

City of Charlotte

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



Meeting Agenda

Monday, June 13, 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.

2. Action Review Agenda Overview

Staff Resource(s):

Marcus Jones, City Manager

3. Action Review Items

Charlotte Center City Partners Annual Update

Staff Resource(s):

Ryan Bergman, Strategy and Budget

Time: Presentation - 10 minutes; Discussion - 10 minutes

Explanation

- Michael Smith, President and CEO, will provide an annual update on Charlotte Center City Partners.

University City Partners Annual Update

Staff Resource(s):

Ryan Bergman, Strategy and Budget

Time: Presentation - 10 minutes; Discussion - 10 minutes

Explanation

- Tobe Holmes, Interim Executive Director, will provide an annual update on University City Partners.

7th and N. Tryon Update

Staff Resource(s):

Tracy Dodson, Economic Development

Time: Presentation - 15 minutes; Discussion - 15 minutes

Explanation

- Provide an update on 7th and N. Tryon.

[Charlotte Center City Partners](#)

[University City Partners](#)

[7th and North Tryon](#)

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

CONSENT

- 5. Consent agenda items 39 through 61 may be considered in one motion except for those items removed by a Council member. Items are removed by notifying the City Clerk.**

Consideration of Consent Items shall occur in the following order:

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

AWARDS AND RECOGNITIONS

6. Juneteenth Proclamation

Action:

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

7. LGBTQ Pride Month Proclamation

Action:

Council member Egleston will read a proclamation recognizing June 2022 as LGBTQ Pride Month.

PUBLIC HEARING

8. Public Comment on the Strategic Mobility Plan

Action:

Receive public comment on the Strategic Mobility Plan.

Staff Resource(s):

Liz Babson, Transportation

Ed McKinney, Transportation

Explanation

- The Strategic Mobility Plan (SMP) is intended to shape a new mobility future for the City of Charlotte by expanding on the “Safe and Equitable Mobility” goal of the Charlotte Future 2040 Comprehensive Plan. The SMP provides an in-depth look into the mobility policies of the 2040 Plan with the objective of achieving a safe, connected, equitable, sustainable, prosperous, and innovative mobility vision for Charlotte.
- The SMP integrates various modes of travel into a single system that moves Charlotte by focusing on the intersection of four frameworks: transit, bicycle, pedestrian, and street and roadway.
- This updated transportation plan continues to build on previously adopted City Council plans including, Envision My Ride, Charlotte BIKES, Charlotte WALKS, the Vision Zero Action Plan, and the Transportation Action Plan.
- Policies in the SMP also align directly with the Subdivision, Streets, & Other Infrastructure section of the Unified Development Ordinance (UDO). Additionally, the Charlotte Streets Manual, Streets Map, and Comprehensive Transportation Review Guidelines, which serve as supporting documents to the UDO, are guided by the SMP.
- Community engagement was foundational in the development of the SMP. Engagement included 4,000 responses across two surveys focused on mobility choices, over 100 participants in listening sessions specific to seven geographies across the City, and 1,000 location-specific transportation comments.
- The first draft of the SMP was released online on May 20, 2022, and is available on the City’s website at www.charlottenc.gov/smp.
- The public has been engaging with the draft SMP in several ways, including:
 - Attending virtual public engagement sessions, two of which were offered at 6:00 p.m. on May 26 and at 12:00 p.m. on May 31,
 - Watching the informational SMP Show that aired on the Gov Channel and is available on the City’s YouTube Channel at <https://www.youtube.com/watch?v=jBVoH4aitks>.
 - Reviewing the draft and providing comments directly in the document through the Public Input site, <https://publicinput.com/cltsmp>, and
 - Sending feedback anytime to charlottedot@charlottenc.gov.
- The SMP was discussed with full City Council during the Strategy Session on June 6, 2022, as well as during the Annual Strategy Meeting in October 2021, and the Action Review on December 13, 2021. The Transportation and Planning Committee has also received information about the SMP during their meetings in January, February, March, and May 2022.
- The final draft of the SMP is planned to be presented to City Council for consideration on June 27.

9. Public Hearing and Decision on the Sunset Creek Area Voluntary Annexation

Action:

- A. Conduct a public hearing for the Sunset Creek Area voluntary annexation, and
- B. Adopt an annexation ordinance with an effective date of June 13, 2022, to extend the corporate limits to include this property and assign it to the adjacent City Council District 2.

Staff Resource(s):

Alyson Craig, Planning, Design, and Development

Holly Cramer, Planning, Design, and Development

Explanation

- Public hearings to obtain community input are required prior to City Council taking action on annexation requests.
- A petition has been received from the owners of this 56.022-acre property located along the south side of Sunset Road, east of Oakdale Road in northern Mecklenburg County.
- The property is owned by FH 1524 Sunset Road, LLC.
- The site is mostly vacant with some single-family residential uses and is zoned R-3, which allows for single-family residential uses up to three dwelling units per acre.
- The petitioned area consists of one parcel; parcel identification number: 037-043-01.
- The property is located within Charlotte's extraterritorial jurisdiction and shares a boundary with current city limits.
- The intent of the annexation is to enable the development of 131 single-family homes and 150 multi-family units. There is one existing single-family home that will remain on the site.

Consistent 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 (GIS)

Map (Survey)

Annexation Ordinance

[Sunset Creek Area Annexation Map](#)

[Sunset Creek Area Annexation Survey](#)

[Ordinance - Sunset Creek Area Annexation](#)

10. Public Hearing on a Resolution to Close a Portion of the Alleyway off of East 16th Street Parallel to Pegram Street

Action:

- A. Conduct a public hearing to close a portion of the alleyway off of East 16th Street parallel to Pegram Street, and
- B. Adopt a resolution and close a portion of the alleyway off of East 16th Street parallel to Pegram Street.

Staff Resource(s):

Liz Babson, Transportation

Anthony Mendez, Transportation

Explanation

- NC General Statute Section 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation (CDOT) received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way and attaches it to the adjacent property.
- The attached resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.
- The alleyway to be closed is located in Council District 1.

Petitioner

JBH Development, LLC

Right-of-Way to be Abandoned

A portion of the alleyway off of East 16th Street parallel to Pegram Street

Reason

Per the petition submitted by JBH Development, LLC , the abandonment will allow for the development of the adjacent properties. The City has no objections.

Notification

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

Adjoining property owner(s)

Hawthorne Mill Partners, LLC - No objections

Roger Lovelett - No objections

DKBHOLD, LLC - No objections

City Departments

- Review by City departments identified no apparent reason this closing would:
 - Be contrary to the public interest;
 - Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to their property as outlined in the statutes; and
 - Be contrary to the adopted policy to preserve existing rights-of-way for connectivity.

Attachment(s)

Map

Resolution

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

[2020-23A Resolution to Close 06.13.2022](#)

11. Public Hearing on a Resolution to Close Old Ridge Road

Action:

- A. Conduct a public hearing to close Old Ridge Road, and
- B. Adopt a resolution and close Old Ridge Road.

Staff Resource(s):

Liz Babson, Transportation
Anthony Mendez, Transportation

Explanation

- NC General Statute Section 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation (CDOT) received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way and attaches it to the adjacent property.
- The attached resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.
- The road to be closed is located in Council District 4.

Petitioner

WPBXW Highland, LLC

Right-of-Way to be Abandoned

Old Ridge Road

Reason

Per the petition submitted by WPBX Highland, LLC, the abandonment of the unopened right-of-way, will allow for future redevelopment of the site. The City has no objections.

Notification

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

Adjoining property owner(s)

NCCFA1, LLC- No objections
ESC Properties, LLC - No objections

City Departments

- Review by City departments identified no apparent reason this closing would:
 - Be contrary to the public interest;
 - Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to their property as outlined in the statutes; and
 - Be contrary to the adopted policy to preserve existing rights-of-way for connectivity.

Attachment(s)

Map
Resolution

[2021-32A Old Ridge Road Abandonment Map](#)

[2021-32A Resolution to Close 06.13.2022](#)

12. Public Hearing on a Resolution to Close Unopened Beechway Circle and Mark Way Right-of-Way

Action:

- A. Conduct a public hearing to close unopened Beechway Circle and Mark Way Right-of-Way, and
- B. Adopt a resolution and close unopened Beechway Circle and Mark Way Right-of-Way.

Staff Resource(s):

Liz Babson, Transportation

Anthony Mendez, Transportation

Explanation

- NC General Statute Section 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation (CDOT) received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way and attaches it to the adjacent property.
- The attached resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.
- The right-of-way to be closed is located in Council District 1.

Petitioner

Sugar Creek Apartments, LLC

Right-of-Way to be Abandoned

Unopened Beechway Circle and Mark Way right-of-way

Reason

Per the petition submitted by Sugar Creek Apartments, LLC, the abandonment of the unopened right-of-way, will allow for future development of the site. The City has no objections.

Notification

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

Adjoining property owner(s)

Sugar Creek Apartments, LLC.- No objections

Mecklenburg County- No objections

City Departments

- Review by City departments identified no apparent reason this closing would:
 - Be contrary to the public interest;
 - Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to their property as outlined in the statutes; and
 - Be contrary to the adopted policy to preserve existing rights-of-way for connectivity.

Attachment(s)

Map

Resolution

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

[2021-29A Resolution to Close 06.13.2022](#)

13. Public Hearing on a Resolution to Close Unopened Wayne Avenue and a Portion of May Street

Action:

- A. Conduct a public hearing to close unopened Wayne Avenue and a portion of May Street, and
- B. Adopt a resolution and close unopened Wayne Avenue and a portion of May Street

Staff Resource(s):

Liz Babson, Transportation
Anthony Mendez, Transportation

Explanation

- NC General Statute Section 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation (CDOT) received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way and attaches it to the adjacent property.
- The attached resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.
- The right-of-way to be closed is located in Council District 3.

Petitioner

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

Right-of-Way to be Abandoned

Unopened Wayne Avenue and a portion of May Street

Reason

Per the petition submitted by Neal Properties, Inc., the abandonment of the unopened right-of-way, will allow for future redevelopment of the site. The City has no objections.

Notification

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

Adjoining property owner(s)

Neal Properties, Inc.- No objections
Lester Moultrie - No objections
Joan Stowe - No objections

City Departments

- Review by City departments identified no apparent reason this closing would:
 - Be contrary to the public interest;
 - Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to their property as outlined in the statutes; and
 - Be contrary to the adopted policy to preserve existing rights-of-way for connectivity.

Attachment(s)

Map
Resolution

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

[2021-28A Resolution to Close 06.13.2022](#)

POLICY

14. City Manager's Report

[06.13.22 City Manager's Memo](#)

15. Neighborhood Traffic Calming Policy

Action:

Approve the Safe Communities Committee's recommendation to accept the proposed Neighborhood Traffic Calming Policy updates.

Committee Chair:

Larken Egleston, Safe Communities Committee

Staff Resource(s):

Liz Babson, Transportation
Debbie Smith, Transportation
Tamara Blue, Transportation

Current Policy

- The Neighborhood Traffic Calming Policy was adopted in 1997, with the last update occurring in 2018.
- This Policy provides criteria for traffic calming tools, including speed humps and multi-way stops for residential streets. Moderating travel speeds through neighborhoods supports the City's Vision Zero efforts.
- Resident-driven petitions are a current method in which a neighborhood can be approved for speed humps or multi-way stops.
- For a petition to be successful, the existing petition requirements include the original signature of one parcel owner of record and the requirement for 60 percent support of all property owners within the impact area.

Proposed Changes

- Based on feedback from the community and peer city research, proposed revisions to the policy include removing the petition process from the Neighborhood Traffic Calming Policy. This will remove a barrier and better align Charlotte's policy with other cities.

Committee Discussion

- The Safe Communities Committee received information and discussed proposed changes to the policy at the March 1 and April 13, 2022 Committee meetings.
- On April 13, 2022, the Committee voted in favor of advancing the proposed Neighborhood Traffic Calming Policy updates to the full Council (Council members Egleston, Phipps, and Johnson voted in favor; Council members Bokhari and Newton were absent).
- Full Council received a presentation highlighting the current policy with proposed changes at the City Council Strategy Session on June 6, 2022.

Attachment(s)

Draft Neighborhood Traffic Calming Policy

[Traffic Calming Policy Draft](#)

16. Fiscal Year 2023 Annual Action Plan for Housing and Community Development

Action:

Adopt the 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 supports the City's approved Housing Charlotte Framework to preserve existing housing, expand the 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.
- Consistent with HUD's requirements, Housing and Neighborhood Services convened two virtual public forums to receive input for the development of the Plan. Advertised in the Charlotte Observer and La Noticia, the sessions were held virtually on February 15 and February 17, 2022.
- On April 11, 2022, City Council held a public hearing on the Plan. No comments were received.

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 amongst the City, Mecklenburg County, and the towns of Cornelius, Pineville, Matthews, Mint Hill, Huntersville, and Davidson.
- In Fiscal Year 2023, the City expects to receive the following federal funding allocations, totaling \$12,917,450:
 - Community Development Block Grant: \$5,626,717
 - HOME Investment Partnerships: \$3,529,948
 - Emergency Solution Grants: \$500,399, and
 - Housing Opportunity for Persons with AIDS: \$3,260,386.

Nest Steps

- The Plan must be submitted to HUD no later than July 13, 2022. Additionally, HUD occasionally requests changes to the Plan upon submission.

Attachment(s)

Fiscal Year 2023 Charlotte-Mecklenburg Annual Action Plan - Executive Summary

[FY23 AAP Executive Summary 42122](#)

BUSINESS

17. Spectrum Center Agreement

Action:

- A. **Authorize the City Manager, or his designee, to negotiate and execute an agreement between Hornets Sports Entertainment and the City of Charlotte in an amount not to exceed \$215,000,000 for arena improvements and repairs and \$60,000,000 for a new Performance Enhancement Center,**
- B. **Adopt a budget ordinance appropriating \$215,000,000 in proceeds from Certificates of Participation in the Tourism Capital Projects Fund for arena improvements and repairs, and**
- C. **Authorize the City Manager to negotiate and execute contracts necessary to complete arena improvements and repairs to the Spectrum Center and Performance Enhancement Center related to the City's agreement with Hornet Sports Entertainment.**

Staff Resource(s):

Tracy Dodson, City Manager's Office
Phil Reiger, General Services
Teresa Smith, Finance

Explanation

- The original operating agreement was signed in January 2003, and the arena opened on October 23, 2005. The operating agreement was amended on September 8, 2014.
- The City of Charlotte owns the Spectrum Center, and per the operating agreement, is contractually obligated to maintain and make improvements to the building.
- The estimated costs for the needed repairs and improvements to meet the City's contractual obligations is \$173 million. Per the agreement, the City is required to make capital repairs, make any upgrades required to meet National Basketball Association (NBA) requirements (e.g., building separate locker rooms for female referees), and ensure the building is comparable to 50 percent of other NBA facilities.
- Renovations and upgrades will help keep the arena competitive and help attract additional events to bring more visitors to the Center City and support local businesses - particularly businesses that have been negatively impacted by the pandemic.
- Energy efficiency upgrades will make the operations of the arena more environmentally friendly and support the City's Strategic Energy Action Plan goals.
- Currently, the Charlotte Hornets' lease for the Spectrum Center expires in 2030.
- The City has been negotiating with the Hornets to extend its lease to 2045, and as a part of the negotiations, the City is agreeing to additional renovations and upgrades. In turn the Charlotte Hornets would extend its lease with the City for an additional 15 years.
- As part of this agreement, a Performance Enhancement Center would be funded by new revenues generated by sponsorship/naming rights. Revenue from any naming rights agreement would be appropriated in a separate action by City Council.
- The arena renovation project will total \$215 million of which approximately \$173 million is contractually obligated repairs and the balance is upgrades for the team and patrons.
- The debt service for the Certificates of Participation issued for this project will be funded by contributions from the Tourism Operating Fund. Revenue in this fund is derived from rental car and hotel sales taxes and is legally required to be spent on projects to support the City's tourism economy, which includes funding for maintenance of sports facilities, such as coliseums and arenas.
- Contributions from the City are funded over four years to help align with the recovery of tourism taxes previously impacted by the pandemic.
- The City's contributions are fixed to an upfront capital contribution of \$215 million; any cost overruns would be the responsibility of the Hornets.
- The Hornets would also contribute \$2 million per year for rent beginning in 2031. From arena construction completion (est. 2027) until 2031, the Hornets would pay \$500,000 in rent per year.
- Hornets Sports Entertainment will continue the annual contribution of \$1.1 million to the Arena

Maintenance Reserve through 2045.

Charlotte Business INClusion

CBI has established the following minority and small business enterprise (MSBE) project goals: MBE of 16.00% and SBE of 14.00%. These goals are based on historical data from similar projects, as well as availability. After contracts are entered, and the scopes of work are revealed, CBI sets goals based on the actual scopes of work and availability of MSBE firms in those scopes. Therefore, individual contract goals may be higher or lower than the overall project goal of MBE 16.00% and SBE percent. However, all goals set over the four-year period of work for multiple contracts should be equal to or higher than the overall established project goal.

Fiscal Note

Funding: Tourism Debt Service Fund

Attachment(s)

May 31, 2022, City Council Presentation
Budget Ordinance

[Spectrum Budget Ordinance](#)

[Spectrum Presentation 5_31_2022](#)

18. CityLYNX Gold Line Phase 3 Design Services

Action:

- A. Authorize the City Manager to negotiate and execute a contract in the amount of \$4,299,990.14 with AECOM Technical Services of North Carolina, Inc for planning, environmental, and preliminary design services, and**
- B. Adopt a budget ordinance transferring \$4,299,990.14 from the CityLYNX Gold Line Phase 3 Reserve in the General Capital Projects Fund and appropriating \$4,299,990.14 to the CityLYNX Gold Line Design project.**

Staff Resource(s):

John Lewis, Jr., CATS
Kelly Goforth, CATS
David McDonald, CATS

Explanation

- The CityLYNX Gold Line is a 10-mile streetcar that is planned to operate from the Eastland Transit Center on Central Avenue through Uptown Charlotte to the Rosa Parks Transit Center on Beatties Ford Road.
- Phases 1 and 2 of the CityLYNX Gold Line are complete, and service is operating from French Street on Beatties Ford Road to Summit Avenue on Hawthorne Lane (four miles).
- This contract will include design services for Phase 3 of the Gold Line, from French Street to Rosa Parks Center along Beatties Ford Road and from Hawthorne Lane to Eastland Transit Center along Central Avenue in Council Districts 1, 2, and 5.
- The initial design services will update the environmental document; apply lessons learned from the prior projects; and seek updated public input on the project's design, alignment, and vehicle maintenance facility location.
- The work will include assessment of travel time and operational reliability and efficiency and potential expansion of off-wire operations to reduce construction impacts and project delivery time.
- On March 23, 2021, the City issued a Request for Qualifications (RFQ); three responses were received.
- AECOM Technical Services of North Carolina, Inc is the best qualified firm to meet the City's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- Future requests for City Council approval of contract amendments to complete the design of the Gold Line Phase 3 are anticipated.

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). AECOM Technical Services of North Carolina, Inc. has identified MBEs and has committed 4.19% (\$180,107) and has identified SBEs and committed 9.06% (\$389,647) of the total contract amount to the following certified firm(s):

- Zaja PR (MBE) (\$38,362) (Public Involvement)
- Neighboring Concepts (MBE) (\$141,745) (Public Outreach, Developing Project Renderings, GIS Mapping, Conceptual Design of Vehicle Maintenance Facility)
- CES Group Engineers (SBE) (\$306,755) (Surveying and Mapping, Plats)
- Utility Coordination Consultants (SBE) (\$82,892) (Utility Coordination)

Fiscal Note

Funding: CATS Capital Investment Plan with funding from CityLYNX Gold Line Reserves

Attachment(s)

Map
Budget Ordinance

[Gold Line 3 Map](#)

[Gold Line Budget Ordinance](#)

19. 7th and North Tryon Infrastructure Reimbursement Agreement

Action:

- A. **Authorize the City Manager to negotiate and execute an infrastructure reimbursement agreement with BP-Metropolitan NC, LCC in an amount not to exceed \$24,448,588 for public infrastructure and public parking, 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,**
- B. **Authorize the City Manager to negotiate and execute an infrastructure reimbursement agreement with BP-Metropolitan NC, LLC in an amount not to exceed \$3,000,000 for public infrastructure improvements, which is expected to be reimbursed in a future bond referendum, and**
- C. **Adopt a resolution approving an interlocal agreement with Mecklenburg County for the 7th and North Tryon Infrastructure Reimbursement Agreement.**

Staff Resource(s):

Tracy Dodson, City Manager's Office

Explanation

- BP-Metropolitan NC, LCC plans to develop a \$600 million mixed-use development on a 3.1-acre site bounded by North Tryon, Seventh, College, and Sixth Streets in Council District 1.
- The 7th and North Tryon redevelopment project is identified as a catalytic site in the City Council-adopted North Tryon Vision Plan.
- In addition to supporting the North Tryon Vision Plan, these improvements implement the City's goals of increasing economic development, increasing the local tax base, creating jobs, improving road networks and pedestrian connectivity, traffic mitigation, creating open space and placemaking opportunities, and public parking.
- The 7th and North Tryon project will serve as a connector for cultural amenities (i.e., Discovery Place, Spirit Square, McGlohan Theater, and Carolina Theater) throughout the corridor and to transit.
- The project is expected to provide approximately:
 - 400,000 square feet in office space,
 - 30,000 square feet in retail space,
 - 345 multi-housing units,
 - 220 hotel rooms, and
 - 23,100 square feet for a public plaza.
- This site supports the development of the new Charlotte-Mecklenburg Library - Main Library, McGlohan and Duke Energy theaters, and 250 public parking spaces to support all uses.
- This project will bring an additional \$4.7 million in annual City and County tax revenue and is expected to achieve the following job creation:
 - 4,000 full time employees, of which 40 percent are new to market,
 - 250 retail and food service employees,
 - 10 parking operation employees,
 - 125 full time hotel employees,
 - 1,200-1,500 temporary construction jobs, and
 - 250 facility-based permanent jobs.
- This project commits approximately \$18.7 million in funding toward affordable housing projects in the community. This includes \$3 million from the developer from proceeds of land sales.
 - \$6 million for an Inlivan development (Tryon property).
 - 32 units at 30 percent average median income (AMI),
 - 37 units at 60 percent AMI, and

- 37 units at 80 percent AMI.
- \$11.7 million for 546 affordable housing units outside of Uptown (DreamKey partnership). AMI percentages anticipated to range between 30 to 80 percent.
 - 140 units at Johnston Oehler Seniors,
 - 104 units at YWCA (Park Road),
 - 82 units at Scaleybark Light Rail Housing,
 - 78 units at Connelly Creek Apartments,
 - 51 units at Mayfield and Sugar Creek Housing,
 - 21 units at Caldwell Presbyterian Housing, and
 - 70 units at Marvin Road Apartments at Grier Heights.
- \$1 million remaining for County allocation.
- During the April 11, 2022 Strategy Session, the City's potential partnership on the project was discussed. As part of the proposed partnership, the BP-Metropolitan NC, LCC committed to the following:
 - Provide a meaningful MWSBE goal of 30 percent, and
 - Commit \$3,000,000 to affordable housing from land sale proceeds.
- BP-Metropolitan NC, LCC will construct municipal infrastructure improvements within its development through the Tax Increment Grant (TIG) and City's Capital Investment Plan (CIP).

Action A

- Infrastructure Reimbursement Agreement -TIG
 - BP-Metropolitan NC, LLC has requested reimbursement of an amount not to exceed \$24,448,588 (City \$8,814,897 and County \$15,633,691) in public infrastructure improvements.
 - The development qualifies for a 15-year, 45 percent TIG in the form of an infrastructure reimbursement agreement (Agreement).
 - On March 15, 2022, the Mecklenburg County Board of County Commissioners approved its public investment.
 - The public improvements to be reimbursed under the terms of the Agreement include:
 - Public roadway and intersection improvements; public plaza; cycle track; public parking (250 spaces); an underground service area to jointly accommodate the Charlotte-Mecklenburg Library - Main Library, McGlohan Theater, and Duke Energy Theater.

Action B

- Infrastructure Reimbursement Agreement - CIP
 - Three million in funding to BP-Metropolitan NC, LCC for public infrastructure improvements anticipated to be dispersed in payment(s) from a future bond referendum.
 - Under the terms of the agreement, BP-Metropolitan NC, LCC would build the public improvements and be reimbursed upon completion of said improvements to the City's standards through the CIP or other funding sources.

Action C

- 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 BP-Metropolitan NC, LCC.

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: General Capital Investment Plan and Tax Increment Grant

Attachment(s)

April 11, 2022, Action Review Presentation
Resolution

[7th and North Tryon Council Update](#)

[Resolution](#)

20. Pearl Innovation District Interlocal Agreement Resolution

Action:

- A. Adopt a resolution approving an interlocal agreement between the City of Charlotte and Mecklenburg County for the Atrium Health Innovation District Infrastructure Reimbursement Agreement funded through incremental City and County property taxes, and**
- B. Authorize the City Manager to negotiate and execute all documents necessary to complete the interlocal agreement.**

Staff Resource(s):

Tracy Dodson, City Manager's Office

Background

- On November 22, 2021, City Council approved the following actions:
 - Authorize the City Manager to negotiate and execute an infrastructure reimbursement agreement with the Charlotte Innovation District Management Company for the reimbursement of costs for public infrastructure in an amount not to exceed \$60 million for public infrastructure and public parking which will be reimbursed through 90 percent of incremental City and County property taxes from a designated area over 15 years, or until fully reimbursed, whichever occurs first, and
 - Authorize the City Manager to negotiate and execute an Infrastructure Reimbursement Agreement with the Charlotte Innovation District Management Company for the reimbursement of costs for public infrastructure in an amount not to exceed \$15 million for public infrastructure improvements, which is expected to be reimbursed in multiple bond referendums or payments from other municipal sources of funding.
- Adoption of a resolution ratifying an interlocal agreement with Mecklenburg County is required in order to execute and implement the Pearl Innovation District tax increment grant agreement.

Explanation

- In order to facilitate the tax increment reimbursement arrangement, the City and County are required by law to execute an interlocal agreement, which will obligate the County to pay 90 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 Developer.
- The Mecklenburg County Board of County Commissioners approved its portion of the interlocal agreement at its December 7, 2021 meeting.

Fiscal Note

Funding: Tax Increment Grant

Attachment(s)

Pearl Innovation District Interlocal Agreement Resolution

Pearl Innovation District Interlocal Agreement

[Pearl Innovation Resolution](#)

[Pearl Innovation Interlocal Agreement 5.25.20](#)

21. Affordable Housing Development Support Request

Action:

- A. Reallocate up to \$700,000 of Housing Trust Fund support from the Evoke Living at Westerly Hills multi-family affordable housing development, to further support the development of the Evoke Living at Morris Field multi-family affordable housing development, and**
- B. Adopt a budget ordinance appropriating \$500,000 from Crosland Southeast, or an affiliate, to the General Capital Projects Fund.**

Staff Resource(s):

Shawn Heath, City Manager's Office

Rebecca Hefner, Housing and Neighborhood Services

Explanation

- On April 26, 2021, City Council approved a \$3,000,000 Housing Trust Fund (HTF) allocation for the development of Evoke Living at Morris Field, a 132-unit new construction affordable housing development to be developed, owned, and operated by Morris Field Housing, LLC, an affiliate of Crosland Southeast and Opportunities South, LLC (Developer).
- The development is located at 3628 Morris Field Drive in Council District 3 and will serve households earning up to 80 percent of the Area Median Income (AMI) with income averaging of 60 percent of AMI for the entire development. Of the 132 new units, 26 will serve households that earn 30 percent of AMI or less.
- The development has experienced a new financing gap as a result of pandemic-related cost escalation. Staff has worked with the Developer to identify possible sources to fill this gap. Additional sources in the amount of approximately \$4.7 million have been identified, including:
 - additional support through the Low-Income Housing Tax Credit program (approximately \$2.4 million),
 - extending the amortization period of other project debt financing (approximately \$1.8 million), and
 - deferred developer fees (\$500,000).
- Even after identifying these additional funding sources, a financing gap still exists for which the Developer has requested the City's assistance through additional HTF support for the Morris Field development.
- The City proposes and requests authority to reallocate up to \$700,000 of HTF support, previously allocated to the Developer's Evoke Living at Westerly Hills development, to fill the remaining gap. This is possible due to cost savings on the Westerly Hills project. The reallocated amount will come from the following sources:
 - up to \$500,000 of HTF funds drawn down by the Developer for the Evoke Living at Westerly Hills development will be returned to the City, reappropriated, and allocated to the Evoke Living at Morris Field development, pending Cost Certification by the North Carolina Housing Finance Agency, and
 - an additional \$200,000 in HTF funds that were originally allocated to the Westerly Hills development but have not yet been drawn down by the Developer will be reallocated to the Morris Field development.

Background

Evoke Living at Westerly Hills:

- On July 22, 2019, City Council approved a \$2,000,000 HTF allocation for the development of Evoke Living at Westerly Hills by Crosland Southeast, a 156-unit affordable housing development located at 2503 Westerly Hills Drive in Council District 3. The development was completed in December 2021.

Evoke Living at Morris Field:

- In conjunction with the original \$3,000,000 HTF allocation, the Developer applied for four percent

low-income housing tax credits and a housing bond allocation capacity from the North Carolina Housing Finance Agency (NCHFA) to finance the land acquisition and construction of the Evoke Living at Morris Field development. In August 2021, NCHFA awarded the four percent tax credits and bond allocation.

- On February 28, 2022, City Council adopted a resolution granting INLIVIAN's request to issue multi-family housing revenue bonds in an amount not to exceed \$19,500,000 for the Morris Field development.

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: Housing Trust Fund

Attachment(s)

Budget Ordinance

[Budget Ordinance - HTF Reallocation](#)

22. Upset Bid Process for City-Owned Property on French Street

Action:

- A. Adopt a resolution authorizing the upset bid process for the proposed sale of a portion of City-owned property (parcel identification number 078-212-01) located at 600 French Street and a temporary easement for construction of planned development, 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

- TDC Biddleville II, LLC (TDC), proposes to purchase approximately 2,396 square feet (0.06 acre) of City-owned property (parcel identification number 078-212-01) located at 600 French Street in Council District 2.
- TDC intends to combine the property with three tracts of adjacent land for a townhome development project. As part of this transaction, the City will also convey 1,825 square feet (0.004 acre) of temporary construction easement to TDC for the purpose of laying equipment and materials for construction of the project.
- The property is zoned I-2 Industrial, which allows for heavy industrial development. There is a proposal to rezone the area to Transit Oriented Development - Commercial Center.
- City Council has the authority to sell property in accordance with NC General Statute Section 160A-269.
- On December 21, 2021, the Charlotte-Mecklenburg Planning Commission reviewed the proposed request to sell and had no comments.
- The property was appraised by an independent appraiser for the City of Charlotte on October 27, 2021, and updated March 16, 2022. According to the updated appraisal, the fair market value of the property is \$60,675.
- TDC has made an offer to purchase the property for the newly appraised amount of \$60,675 and deposited the required five percent of the proposed purchase price.

Fiscal Note

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

Attachment(s)

Map
Resolution

[Resolution Authorizing Upset Bid Process](#)

[Map Upset Bid Process for City-Owned Property on French Street.pdf](#)

23. Transfer of Property on LaSalle Street

Action:

- A. Adopt a Resolution authorizing the transfer of common area located on or near LaSalle Street ("Vantage Pointe"), and being known as parcel identification number 075-037-41, to Vantage Pointe Townhome Association, Inc. in support of the development of twelve (12) affordable for-sale units located along the Beatties Ford Road Corridor; and**
- B. Authorize the City Manager, or his designee, to negotiate and execute all necessary documents to complete the transaction in conformity herewith.**

Staff Resource(s):

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

Explanation

- On March 22, 2021, City Council authorized the sale of 12 lots on or near LaSalle Street in Council District 2, together with the common area interest in the development's Common Area Parcel (parcel identification number 075-037-41) allocated to and running with the lots, to CMHP Vantage Pointe, LLC (now DKP Vantage Pointe, LLC, an affiliate of DreamKey Partners, the Developer).
- The 12 lots were authorized to be conveyed subject to a restriction that requires the development of 12 for-sale residential affordable units to be sold to low- and moderate-income buyers eligible to participate in the HouseCharlotte down payment assistance program with a 20-year affordability period to ensure long-term affordability of the units. On August 11, 2021, Northwest Corridor Community Development Corporation (a previous owner of the property) recorded a deed to transfer the Common Area Parcel to the City, believing it would help clear title to the parcel. No monetary consideration was given or received, and to the extent that the City holds any valid title or interest in and to the Common Area Parcel as a result of the transfer, the City's interest is considered unmarketable.
- The Developer desires for the City to approve conveyance of the Common Area Parcel to the Vantage Pointe Townhome Association, Inc., a North Carolina Non-Profit Corporation (the Association).
- The City desires to clear any title issue resulting from the deed recorded by the Northwest Corridor Community Development Corporation.
- The City proposes and requests authority to convey to the Association the Common Area Parcel via quitclaim deed for no monetary consideration in support of the development of affordable housing on the 12 lots and to ensure that this title issue will not result in any future harm to the operation of the Association.

Attachment

Map
Resolution

[Map - Transfer of Property on LaSalle Street](#)

[Resolution - Common Area 6.13.22 leg1.f Vantage Pointe](#)

24. Lease to Sugar Creek Charter School

Action:

- A. Adopt a resolution authorizing the lease of approximately 0.3 acre of City-owned property that is an unimproved portion of the parcel located at 4045 North Tryon Street, parcel identification number 087-011-21, to Sugar Creek Charter School, Inc., and**
- B. Authorize the City Manager, or his designee, to execute the Lease Agreement to complete this transaction.**

Staff Resource(s):

Phil Reiger, General Services
Greg Crawford, General Services
David Robinson, Police

Explanation

- Sugar Creek Charter School (SCCS), located directly behind the property, has requested to lease a small area of the property, approximately 0.3 acre, to install a fence and to use for outdoor physical activities. This portion of the parcel is currently unused by the Charlotte-Mecklenburg Police Department's North Tryon Division or the Library.
- The total footprint of parcel identification number 087-011-21 is 5.187 acres, zoned B-2 (General Business) and located in Council District 1.
- SCCS will be responsible for installation of the fence, maintenance of the leased area, and removal of the fence at the end of the lease term.
- The terms of the transaction are as follows:
 - Initial term of five years, beginning on June 15, 2022, with four, one-year extension options, and
 - SCCS will pay \$1.00 for use of the leased premises during the entire term, including any extension.
- The Library Board of Trustees approved the transaction on September 20, 2021.

Background

- SCCS is the oldest operating charter school in Mecklenburg County, with enrollment over 1,700 students between elementary, middle, and high school.
- The 4045 North Tryon Street property was purchased in 2001, at which time, the Library retained a 59 percent interest and deeded the City a 41 percent interest.
 - In 2003, Mecklenburg County deeded another 10 percent interest to the City for a cumulative total interest of 51 percent.

Attachment(s)

Map

[Map Lease to Sugar Creek Charter School.pdf](#)

25. Appropriate Private Developer Funds

Action:

Adopt a budget ordinance appropriating \$161,740 in private developer funds for infrastructure improvements to the General Capital Projects Fund from the following developers:

- **SR University, LLC,**
- **Eastgroup, and**
- **Beacon Acquisitions LLC.**

Staff Resource(s):

Phil Reiger, General Services

Jennifer Smith, General Services

Veronica Wallace, General Services

Explanation

- Private developer agreements and appropriations are needed when a developer is required through the City rezoning process to make infrastructure improvements.
- The \$161,740 in private developer funds is for sidewalk, curb and gutter, grading, drainage, erosion control, landscaping, and other related work associated with the developers' projects. The funding is restricted to the projects noted below:
 - SR University, LLC contributed \$110,000 for the Rocky River Road West Streetscape Project (Council District 4),
 - Eastgroup contributed \$25,000 for the Sandy Porter Road/South Tryon Street Intersection Improvements (Council District 3), and
 - Beacon Acquisitions LLC contributed \$26,740 for the Westinghouse Boulevard Multi-Use Path (Council District 3).
- The developer contribution is based on cost estimates prepared by General Services.
- The City will construct the improvements as part of these three projects.

Fiscal Note

Funding: Private Developer Contributions

Attachment(s)

Map

Budget Ordinance

[Map Appropriate Private Developer Funds.pdf](#)

[Budget Ordinance](#)

26. Nominations to the Business Advisory Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term recommended by the Certified SBE-Hispanic Contractors Association beginning upon appointment and ending April 28, 2023.
 - Domenico Santilli is eligible but not interested in reappointment.
- One appointment for a three-year term recommended by the Charlotte Regional Business Alliance beginning April 29, 2022, and ending April 28, 2025.
 - Tonia Woodbury did not meet attendance requirements and is ineligible for reappointment.

Attachment(s)

Business Advisory Committee Applications

27. Nominations to the Charlotte Business INClusion Advisory Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a two-year term recommended by the Hispanic Contractors Association of the Carolinas beginning March 1, 2022, and ending February 28, 2024.
 - Sandra Velez did not meet attendance requirements.
- One appointment for a partial term recommended by the Latin American Chamber of Commerce beginning upon appointment and ending February 28, 2024.
 - Griselda Bailey has resigned.

Attachment(s)

Charlotte Business INClusion Advisory Committee Applications

28. Nominations to the Charlotte Regional Visitors Authority

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- Two appointments for three-year terms beginning July 1, 2022, and ending June 30, 2025.
 - Clarke Allen is eligible and interested in reappointment.
 - Martha Clark has served two terms and is ineligible for reappointment.

Attachment(s)

Charlotte Regional Visitors Authority Applications

29. Nominations to the Citizens Transit Advisory Group

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a two-year term beginning July 1, 2022, and ending June 30, 2024.
 - Michael Young is eligible but not interested in reappointment.

Attachment(s)

Citizens Transit Advisory Group Applications

30. Nominations to the Community Relations Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- Thirteen appointments for three-year terms beginning July 1, 2022, and ending June 30, 2025.
 - Angela Ables did not meet attendance requirements.
 - Monifa Drayton did not meet attendance requirements.
 - Anthony Forman is eligible and interested in reappointment.
 - Lucille Frierson is eligible and interested in reappointment.
 - Scott Gartlan is eligible and interested in reappointment.
 - Karen Gipson is eligible and interested in reappointment.
 - Charlene Henderson is eligible and interested in reappointment.
 - Joi Mayo is eligible and interested in reappointment.
 - Temako McCarthy is eligible and interested in reappointment.
 - Barbara Ratliff is eligible and interested in reappointment.
 - Delores Reid-Smith has served two terms and is ineligible for reappointment.
 - Jeffrey Simpson did not meet attendance requirements.
 - Shalinda Williams is eligible and interested in reappointment.

Attachment(s)

Community Relations Committee Applications

31. Nominations to the Firemen's Relief Fund Board of Trustees

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term beginning upon appointment and ending January 19, 2024.
 - Henry Donaghy has served two terms and is ineligible for reappointment.

Attachment(s)

Firemen's Relief Fund Board of Trustees Applications

32. Nominations to the Historic District Commission

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a three-year term beginning July 1, 2022, and ending June 30, 2025.
 - Chris Muryn is eligible but not interested in reappointment.
- One appointment for a Business Operator of Dilworth representative for a three-year term beginning July 1, 2022, and ending June 30, 2025.
 - Jessica Hindman has served two terms and is ineligible for reappointment.
- One appointment for a Resident Owner of Fourth Ward representative for a three-year term beginning July 1, 2022, and ending June 30, 2025.
 - James Haden has served two terms and is ineligible for reappointment.
- One appointment for a partial term for a Resident Owner of Hermitage Court beginning upon appointment and ending December 31, 2023.
 - James Jordan has resigned.
- One appointment for a Resident Owner of Plaza-Midwood representative for a three-year term beginning July 1, 2022, and ending June 30, 2025.
 - Chris Barth is eligible and interested in reappointment.
- One appointment for a Resident Owner of Wesley Heights representative for a three-year term beginning July 1, 2022, and ending June 30, 2025.
 - Kim Parati is eligible and interested in reappointment.

Attachment(s)

Historic District Commission Applications

33. Nominations to the Keep Charlotte Beautiful Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- Three appointments for three-year terms beginning July 1, 2022, and ending June 30, 2025.
 - Casey Brewer is eligible and interested in reappointment.
 - Linda DiTroia is eligible and interested in reappointment.
 - Ryon Smalls is eligible but not interested reappointment.

Attachment(s)

Keep Charlotte Beautiful Committee Applications

34. Nominations to the Passenger Vehicle for Hire Board

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a Hospitality / Tourism Industry category representative for a partial term beginning upon appointment and ending June 30, 2024.
 - Sheila Etheridge-Boddie has served two terms and is ineligible for reappointment.

Attachment(s)

Passenger Vehicle for Hire Board Applications

35. Nominations to the Planning Commission

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- Two appointments for three-year terms beginning July 1, 2022, and ending June 30, 2025.
 - Erin Barbee is eligible and interested in reappointment.
 - Elizabeth McMillan has served two terms and is ineligible for reappointment.
- One appointment recommended by the Board of Education for a three-year term beginning July 1, 2022, and ending June 30, 2025.
 - Sam Spencer has served two terms and is ineligible for reappointment.

Attachment(s)

Planning Commission Applications

36. Nominations to the Public Art Commission

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a three-year term beginning July 1, 2022, and ending June 30, 2025.
 - Sherri Belfield has served two terms and is ineligible for reappointment.

Attachment(s)

Public Art Commission Applications

37. Nominations to the Storm Water Advisory Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a General Contractor category representative for a three-year term beginning July 1, 2022, and ending June 30, 2025.
 - Bill Cornett has served two terms and is ineligible for reappointment.
- One appointment for a Residential Neighborhood category representative for a partial term beginning upon appointment and ending June 30, 2024.
 - Ilonka Aylward did not meet membership criteria.

Attachment(s)

Storm Water Advisory Committee Applications

38. Nominations to the Transit Services Advisory Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a Vanpool Rider category representative for a three-year term beginning February 1, 2022, and ending January 31, 2025.
 - Park Cains has resigned.

Attachment(s)

Transit Services Advisory Committee Applications

CONSENT

39. Environmental Services

Action:

- A. Approve unit price contracts with the following companies for General Services environmental projects for an initial term of three years:**
- ECS Southeast, LLP,
 - ESP Associates, Inc.,
 - Geosyntec Consultants, Inc.,
 - Hart and Hickman, PC,
 - Terracon Consultants, Inc.,
 - Wood Environment & Infrastructure Solutions, Inc.,
- B. Approve unit price contracts with the following companies for Charlotte Water environmental projects for an initial term of three years:**
- AECOM Technical Services of North Carolina,
 - Geosyntec Consultants, Inc.,
 - HDR Engineering Inc. of the Carolinas,
 - S&ME, Inc., and
- C. 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 was approved.**

Staff Resource(s):

Phil Reiger, General Services
 David Wolfe, General Services
 Angela Charles, Charlotte Water

Explanation

- These contracts will include ongoing support of City compliance with state and federal Environmental Protection Agency (EPA) regulations.
- Projects may include water/wastewater sampling, maintenance of former City landfills, fuel system compliance and other ongoing state/federal EPA and Occupational Safety and Health Administration (mold/asbestos) remediation and reporting obligations.
- On January 19, 2022, the City issued a Request for Qualifications (RFQ); 19 responses were received.
- The companies selected are the best qualified to meet the City's needs based on demonstrated competence and qualification of professional services in response to the RFQ requirements.
- Annual aggregate expenditures for Action A are estimated to be \$2.6 million, and annual aggregate expenditures for Action B are estimated to be \$500,000.

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). Each of the firms listed has identified certified firms to be utilized as the project evolves and committed 5.00% (\$775,000) of the total contract amount to the following certified firms:

Action A:

ECS Southeast, LLP

- Carolina Soil Investigations (SBE) (testing services, site assessment, site field observations)
- Enviro-Equipment, Inc (WBE, SBE) (contaminated groundwater services, equipment rental and supplies, remediation services)
- JennTec, LLC (SBE) (asbestos consulting, environmental consulting)
- JWJ Consulting, LLC (MBE, SBE) (asbestos consulting and lead inspection, air quality monitoring, environmental consulting)

- Probe Utility Locating, LLC (WBE, SBE) (utility locating)
- RDL Private Utility Locating LLC (MBE, SBE) (excavation services, utility locating)
- Smith Environmental Solutions Inc. (MBE) (air quality monitoring, equipment testing, water sampling and analysis services)

ESP Associates, Inc.

- Capstone Civil Engineering, Inc. (MBE, SBE) (drilling support)
- Elite Environmental Services, Inc. (SBE) (UST closure and abatement)
- Enviro-Equipment, Inc (WBE, SBE) (equipment rental)
- JWJ Consulting, LLC (MBE, SBE) (environmental facility support)
- Probe Utility Locating, LLC (WBE, SBE) (utility locating)

Geosyntec Consultants, Inc.

- Buffkin Trucking, Inc. (MBE, SBE) (hauling)
- Enviro-Equipment, Inc (WBE, SBE) (environmental equipment, remediation system maintenance)
- Fastsigns of Mooresville (SBE) (signage)
- Hanley Environmental, PLLC (SBE) (engineering consulting, field data collection)
- Heric Solutions, LLC (SBE) (grading and earth moving)
- JWJ Consulting, LLC (MBE, SBE) (asbestos surveys)
- Probe Utility Locating, LLC (WBE, SBE) (utility locating)
- Smith Environmental Solutions (MBE) (indoor air, mold assessments)

Hart & Hickman, P.C.

- Carolina Soil Investigations (SBE) (environmental drilling)
- Enviro-Equipment, Inc (WBE, SBE) (environmental equipment)
- Heric Solutions, LLC (SBE) (environmental contracting)
- JennTec, LLC (SBE) (environmental consulting)
- JWJ Consulting, LLC (MBE, SBE) (environmental consulting)
- Probe Utility Locating, LLC (WBE, SBE) (utility locating)
- Stewart Engineering Inc. (MBE) (surveying, utility locating)
- Sweetwater Utility Exploration, LLC (WBE, SBE) (utility locating)

Terracon Consultants, Inc.

- Enviro-Equipment, Inc (WBE, SBE) (equipment, supplies)
- JWJ Consulting, LLC (MBE, SBE) (indoor air quality)
- Probe Utility Locating, LLC (WBE, SBE) (underground utility location)

Wood Environmental & Infrastructure Solutions, Inc.

- Carolina Soil Investigations (SBE) (driller)
- Enviro-Equipment, Inc (WBE, SBE) (equipment rentals)
- Froehling & Robertson (MBE) (soil testing, phase II ESA, wetlands)
- Probe Utility Locating, LLC (WBE, SBE) (utility locating)

Action B:

AECOM Technical Services of North Carolina

- CG2 Exploration, LLC (SBE) (drilling support)
- Enviro-Equipment, Inc (WBE, SBE) (rentals and supplies)
- Hanley Environmental, PLLC (SBE) (environmental assessments support, environmental facility support)
- JennTec, LLC (SBE) (environmental assessments support, environmental facility support)

Geosyntec Consultants, Inc.

- Buffkin Trucking, Inc. (MBE, SBE) (hauling)
- Enviro-Equipment, Inc (SBE, WBE) (environmental equipment, remediation system maintenance)

- Hanley Environmental, PLLC (SBE) (engineering consulting, field data collection)
- Heric Solutions, LLC (SBE) (grading and earth moving)
- JWJ Consulting, LLC (MBE, SBE) (asbestos surveys)
- Probe Utility Locating, LLC (SBE, WBE) (utility locates)
- Smith Environmental Solutions, Inc. (MBE) (indoor air mold assessments)

HDR Engineering, Inc. of the Carolinas

- Enviro-Equipment, Inc (SBE, WBE) (environmental monitoring rental, remediation field services)

S&ME, Inc. of the Carolinas

- Enviro-Equipment, Inc (SBE, WBE) (environmental field equipment rental and equipment field supplier)
- JWJ Consulting, LLC (MBE, SBE) (asbestos sampling and air monitoring services)
- Probe Utility Locating, LLC (WBE, SBE) (utility locating and mapping services)

Fiscal Note

Funding: General Capital Investment Plan and Charlotte Water Capital Investment Plan

40. Central Business District Sanitary Sewer Construction Change Order

Action:

Approve change order #1 for \$3,990,048 to Sanders Utility Construction Co., Inc. for the Little Sugar Creek Tributary to Central Business District Sanitary Sewer Project.

Staff Resource(s):

Angela Charles, Charlotte Water

David Czerr, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- This project involves the procurement, replacement, and construction of a sanitary sewer to serve a portion of the Central Business District (Council District 1).
- This change order is for the continued tunneling of a replacement sanitary sewer under McDowell Street from Stonewall Street to Martin Luther King Jr. Boulevard. This addition to the original scope provides a longer-term solution to manage wastewater flows in the eastern half of the Central Business District.
- On December 10, 2018, City Council approved a contract with Sanders Utility Construction Co., Inc. for Design-Build design services.
- On February 10, 2020, City Council approved a guaranteed maximum price with Sanders Utility Construction Co., Inc. for Design-Build construction services of the Little Sugar Creek Tributary to Central Business District Sanitary Sewer project.
- The new total value of the contract, including this change order, is \$43,058,663.69.
- The project is anticipated to be complete fourth quarter 2022.

Charlotte Business INclusion

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

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Map

[Map-Central Business District Sanitary Sewer Construction Change Order](#)

41. Dairy Branch Tributary Sewer Phase 3 Construction

Action:

Approve a guaranteed maximum price of \$8,438,562.82 to B.R.S., Inc. for Design-Build construction services for the Dairy Branch Tributary Sewer Phase 3 Project.

Staff Resource(s):

Angela Charles, Charlotte Water
David Czerr, Charlotte Water
Mike Davis, Storm Water Services

Explanation

- B.R.S., Inc. has developed a guaranteed maximum price for construction of approximately 3,200 linear feet of 20-inch and 1,400 feet of 16-inch sanitary sewer line to run north from Park Road and McDonald Avenue and end near Tremont Avenue and Magnolia Avenue (Council District 2).
- The project will also include installation of storm drainage improvements to improve deteriorating infrastructure and reduce flooding of properties and structures. The storm drainage improvements consist of approximately 124 linear feet of a 12-foot by 9-foot reinforced concrete box culvert under McDonald Avenue.
- Combining the Charlotte Water (\$6,640,236.22) and Storm Water Services (\$1,798,326.60) projects will ensure this location is only impacted once by construction minimizing disruption to property and business owners as well as residents who travel through the area.
- On September 14, 2020, City Council approved a contract for \$3,413,127.50 with B.R.S., Inc. for Design-Build design services.
- The project is anticipated to be complete by fourth quarter 2023.

Charlotte Business INclusion

The City negotiates participation for Design-Build contracts after the firm is selected and scopes of work are defined for design and construction services (Part G: Section 2.7 of the Charlotte Business INclusion Policy). B.R.S., Inc. has committed \$1,330,762 or approximately 15.77% of the total contract for construction services to the following certified firms:

- Trull Contracting, LLC (WBE, SBE) (\$943,555) (concrete, curb, and gutter)
- MTS Trucking, Inc. (MBE, SBE) (\$230,000) (hauling)
- Mohawk Traffic Services (SBE) (\$113,100) (traffic control)
- CES Group Engineers, LLP (WBE) (\$19,900) (surveying, staking)
- Pipe Pros, LLC (SBE) (\$18,400) (cleaning, closed-circuit television)
- JB Long Photography (SBE) (\$5,807) (preconstruction photography)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan and Storm Water Services Capital Investment Plan

Attachment(s)

Map

[Map-Dairy Branch Tributary Sewer Phase 3 Construction](#)

42. Electric Power System Equipment and Parts

Action:

- A. **Approve the purchase of electric power system equipment and parts by the sole source exemption,**
- B. **Approve a contract with Schweitzer Engineering Laboratories, Inc. for the purchase of electric power system equipment and parts for a term of five years, and**
- C. **Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

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

Sole Source Exemption

- N.C. 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 compatibility is the overriding consideration.
- City Council approval is required for any purchases made under the sole source exception.

Explanation

- This contract will provide equipment which protects, controls, and automates medium and low voltage power systems within Charlotte Water facilities.
- Compatible equipment is only available from Schweitzer Engineering Laboratories, Inc.
- Annual expenditures are estimated to be \$100,000.

Charlotte Business INClusion

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

Fiscal Note

Funding: Charlotte Water Capital Investment Plan and Charlotte Water Operating Budget

43. Water and Sanitary Sewer Street Main Extension Engineering and Surveying Services

Action:

- A. Approve a contract for \$1,000,000 with STV Incorporated dba STV Engineers, Inc. for water and sanitary sewer street main extension engineering and surveying services, and**
- B. Authorize the City Manager to approve up to two renewals 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

David Czerr, Charlotte Water

Keri Cantrell, Charlotte Water

Explanation

- This contract will provide for engineering and survey professional services for water and sanitary sewer street main extensions throughout the Charlotte Water service area.
- On March 1, 2022, the City issued a Request for Qualifications (RFQ); sixteen responses were received.
- STV Incorporated dba STV Engineers, Inc. is the best qualified firm to meet the City's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- Total estimated contract expenditures including optional renewals is \$3,000,000.

Charlotte Business INclusion

The City negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). STV Incorporated dba STV Engineers, Inc. has identified the following certified firms to be utilized as the project evolves and committed 10.00% of the total contract amount to the following certified firms:

- Froehling & Robertson, Inc. (MBE) (geotechnical investigation services)
- Habitat Assessment and Restoration Program, Inc. (WBE, SBE) (environmental delineation, permitting)
- Stewart Engineering, Inc. (MBE) (survey, subsurface utility engineering, plat preparation)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

44. CATS Paratransit Fleet Replacement

Action:

- A. Approve a unit price contract with Creative Bus Sales for the purchase of paratransit fleet replacement vehicles and related equipment for the term of one year, and**

- B. Authorize the City Manager to renew the contract for up to four, 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

Jennifer Fehribach, CATS

Explanation:

- Charlotte Area Transit System (CATS) has a fleet of 85 paratransit diesel fleet vehicles that provide door-to-door service to individuals with disabilities in accordance with the Americans with Disability Act.
- Approximately 14 percent of the CATS paratransit fleet must be replaced each year to maintain the Federal Transit Administration's (FTA) threshold for State of Good Repair.
- Paratransit fleet vehicles have a seven-year/200,000-mile minimum useful life expectancy.
- This contract will cover CATS' immediate need to replace the oldest vehicles and ensure paratransit service is reliable and safe, while continuing to position CATS to meet the Strategic Energy Action Plan (SEAP) goals before 2030 due to the seven-year replacement cycle for these vehicles.
- On February 3, 2022, the City issued an Invitation to Bid (ITB); three bids were received.
- Creative Bus Sales was selected as the lowest, responsive, responsible bidder.
- While no vendors currently offer an electric option that meets the needs of CATS Paratransit services and FTA requirements, market research has been conducted through a Request for Information (RFI) to identify low or zero emission paratransit vehicle options that may be available within the near future.

Disadvantaged Business Enterprise

In accordance with 49 CFR Part 26.49, the manufacturer of the vehicles to be purchased under this contract is in compliance with the Federal Transit Administration DBE program requirements.

Fiscal Note

Funding: CATS Capital Investment Plan

45. CATS Rail High Speed Circuit Breaker Overhaul

Action:

- A. **Approve the purchase of OEM UR6 circuit breakers by the sole source exemption,**
- B. **Approve a contract with ARM CAMCO for the purchase and installation of OEM UR6 circuit breakers for the term of five years, and**
- C. **Authorize the City Manager to approve 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

Gary Lee, 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

- This contract will allow the Charlotte Area Transit System (CATS) to purchase OEM UR6 circuit breakers and have them installed to complete a circuit breaker overhaul.
- ARM CAMCO is the only licensed distributor that is able to sell and install the parts.
- Annual expenditures are estimated to be \$30,000.

Charlotte Business INclusion

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

Fiscal Note

Funding: CATS Operating Budget

46. Information Technology Business Planning Research and Advisory Services

Action:

- A. **Approve contract extension #1 for three years with Gartner, Inc. for information technology business planning services and resources, and other related advisory services, and**
- B. **Authorize the City Manager to approve price adjustments and amend the contract consistent with the purposes for which the contract and this extension were approved.**

Staff Resource(s):

Reenie Askew, Innovation and Technology

Brad Dunkle, Innovation and Technology

Explanation

- Innovation and Technology requests approval to extend its contract with Gartner, Inc., a leading information technology (IT) research and advisory firm.
- Gartner, Inc. provides industry-leading research regarding the IT sector, including subscriptions to a research knowledge base and benchmarking analytic tools as well as advisory services such as on-demand access to Gartner analysts.
- Innovation and Technology provides service to most City departments for applications, infrastructure, information security, and public safety communications. Since 2015, Gartner, Inc.'s services have proven invaluable to Innovation and Technology in making important technology decisions in a timely manner.
- 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 qualifications and experience. Gartner, Inc. best meets the City's needs in terms of qualifications, cost, and experience.
- The new estimated value of the contract, including extension #1, is \$1,708,208.
- Annual expenditures are estimated to be \$460,000.

Charlotte Business INCLUSION

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

Fiscal Note

Funding: Innovation and Technology, Aviation, and Charlotte Water Operating Budgets

47. Bond Issuance Approval for Ballantyne Senior Apartments

Action:

Adopt a resolution granting INLIVIAN's request to issue multi-family housing revenue bonds, in an amount not to exceed \$12,500,000, to finance the development of Ballantyne Senior Apartments.

Staff Resource(s):

Shawn Heath, City Manager's Office

Rebecca Hefner, Housing and Neighborhood Services

Explanation

- This action will not further obligate the City financially or impact the Capital Investment Plan and is requested to satisfy Section 147(f) of the Internal Revenue Code of 1986, which requires the issuance of housing bonds to be approved by the local governmental unit with jurisdiction over the area where the development is located.
- INLIVIAN is requesting that City Council adopt a resolution authorizing the issuance of multi-family housing revenue bonds for Ballantyne Seniors, an 82-unit new construction senior affordable housing development to be developed, owned, and operated by Ballantyne Seniors, LLC, a North Carolina limited liability company, or an affiliated or related entity.
- The development will be located at 15201 Ballancroft Parkway in Council District 7 and will serve households earning up to 80 percent of the Area Median Income (AMI) with income averaging of 60 percent of AMI for the entire development. Of the 82 new units, 17 will serve households that earn 30 percent of AMI or less.
- This action further supports City Council's September 27, 2021 approval of a \$4,000,000 Housing Trust Fund allocation to this development.
- The INLIVIAN bonds, not to exceed \$12,500,000, will be used to finance land acquisition and construction of the development.

Background

- The developer applied for four percent low-income housing tax credits and a housing bond allocation capacity from the North Carolina Housing Finance Agency to finance the land acquisition and construction of the development.
- The North Carolina Housing Finance Agency approved a four percent tax credit and a bond allocation capacity totaling \$12,500,000 for the development. Tax credit and bond allocations are subject to federal income limits and set-aside rules and include deed restrictions.
- INLIVIAN, as a public housing authority, is duly authorized to issue housing bonds to finance developments that serve persons of low and moderate income, including developments in which it does not have a direct interest.

Attachment(s)

City of Charlotte Resolution for Ballantyne Seniors

INLIVIAN Resolution for Ballantyne Seniors

[INLIVIAN Resolution Ballantyne Seniors](#)

[City Resolution and Public Hearing Ballantyne Seniors](#)

48. Bond Issuance Confirmation for Union at Tryon

Action:

Adopt a resolution confirming the June 14, 2021, resolution granting INLIVIAN's request to issue multi-family housing revenue bonds, in an amount not to exceed \$20,800,000, to finance the development of an affordable housing development known as Union at Tryon.

Staff Resource(s):

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

Explanation

- This action does not obligate the City financially or impact the Capital Investment Plan and is requested to satisfy Section 147(f) of the Internal Revenue Service Code of 1986.
- This action is required to reconfirm City Council's June 14, 2021, adoption of a resolution authorizing INLIVIAN to issue multi-family housing revenue bonds for Union at Tryon, a 200-unit new construction multi-family affordable housing development to be developed, owned, and operated by Union at Tryon, LP, an Indiana limited partnership, or an affiliated or related entity. The development is located at 7910 North Tryon Street in Council District 4 and will serve households earning 60 percent and below the Area Median Income.
- The developer's financing has been delayed due to the COVID-19 pandemic. As a result, INLIVIAN's issuance of multi-family housing revenue bonds has also been delayed.
- Pursuant to the federal tax code, if a developer does not close on multi-family housing revenue bonds within a year of the adoption of the original resolution, the local governmental unit with jurisdiction over the area where the development is located must reconfirm its original resolution.
- The developer anticipates closing the financing and beginning construction on this development by July 2022.
- The INLIVIAN bonds, which are not to exceed \$20,800,000, will be used to finance land acquisition and construction of the development.
- There is no Housing Trust Fund allocation or other City financial support affiliated with this development or the approval of this bond issuance.

Background

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

Attachment(s)

City of Charlotte Confirmation Resolution for Union at Tryon

[City Affirming Bond Resolution - Union at Tryon 06.13.22](#)

49. Set a Public Hearing on Garrison Road Industrial Phase 1 Voluntary Annexation

Action:

Adopt a resolution setting a public hearing for July 11, 2022, for the Garrison Road Industrial Phase 1 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 149.7-acre "Garrison Road Industrial Phase 1" site is located along the east side of Garrison Road, west of Interstate 485 in Mecklenburg County.
 - The property is mostly vacant with some single-family residential uses.
 - The petitioner has plans to develop five Class A industrial buildings totaling 1,212,840 square feet of industrial uses on the site.
 - The property is zoned I-1(CD), which allows for light industrial uses.
 - The property is located immediately adjacent to Council District 3.
 - The petitioned area consists of five parcels; parcel identification numbers: 141-291-05, 141-291-03, 141-291-02, 141-291-01, and 141-181-65.

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

[Garrison Industrial Phase 1 Area Annexation](#)

[Resolution for Garrison Road Industrial Phase 1 Area Annexation_new](#)

50. Resolution of Intent to Abandon a Portion of the Alleyway between Sylvania Avenue and Dunloe Street

Action:

- A. Adopt a Resolution of Intent to abandon a portion of the alleyway between Sylvania Avenue and Dunloe Street, and**

- B. Set a Public Hearing for July 11, 2022.**

Staff Resource(s):

Liz Babson, Transportation

Anthony Mendez, 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

Stephen Ernest Lee, Sr. and Diane Lee Hoffman

Attachment(s)

Map

Resolution

[2021-40A Alley between Sylvania & Dunloe Abandonment Map](#)

[2021-40A Resolution of Intent 06.13.2022](#)

51. Resolution of Intent to Abandon a Portion of the Alleyway off South Poplar Street between South Poplar Street and 4th Street

Action:

- A. Adopt a Resolution of Intent to abandon a portion of the alleyway off South Poplar Street between South Poplar Street and 4th Street, and**

- B. Set a Public Hearing for July 11, 2022.**

Staff Resource(s):

Liz Babson, Transportation

Anthony Mendez, 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 2.

Petitioners

BinacoSC, LLC

Attachment(s)

Map

Resolution

[2021-42A Alley off South St Abandonment Map](#)

[2021-42A Resolution of Intent 06.13.2022](#)

52. Resolution of Intent to Abandon a Portion of the Unopened Pegram Street Right-of-Way

Action:

- A. Adopt a Resolution of Intent to abandon a Portion of the Unopened Pegram Street Right-of-Way, and**
- B. Set a Public Hearing for July 11, 2022.**

Staff Resource(s):

Liz Babson, Transportation
Anthony Mendez, 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

JBH Development, LLC

Attachment(s)

Map
Resolution

[2020-08A Unopened RW Pegram St Abandonment Map](#)

[2020-08A Resolution of Intent 06.13.2022](#)

53. Refund of Property Taxes

Action:

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$233,412.02.

Staff Resource(s):

Teresa Smith, Finance

Explanation

- Mecklenburg County notified and provided the City the list of Property Tax refund due to clerical or assessment error.

Attachment(s)

Taxpayers and Refunds Requested
Resolution Property Tax Refunds

[Resolution June](#)

[List of Taxpayers June](#)

54. Meeting Minutes

Action:

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

- November 15, 2021 Zoning Meeting,
- November 22, 2021 Business Meeting,
- December 06, 2021 Strategy Session, and
- December 06, 2021 Special Meeting.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

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

PROPERTY TRANSACTIONS

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

Action: Approve the following Acquisition: 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: Business District

Tax Code: 159-061-22

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

Purchase Price: \$10,825

Council District: 5

56. Property Transactions - Monroe Road Streetscape, Parcel #32

Action: Approve the following Condemnation: Monroe Road Streetscape, Parcel #32

Project: Monroe Road Streetscape, Parcel #32

Program: Monroe Road Streetscape

Owner(s): Domar-4500 Monroe LLC and Waters-4500 Monroe LLC

Property Address: 4500 Monroe Road

Total Parcel Area: 156,942 sq. ft. (3.60 ac.)

Property to be acquired by Easements: 85 sq. ft. (0.002 ac.) Bus Stop Improvement Easement, 872 sq. ft. (0.02 ac.) Utility Easement, 2626 sq. ft. (0.06 ac.) Sidewalk Utility Easement, 1,386 sq. ft. (0.032 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Sign

Landscaping to be impacted: Shrubs

Zoned: B-D(CD)

Use: Business District

Tax Code: 161-071-18

<https://polaris3g.mecklenburgcountync.gov/#mat=131775&pid=16107118&gisid=16107118>

Appraised Value: \$54,475

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

City's Response to Property Owner's Concerns: The City provided 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

57. Property Transactions - Monroe Road Streetscape, Parcel #38

Action: Approve the following Acquisition: Monroe Road Streetscape, Parcel #38

Project: Monroe Road Streetscape, Parcel #38

Program: Monroe Road Streetscape

Owner(s): Michael E. Castrillon and Patrick W. Castrillon

Property Address: 4624 and 4632 Monroe Road

Total Parcel Area: 38,263 sq. ft. (0.88 ac.)

Property to be acquired by Easements: 2,581 sq. ft. (0.059 ac.) Sidewalk Utility Easement, 3,377 sq. ft. (0.078 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: B-1

Use: Business District

Tax Code: 161-082-01

<https://polaris3g.mecklenburgcountync.gov/#mat=555724&pid=16108201&qisid=16108201>

Purchase Price: \$46,925

Council District: 5

58. Property Transactions - Monroe Road Streetscape, Parcel #39

Action: Approve the following Condemnation: Monroe Road Streetscape, Parcel #39

Project: Monroe Road Streetscape, Parcel #39

Program: Monroe Road Streetscape

Owner(s): Quad Holdings of NC LLC

Property Address: 4712 Monroe Road

Total Parcel Area: 29,793 sq. ft. (0.68 ac.)

Property to be acquired by Easements: 158 sq. ft. (0.004 ac.) Sidewalk Utility Easement, 251 sq. ft. (0.006 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and shrubs

Zoned: B-1

Use: Business District

Tax Code: 161-082-22

<https://polaris3g.mecklenburgcountync.gov/#mat=135572&pid=16108222&qisid=16108222>

Appraised Value: \$3,875

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 was able to redesign to accommodate some of the property owner's design requests and inform 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

59. Property Transactions - Monroe Road Streetscape, Parcel #54

Action: Approve the following Condemnation: Monroe Road Streetscape, Parcel #54

Project: Monroe Road Streetscape, Parcel #54

Program: Monroe Road Streetscape

Owner(s): The Head Shop LLC

Property Address: 4932 Monroe Road

Total Parcel Area: 12,944 sq. ft. (0.30 ac.)

Property to be acquired by Easements: 1,096 sq. ft. (0.025 ac.) Sidewalk Utility Easement, 1,219 sq. ft. (0.028 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Sign

Landscaping to be impacted: Trees and shrubs

Zoned: O-2

Use: Office District

Tax Code: 161-081-17

<https://polaris3g.mecklenburgcountync.gov/#mat=139540&pid=16108117&qisid=16108117>

Appraised Value: \$21,750

Property Owner's Concerns: The property owner is concerned about property 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

60. Property Transactions - Monroe Road Streetscape, Parcel #62

Action: Approve the following Condemnation: Monroe Road Streetscape, Parcel #62

Project: Monroe Road Streetscape, Parcel #62

Program: Monroe Road Streetscape

Owner(s): Communications Workers of America Local No. 3603

Property Address: 5108 Monroe Road

Total Parcel Area: 28,724 sq. ft. (0.66 ac.)

Property to be acquired by Easements: 110 sq. ft. (0.003 ac.) Bus Stop Improvement Easement, 205 sq. ft. (0.005 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: O-2

Use: Office District

Tax Code: 161-108-37

<https://polaris3g.mecklenburgcountync.gov/#mat=142638&pid=16110837&qisid=16110837>

Appraised Value: \$1,550

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

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

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

Council District: 5

61. Property Transactions - XCLT Tryon to Orr, Parcel #15

Action: Approve the following Condemnation: XCLT Tryon to Orr, Parcel #15

Project: XCLT Tryon to Orr, Parcel #15

Program: XCLT Tryon to Orr

Owner(s): Great Escape Properties LLC

Property Address: 230 Lambeth Drive

Total Parcel Area: 63,714 sq. ft. (1.46 ac.)

Property to be acquired by Easements: 1,180 sq. ft. (0.027 ac.) Greenway Easement, 2,642 sq. ft. (0.061 ac.) Sidewalk Utility Easement, 2,790 sq. ft. (0.064 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Concrete pad

Landscaping to be impacted: Trees

Zoned: B-2

Use: Business District

Tax Code: 089-111-07

<https://polaris3g.mecklenburgcountync.gov/#mat=625434&pid=08911107&gisid=08911107>

Appraised Value: \$15,200

Property Owner's Concerns: The property owner is concerned about property 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: 1

Adjournment

REFERENCES

62. 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.

63. 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.

64. 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.