,050

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

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

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

**Council District:** 3

## 41. Charlotte Water Property Transactions - Derita Branch Tributary Sanitary Sewer Improvements Project, Parcel #30

**Action:** Approve the following Condemnation: Derita Branch Tributary Sanitary Sewer Improvements Project, Parcel #30

**Project:** Derita Branch Tributary Sanitary Sewer Improvements Project, Parcel #30

**Owner(s):** F9 Properties, LLC (P/K/A ANO, LLC)

**Property Address:** 4840 Reagan Drive

**Total Parcel Area:** 159,278 sq. ft. (3.66 ac.)

**Property to be acquired by Easements:** 6,374 sq. ft. (0.15 ac.) in Sanitary Sewer Easement, 8,675 sq. ft. (0.20 ac.) in Permanent Access Easement and 12,369 sq. ft. (.28 ac.) in Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** B-2 (CD)

**Use:** Commercial

**Tax Code:** 087-071-43

<https://polaris3g.mecklenburgcountync.gov/#mat=441760&pid=08707143&qsid=08707143>

**Appraised Value:** \$53,425

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

**City's Response to Property Owner's Concerns:** The City explained the rationale of the design and how it meets the objectives for the project and informed the property owner they could obtain their own appraisal in order to justify a counteroffer.

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

**Council District:** 1

## 42. Property Transactions - Dixie River Road WM Extension, Parcel #22

**Action:** Approve the following Condemnation: Dixie River Road WM Extension, Parcel #22

**Project:** Dixie River Road WM Extension, Parcel #22

**Program:** Dixie River Road WM Extension

**Owner(s):** Alan Buch, William L Mowry, Raymond L Lancaster, William C Davis, Christopher M Turner and wife Britney W Turner

**Property Address:** 8604 Dixie River Road

**Total Parcel Area:** 178,825 sq. ft. (4.11 ac.)

**Property to be acquired by Easements:** 9,354 sq. ft. (0.215 ac.) Utility Easement, 889 sq. ft. (0.02 ac.) Temporary Construction Easement, 10,208 sq. ft. (0.234 ac.) Waterline Easement

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

**Landscaping to be impacted:** None

**Zoned:** MUDD-O

**Use:** Mixed Use Development District - Optional

**Tax Code:** 141-152-18

<https://polaris3g.mecklenburgcountync.gov/#mat=524041&pid=14115218&gisid=14115218>

**Appraised Value:** \$55,775

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

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

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

**Council District:** Adjacent to Council District 3

### 43. Property Transactions - Dixie River Road WM Extension, Parcel #24

**Action:** Approve the following Condemnation: Dixie River Road WM Extension, Parcel #24

**Project:** Dixie River Road WM Extension, Parcel #24

**Program:** Dixie River Road WM Extension

**Owner(s):** Alan Buch, William L Mowry, Raymond L Lancaster, William C Davis, Christopher M Turner and wife Britney W Turner

**Property Address:** 8720 Dixie River Road

**Total Parcel Area:** 431,806 sq. ft. (9.913 ac.)

**Property to be acquired by Easements:** 11,782 sq. ft. (0.27 ac.) Utility Easement, 137 sq. ft. (0.003 ac.) Temporary Construction Easement, 2,999 sq. ft. (0.069 ac.) Waterline Easement

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

**Landscaping to be impacted:** None

**Zoned:** MUDD-O

**Use:** Mixed Use Development District - Optional

**Tax Code:** 141-152-17

<https://polaris3g.mecklenburgcountync.gov/#mat=208309&pid=14115217&qisid=14115217>

**Appraised Value:** \$37,425

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

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

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

**Council District:** Adjacent to Council District 3

## 44. Property Transactions - Dixie River Road WM Extension, Parcel #42

**Action:** Approve the following Condemnation: Dixie River Road WM Extension, Parcel #42

**Project:** Dixie River Road WM Extension, Parcel #42

**Program:** Dixie River Road WM Extension

**Owner(s):** Alan Buch, William L Mowry, Raymond L Lancaster, William C Davis, Christopher M Turner & wife Britney W Turner and BCCR Properties LLC

**Property Address:** 0 Dixie River Road

**Total Parcel Area:** 156,086 sq. ft. (3.58 ac.)

**Property to be acquired by Easements:** 541 sq. ft. (0.012 ac.) Utility Easement

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

**Landscaping to be impacted:** None

**Zoned:** MX-2

**Use:** Mixed Use Development District - Optional

**Tax Code:** 113-201-04

<https://polaris3g.mecklenburgcountync.gov/#pid=11320104&gisid=11320104>

**Appraised Value:** \$475

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

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

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

**Council District:** Adjacent to Council District 3



## 45. Property Transactions - Monroe Road Streetscape, Parcel #4

**Action:** Approve the following Acquisition: Monroe Road Streetscape, Parcel #4

**Project:** Monroe Road Streetscape, Parcel #4

**Program:** Monroe Road Streetscape

**Owner(s):** Toy Holdings LLC

**Property Address:** 3800 Monroe Road

**Total Parcel Area:** 19,407 sq. ft. (0.45 ac.)

**Property to be acquired by Easements:** 187 sq. ft. (0.004 ac.) Utility Easement, 50 sq. ft. (0.001 ac.) Sidewalk Utility Easement, 307 sq. ft. (0.007 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** Parking

**Landscaping to be impacted:** N/A

**Zoned:** I-2

**Use:** Industrial

**Tax Code:** 159-048-03

<https://polaris3g.mecklenburgcountync.gov/#mat=115826&pid=15904803&gisid=15904803>

**Purchase Price:** \$11,000

**Council District:** 1

## 46. Property Transactions - Monroe Road Streetscape, Parcel #22

**Action:** Approve the following Acquisition: Monroe Road Streetscape, Parcel #22

**Project:** Monroe Road Streetscape, Parcel #22

**Program:** Monroe Road Streetscape

**Owner(s):** T and D Monroe LLC

**Property Address:** 4336 Monroe Road

**Total Parcel Area:** 31,145 sq. ft. (0.71 ac.)

**Property to be acquired by Easements:** 23 sq. ft. (0.001 ac.) Utility Easement, 1,677 sq. ft. (0.038 ac.) Sidewalk Utility Easement, 1,914 sq. ft. (0.044 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** Sign

**Landscaping to be impacted:** Trees

**Zoned:** B-2

**Use:** Business District

**Tax Code:** 161-071-22

<https://polaris3g.mecklenburgcountync.gov/#mat=129303&pid=16107122&qisid=16107122>

**Purchase Price:** \$41,525

**Council District:** 5

## 47. Property Transactions - Monroe Road Streetscape, Parcel #24

**Action:** Approve the following Acquisition: Monroe Road Streetscape, Parcel #24

**Project:** Monroe Road Streetscape, Parcel #24

**Program:** Monroe Road Streetscape

**Owner(s):** J and E Enterprise LLC

**Property Address:** 4346 Monroe Road

**Total Parcel Area:** 37,699 sq. ft. (0.87 ac.)

**Property to be acquired by Easements:** 920 sq. ft. (0.021 ac.) Sidewalk Utility Easement, 1,974 sq. ft. (0.045 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** Parking and sign

**Landscaping to be impacted:** Trees

**Zoned:** I-1 and B-2

**Use:** Industrial and Business District

**Tax Code:** 161-071-21

<https://polaris3g.mecklenburgcountync.gov/#mat=129483&pid=16107121&qisid=16107121>

**Purchase Price:** \$21,150

**Council District:** 5

## 48. Property Transactions - Monroe Road Streetscape, Parcel #30

**Action:** Approve the following Condemnation: Monroe Road Streetscape, Parcel #30

**Project:** Monroe Road Streetscape, Parcel #30

**Program:** Monroe Road Streetscape

**Owner(s):** 1200 The Plaza LLC

**Property Address:** 4427 Monroe Road

**Total Parcel Area:** 15,815 sq. ft. (0.37 ac.)

**Property to be acquired by Easements:** 5 sq. ft. (0 ac.) Utility Easement, 787 sq. ft. (0.018 ac.) Sidewalk Utility Easement, 878 sq. ft. (0.02 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** Shrubs

**Zoned:** B-1

**Use:** Industrial and Business District

**Tax Code:** 159-061-22

<https://polaris3g.mecklenburgcountync.gov/#mat=131135&pid=15906122&gisid=15906122>

**Appraised Value:** \$10,825

**Property Owner's Concerns:** The property owner is concerned about the design of the project and 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:** 5

## 49. Property Transactions - Monroe Road Streetscape, Parcel #31

**Action:** Approve the following Condemnation: Monroe Road Streetscape, Parcel #31

**Project:** Monroe Road Streetscape, Parcel #31

**Program:** Monroe Road Streetscape

**Owner(s):** 1200 The Plaza LLC

**Property Address:** 4431 Monroe Road

**Total Parcel Area:** 9,845 sq. ft. (0.23 ac.)

**Property to be acquired by Easements:** 765 sq. ft. (0.018 ac.) Sidewalk Utility Easement, 780 sq. ft. (0.018 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** Shrubs

**Zoned:** B-1

**Use:** Business District

**Tax Code:** 159-061-23

<https://polaris3g.mecklenburgcountync.gov/#mat=131253&pid=15906123&qisid=15906123>

**Appraised Value:** \$9,925

**Property Owner's Concerns:** The property owner is concerned about the design of the project and 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:** 5

## 50. Property Transactions - Monroe Road Streetscape, Parcel #33

**Action:** Approve the following Acquisition: Monroe Road Streetscape, Parcel #33

**Project:** Monroe Road Streetscape, Parcel #33

**Program:** Monroe Road Streetscape

**Owner(s):** Jung Properties LLC

**Property Address:** 4435 Monroe Road

**Total Parcel Area:** 9,470 sq. ft. (0.22 ac.)

**Property to be acquired by Easements:** 196 sq. ft. (0.004 ac.) Utility Easement, 806 sq. ft. (0.019 ac.) Sidewalk Utility Easement, 336 sq. ft. (0.008 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** Sign

**Landscaping to be impacted:** Shrubs

**Zoned:** B-1

**Use:** Business District

**Tax Code:** 159-061-24

<https://polaris3g.mecklenburgcountync.gov/#mat=131340&pid=15906124&gisid=15906124>

**Purchase Price:** \$18,750

**Council District:** 5

## 51. Property Transactions - Monroe Road Streetscape, Parcel #35

**Action:** Approve the following Condemnation: Monroe Road Streetscape, Parcel #35

**Project:** Monroe Road Streetscape, Parcel #35

**Program:** Monroe Road Streetscape

**Owner(s):** Clayworks INC

**Property Address:** 4506 and 4508 Monroe Road

**Total Parcel Area:** 61,118 sq. ft. (1.40 ac.)

**Property to be acquired by Easements:** 1,248 sq. ft. (0.029 ac.) Sidewalk Utility Easement, 2,095 sq. ft. (0.048 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** Sign and parking spaces

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

**Zoned:** I-1 and B-2

**Use:** Industrial and Business District

**Tax Code:** 161-071-15

<https://polaris3g.mecklenburgcountync.gov/#mat=132045&pid=16107115&qisid=16107115>

**Appraised Value:** \$53,225

**Property Owner's Concerns:** N/A

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

**Recommendation:** The City is currently waiting on signed documents, but to avoid delay in the project schedule, the recommendation is to proceed to condemnation during which time negotiations can continue, mediation is available and if necessary, just compensation can be determined by the court.

**Council District:** 5

## 52. Property Transactions - Monroe Road Streetscape, Parcel #36

**Action:** Approve the following Condemnation: Monroe Road Streetscape, Parcel #36

**Project:** Monroe Road Streetscape, Parcel #36

**Program:** Monroe Road Streetscape

**Owner(s):** 1924-1958 East 7th St LLC

**Property Address:** 4520 Monroe Road

**Total Parcel Area:** 72,101 sq. ft. (1.66 ac.)

**Property to be acquired by Easements:** 2,633 sq. ft. (0.06 ac.) Sidewalk Utility Easement, 4,294 sq. ft. (0.099 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** Parking spaces and sign

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

**Zoned:** B-2

**Use:** Business District

**Tax Code:** 161-071-13

<https://polaris3g.mecklenburgcountync.gov/#mat=132635&pid=16107113&qisid=16107113>

**Appraised Value:** \$69,625

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

**City's Response to Property Owner's Concerns:** The City informed the property owner they could obtain their own appraisal in order to justify a counteroffer and 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:** 5



## 53. Property Transactions - Monroe Road Streetscape, Parcel #37

**Action:** Approve the following Condemnation: Monroe Road Streetscape, Parcel #37

**Project:** Monroe Road Streetscape, Parcel #37

**Program:** Monroe Road Streetscape

**Owner(s):** 1924-1958 East 7th St LLC

**Property Address:** 4620 Monroe Road

**Total Parcel Area:** 34,219 sq. ft. (0.79 ac.)

**Property to be acquired by Easements:** 2,694 sq. ft. (0.062 ac.) Sidewalk Utility Easement, 3,360 sq. ft. (0.077 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** B-1

**Use:** Business District

**Tax Code:** 161-071-12

<https://polaris3g.mecklenburgcountync.gov/#mat=399811&pid=16107112&qisid=16107112>

**Appraised Value:** \$48,925

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

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

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

**Council District:** 5

## Adjournment

## REFERENCES

## 54. 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.

## 55. 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.

## 56. 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.