

City of Charlotte

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



Meeting Agenda

Monday, July 11, 2022

Council Chambers

City Council Business Meeting

*Mayor Vi Lyles
Mayor Pro Tem Julie Eiselt
Council Member Dimple Ajmera
Council Member Tariq Scott Bokhari
Council Member Ed Driggs
Council Member Larken Egleston
Council Member Malcolm Graham
Council Member Reneé Johnson
Council Member Greg Phipps
Council Member Matt Newton
Council Member Victoria Watlington
Council Member Braxton Winston II*

5:00 P.M. CITY COUNCIL ACTION REVIEW, CHARLOTTE-MECKLENBURG GOVERNMENT CENTER, REGULAR MEETING HOSTED FROM ROOM 267

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

1. Mayor and Council Consent Item Questions and Answers

Staff Resource(s):

Marie Harris, Strategy and Budget

Time: 5 minutes

Synopsis

Mayor and Council may ask questions about Consent agenda items.

[2022-7-11 Council Agenda QA](#)

2. Action Review Agenda Overview

Staff Resource(s):

Marcus Jones, City Manager

3. Action Review Items

Arts and Culture Update

Staff Resource(s):

Priya Sircar, City Manager's Office

Time: Presentation - 15 minutes; Discussion -30 minutes

Explanation

- Provide an update on Arts and Culture initiatives.

Americans with Disabilities Act Update

Staff Resource(s):

Terry Bradley, Community Relations Committee

Time: Presentation - 10 minutes; Discussion - 20 minutes

Explanation

- Provide an update on Americans with Disabilities Act initiatives.

[Arts and Culture Update](#)

4. Closed Session (as necessary)

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

Call to Order

Introductions

Invocation

Pledge of Allegiance

CONSENT

- 5. Consent agenda items 25 through 55 may be considered in one motion except for those items removed by a Council member. Items are removed by notifying the City Clerk.**

Consideration of Consent Items shall occur in the following order:

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

PUBLIC FORUM

6. Public Forum

AWARDS AND RECOGNITIONS

7. Americans with Disabilities Act Awareness Day Proclamation

Action:

Mayor Lyles will read a proclamation recognizing July 26, 2022, as Americans with Disabilities Act Awareness Day.

PUBLIC HEARING

8. Public Hearing on the City of Charlotte Unified Development Ordinance

Action:

Conduct a public hearing on the second draft of the Unified Development Ordinance.

Staff Resource(s):

Alyson Craig, Planning, Design, and Development

Laura Harmon, Planning, Design, and Development

Explanation

- The City of Charlotte Unified Development Ordinance (UDO) is a set of regulations designed to guide the City's future growth and development.
- The development of the UDO has been a City-wide effort to consolidate and update eight ordinances and regulations (zoning; subdivision; street and sidewalk regulations; trees; post-construction stormwater regulations; floodplain regulations; driveway/access standards; and soil erosion and sedimentation control) into one document.
- The UDO aligns these regulations with the vision adopted in the Charlotte Future 2040 Comprehensive Plan and builds from other City policies including the Strategic Mobility Plan and the Strategic Energy Action Plan, and complements the Tree Canopy Action Plan.
- The UDO is divided into five sections: Ordinance Introduction (Articles 1 and 2); Zoning Districts and Standards (Articles 3 through 22); Stormwater (Articles 23 through 28); Subdivision, Streets, and Other Infrastructure (Articles 29 through 34); and UDO Administration (Articles 35 through 39).
- In conjunction with adoption of the UDO, the following chapters, articles, and appendix of the City Code are repealed in their entirety on the effective date:
 - Chapter 9, "Floodplain Regulations";
 - Chapter 17, "Soil Erosion and Sedimentation Control";
 - Chapter 18, Article 4, "Post-Construction Stormwater";
 - Chapter 19, Article 3, "Driveway Connections";
 - Chapter 19, Article 6, "Sidewalk and Drainage Facilities";
 - Chapter 19, Article 8, "Obstructions and Encroachments", Item 19-245(b)(2);
 - Chapter 20, "Subdivisions"; and
 - Appendix A, "Zoning Ordinance."
- The proposed ordinance adopting the UDO includes the following:
 - The adoption of the UDO and repeal of the above referenced ordinances shall become effective on June 1, 2023;
 - On June 1, 2023, the Zoning Board of Adjustment shall be renamed the UDO Board of Adjustment;
 - On June 1, 2023, areas mapped with a conventional zoning district will translate to a new UDO zoning district. Areas mapped on the Official Zoning Map with a conditional or optional zoning district will retain their zoning district designations and approved site plan conditions;
 - On June 1, 2023, pending conventional rezoning petitions requesting a rezoning to a pre-UDO zoning will be translated to a UDO zoning district and will become null and void if no decision is reached within two years from the application submittal date, or the effective date, whichever is later;
 - Conditional and optional rezoning applications requesting a zoning map amendment to a pre-UDO zoning district will be accepted by City staff and processed under the pre-UDO zoning regulations, if a complete application is filed by February 1, 2023, even if the decision is made after the effective date. However, the decision must occur no later than March 1, 2024. The petition will become null and void if no decision is reached within that timeframe;
 - Immediately following the adoption date of the UDO, pending text amendments to the Zoning or Subdivision Ordinance will become null and void; and
 - Following the adoption date of the UDO, text amendments to the UDO may be made without further public hearing to codify changes approved by City Council in conjunction with the

approval of the UDO, to include addition of or changes to graphics, and to correct typographical or cross-reference errors.

- The amendment and repeal of parts of Chapter 21, "Trees", will be brought to City Council in a separate action.

Background

- Camiros Ltd., a planning and design firm, was hired by the City in the winter of 2015 as the UDO project lead to work with Planning, Design, and Development (PD&D) staff on developing the UDO. The law firm of Parker Poe Adams & Bernstein LLP, a sub-consultant to Camiros, provided legal support.
- A UDO Ordinance Advisory Committee (OAC) was assembled in late 2016, to provide feedback to City staff on technical issues and community concerns throughout the development of the UDO. The OAC represents the development and design professions, neighborhood organizations, non-profit organizations, environmental groups, and other interested groups.
- The OAC began meeting in late 2016. Over the past seven years, 68 OAC members participated at various times and 56 OAC meetings were held.
- On April 15, 2019, City Council adopted the first prototype chapter of the UDO for Transit Oriented Development, with a second revision on June 15, 2020. A second UDO chapter for Signs was adopted on October 21, 2019, with a revision on October 19, 2020.
- A City and County interdepartmental team began meeting June 8, 2020, to review and discuss the UDO. The following departments participated: Aviation; Charlotte Area Transit System; Charlotte Communications & Marketing; Charlotte Department of Transportation; Charlotte Economic Development; Charlotte Fire Department; Charlotte Planning, Design & Development; Charlotte Solid Waste Services; Charlotte-Mecklenburg Community Relations; Charlotte-Mecklenburg Storm Water Services; Charlotte Water; City Attorney's Office; General Services; Housing & Neighborhood Services; Land Use and Environmental Services Agency; Mecklenburg County Park and Recreation; Mecklenburg County Solid Waste; and Mecklenburg County Sustainability Office.
- The first draft of the UDO was released on October 7, 2021, with a 26-page reference guide.
- Public engagement included in-person events throughout the City. There were a total of 750 interactions at 11 pop-up events and five in-person open house events held between September and December of 2021.
- Additional public engagement also included 20 virtual conversations on the various UDO topics in December and January of 2022, with 349 citizens attending, plus eight listening sessions with 318 citizens participating in February and March of 2022.
- Public comments were solicited through a web-based public input portal. A total of 1,273 public comments were received on the first UDO draft during the public engagement period between October 7, 2021, and March 18, 2022. PD&D staff responded to each public comment, with staff responses posted on the UDO website at www.charlotteudo.org.
- With assistance from Charlotte Communications & Marketing, four episodes of "Charlotte's UDO and You!", were filmed to share general information about the UDO, illustrate how it affects the community, and provide a deeper dive into heritage trees, the Neighborhood 1 Zoning Districts, and the changes made in the public hearing draft of the UDO.
- On June 3, 2022, the City of Charlotte released the UDO Public Hearing Draft, also known as the Second Draft, for public review and comment through a public comment portal.
- On June 14, 2022, and June 16, 2022, staff held four more virtual sessions to highlight key changes made in the UDO Public Hearing Draft. Twenty-five individuals participated in these sessions.
- A UDO open house was held on June 15, 2022, where residents could drop by to learn about the UDO and the key changes proposed in the UDO Public Hearing Draft. Fourteen individuals interacted with staff.
- A series of 16 virtual office hour sessions were held for June 21, 2022, June 22, 2022, June 23, 2022, and June 28, 2022. Residents could sign-up for 15-minute time slots to speak with staff about the following parts of the UDO: Streets, Sidewalks and Other Infrastructure, Zoning, Stormwater, Trees, and Administration.
- Highlights of the public comments received through the input portal and at community input events

- are included in the attachment titled, "Comments on the UDO Public Hearing Draft".
- The Planning Committee of the Charlotte-Mecklenburg Planning Commission is scheduled to make a recommendation on the UDO at their meeting on July 19, 2022.
 - Staff will request adoption of the UDO, Proposed Ordinance, and repeal of parts of the City Code by City Council at the August 22, 2022, Council Business Meeting.
 - Additional information can be found on the UDO website at: <https://charlotteudo.org/>

Attachment(s)

Public Hearing Draft UDO Ordinance - <https://publicinput.com/charlotteudo>

Proposed Ordinance to Adopt UDO

Comments on the UDO Public Hearing Draft

[Proposed Ordinance to Adopt the UDO 6-29](#)

[Comments on the UDO Public Hearing Draft](#)

9. Public Comment on the Charlotte Streets Map and Charlotte Streets Manual

Action:

Receive public comment on the Charlotte Streets Map and Charlotte Streets Manual.

Staff Resource(s):

Debbie Smith, Transportation

Ed McKinney, Transportation

Explanation

- The Charlotte Streets Map (Streets Map) and Charlotte Streets Manual (Streets Manual) are key technical support documents to the Unified Development Ordinance (UDO) that further the goal of creating safe and equitable mobility outlined in the Strategic Mobility Plan and the Charlotte Future 2040 Comprehensive Plan.
- On October 28, 2019, City Council adopted the initial Streets Map for the areas around the Blue Line in support of the Transit Oriented Development Ordinance. In support of the UDO, the proposed Streets Map has been expanded to include the entire city.
- The Streets Map is a digital map (available at charlottenc.gov/smp) that shows future multimodal cross-sections for all of Charlotte's arterial streets and provides key information about streetscape and curb lines referenced in the UDO.
- The Streets Manual is a technical document that supports the subdivision, streets, and other infrastructure regulations in the UDO. The Streets Manual includes the components below:
 - Streets Map supporting document, which provides detailed explanations of the content in the digital Streets Map;
 - Access Management and Driveway Design, which provides guidance, rules, and processes for developers and property owners seeking access to public streets; and
 - Comprehensive Transportation Review Guidelines, which modernizes Traffic Impact Study guidance to provide a multimodal review of transportation-related impacts from development and outlines mitigations.
- The Streets Map and Streets Manual components were included and discussed as part of the Economic Impact Analysis for the UDO.
- First drafts of the Streets Map and Streets Manual were posted online for public comment from the fall of 2021 through March 2022. Second drafts of both documents were available online for public review and comment from June 3, 2022, through June 30, 2022.
- The final drafts of the Streets Map and Streets Manual are planned to be presented to City Council for adoption consideration on August 22, 2022. Both documents are planned to be adopted and become effective concurrent with the UDO. The UDO references the Streets Map and Streets Manual for key transportation-related regulations.

Attachment(s)

Second Draft of the Charlotte Streets Manual

[Charlotte Streets Manual Second Draft](#)

10. Public Hearing on the City of Charlotte Tree Ordinance

Action:

Conduct a public hearing on a text amendment to the City of Charlotte Tree Ordinance.

Staff Resource(s):

Alyson Craig, Planning, Design, and Development

Tim Porter, Planning, Design, and Development

Explanation

- Chapter 21 Trees of the City Code is known as the Charlotte Tree Ordinance. This ordinance currently contains development and non-development related tree regulations applicable within the City of Charlotte's corporate limits and its extra-territorial jurisdiction (ETJ).
- Adoption of the proposed amendments to the Charlotte Tree Ordinance is recommended to align with the core consolidation and alignment objectives of the Unified Development Ordinance (UDO) and the overall vision and tree canopy policy objectives of the Charlotte Future 2040 Comprehensive Plan.
- A development-related heritage tree regulation is proposed for inclusion in the UDO and is intended to be adopted as a part of the UDO.
- A non-development related heritage tree regulation is proposed for inclusion in the Charlotte Tree Ordinance.
- In conjunction with adoption of the UDO, the following amendments to the Charlotte Tree Ordinance are proposed and will become effective on June 1, 2023:
 - All development-related regulatory applicability will be repealed;
 - All development-related tree regulations will be deleted;
 - All definitions that are solely development-related will be deleted;
 - Add language clarifying administrative duties and responsibilities of the Chief Urban Forester;
 - Add a new non-development Heritage Tree regulation protecting native North Carolina trees on private property;
 - Add new definitions related to non-development Heritage Tree regulation;
 - Add language to clarify preservation intent and requirements of City street trees; and
 - Complete minor clarifying and corrective revisions to existing sections of Charlotte Tree Ordinance.

Background

- The UDO is a set of development regulations designed to guide the City's future growth and development.
- The UDO is a citywide effort to consolidate and update eight ordinances and development regulations (zoning; subdivision; street and sidewalk regulations; trees; post-construction stormwater regulations; floodplain regulations; driveway/access standards; and soil erosion and sedimentation control). The first draft of the UDO was released on October 7, 2021. This draft included development and non-development related tree regulations.
- The UDO aligns these regulations with the vision adopted in the Charlotte Future 2040 Comprehensive Plan and complements the Tree Canopy Action Plan (TCAP).
- The TCAP was a stakeholder companion project to the Charlotte Future 2040 Comprehensive Plan. The TCAP included data analysis and review of Charlotte's tree canopy, a peer-city review and comparison of Charlotte's urban forestry regulations with four other regional and national cities, a public engagement effort, and a summary report outlining urban forestry policy recommendations for City Council.
 - The TCAP Summary Report to City Council provided numerous policy recommendations and ordinance concepts, including a heritage tree policy and regulation, for consideration to be included in the Charlotte Future 2040 Comprehensive Plan and UDO.
 - Tree canopy policy and ordinance concepts associated with the proposed amendments of the Charlotte Tree Ordinance have been included in all previous, ongoing, and future UDO-supported public engagement strategies, efforts, meetings, and presentations.

- The UDO public engagement included in-person events throughout the City. Additional public engagement also included 20 virtual conversations on the various UDO topics in December 2021 and January of 2022. A total of 1,273 public comments were received on the first UDO draft during the public engagement period between October 7, 2021, and March 18, 2022. The Planning, Design, and Development staff responded to each public comment, with staff responses posted on the UDO website at www.charlotteudo.org.
- Public comments on development and non-development related tree regulations were solicited, received, and responded to by staff. The "Charlotte's UDO and You!" show was designed to share general information about the UDO and illustrate how it affects the community, and one episode provided a deeper dive into heritage trees.
- Prior to the release of the Public Hearing Draft of the UDO, staff developed a new recommendation suggesting that non-development related tree regulations should not be included in the UDO and should be included in the Charlotte Tree Ordinance. Staff presented and reviewed the recommendation with City Council at the UDO City Council Work Sessions on May 5, 2022, May 23, 2022, and June 13, 2022, and at a Transportation and Planning Committee Meeting. Staff presented and reviewed the recommendation with the Planning Commission at a June 6, 2022, Planning Commission Work Session and with the Charlotte Tree Advisory Commission on June 14, 2022, during their regular June meeting.
- On June 3, 2022, the City of Charlotte released the Public Hearing Draft, also known as the Second Draft, of the UDO for public review and comment. A series of 16 virtual office hour sessions were made available for public feedback. Additional public comments will be received by the City Clerk between the publication of the legal advertisement and 24 hours prior to the start of the public hearing and provided to City Council prior to the public hearing.
- The Planning Committee of the Charlotte-Mecklenburg Planning Commission will make a recommendation on the proposed amendments to the Charlotte Tree Ordinance at its July 19, 2022, meeting.
- Staff will request adoption of the proposed amendments to the Charlotte Tree Ordinance at the August 22, 2022 Council Business Meeting.
- Additional information can be found on the UDO website at: <https://charlotteudo.org/>.

Attachment(s)

Charlotte Tree Ordinance Amendment

[Charlotte Tree Ordinance Amendment](#)

11. Public Hearing on General Obligation Bond Referendum

Action:

- A. **Conduct a public hearing on the bond orders which would be authorized at the General Obligation Bond Referendum to be set for November 8, 2022,**
- B. **Adopt Bond Orders introduced for \$146,200,000 of Street Bonds, \$29,800,000 of Neighborhood Improvement Bonds, and \$50,000,000 of Housing Bonds, and**
- C. **Adopt a resolution setting the General Obligation Bond Referendum for November 8, 2022.**

Staff Resource(s):

Teresa Smith, Finance

Matthew Hastedt, Finance

Explanation

- On May 31, 2022, Council adopted the Fiscal Year (FY) 2023 Budget and FY 2023-2027 Capital Investment Plan, which included a \$226,000,000 bond referendum on November 8, 2022.
- At the same meeting, Council approved resolutions authorizing staff to proceed with the actions necessary to conduct a general obligation bond referendum.
- On June 27, 2022, Council introduced the bond orders and set a public hearing on each of the bond orders for July 11, 2022.
- The current action is the third of four City Council actions. This action will specifically:
 - Hold a public hearing on each bond order,
 - Adopt bond orders for \$146,200,000 of Street Bonds, \$29,800,000 of Neighborhood Improvement Bonds, and \$50,000,000 of Housing Bonds, and
 - Approve a resolution setting the bond referendum for November 8, 2022, and direct staff to publish notice of the referendum.

Next Steps

- The Local Government Commission is scheduled to consider the referendum for approval at its September meeting.
- After November 8, 2022, City Council will be asked to adopt a resolution certifying and declaring the results of the special bond referendum. This action will occur after the Mecklenburg County Board of Elections certifies the results of the vote.

Fiscal Note

Funding: Municipal Debt Service Fund

Attachment(s)

Resolution Adopting Bond Orders

Resolution Setting a Special Bond Referendum

[Resolution Adopting Bond Orders - City of Charlotte - 2022 GO Referendum](#)

[Resolution setting Special Bond Referendum - City of Charlotte - 2022 GO Referendum](#)

12. Public Hearing on a Resolution to Close a Portion of the Alleyway between Sylvania Avenue and Dunloe Street

Action:

- A. Conduct a public hearing to close a portion of the alleyway between Sylvania Avenue and Dunloe Street, and
- B. Adopt a resolution and close a portion of the alleyway between Sylvania Avenue and Dunloe Street.

Staff Resource(s):

Debbie Smith, 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

Stephen Ernest Lee, Sr. and Diane Lee Hoffman

Right-of-Way to be Abandoned

A portion of the alleyway between Sylvania Avenue and Dunloe Street

Reason

Per the petition submitted by Stephen Ernest Lee, Sr. and Diane Lee Hoffman, the abandonment will allow for future 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)

100 Dalton, LLC & Cardon Capital, 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

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

[2021-40A Resolution to Close 07.11.2022](#)

13. Public Hearing on a Resolution to Close a Portion of the Alleyway off South Poplar Street between South Poplar Street and 4th Street

Action:

- A. Conduct a public hearing to close a portion of the alleyway off South Poplar Street between South Poplar Street and 4th Street, and
- B. Adopt a resolution and close a portion of the alleyway off South Poplar Street between South Poplar Street and 4th Street.

Staff Resource(s):

Debbie Smith, 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 2.

Petitioner

BinacoSC, LLC

Right-of-Way to be Abandoned

A portion of the alleyway off South Poplar Street between South Poplar Street and 4th Street

Reason

Per the petition submitted by BinacoSC, LLC, the abandonment will allow for future 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)

BinacoSC, 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

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

[2021-42A Resolution to Close 07.11.2022](#)

14. Public Hearing on a Resolution to Close a Portion of the Unopened Pegram Street Right-of-Way

Action:

- A. Conduct a public hearing to close a portion of the unopened Pegram Street Right-of-Way, and
- B. Adopt a resolution and close a portion of the unopened Pegram Street Right-of-Way.

Staff Resource(s):

Debbie Smith, 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

JBH Development, LLC

Right-of-Way to be Abandoned

A portion of the unopened Pegram Street Right-of-Way

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)

Scott Johnson - No objections

HC Pegram, LLC - No objections

The Charlotte-Mecklenburg Board of Education - 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

[2020-08A Resolution to Close 07.11.2022](#)

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

POLICY

15. City Manager's Report

16. Source of Income Protections in City Supported Housing

Action:

Approve the Great Neighborhoods Committee recommendation to adopt the Source of Income Protections in City Supported Housing Policy.

Committee Chair:

Victoria Watlington, Great Neighborhoods Committee

Staff Resource(s):

Shawn Heath, Housing and Neighborhood Services
Rebecca Hefner, Housing and Neighborhood Services

Explanation

- It is a City priority to promote opportunities for individuals and families to obtain safe, quality, affordable housing. This includes prioritizing support of affordable housing development to expand access to housing opportunities for low-to-moderate income households and aligning resources and policies that support the use of housing vouchers and other rental subsidies, as recommended by the Housing Charlotte Framework.
- The source of income protections in the City Supported Housing Policy establishes that prospective residential tenants in City supported developments will not be disqualified from renting a housing unit based on a refusal by the housing operator to consider any lawful source of income. City supported housing includes:
 - Affordable housing, which is all affordable housing developments receiving any City provided subsidy or financial incentives including conveyance of real estate for the production of affordable housing, and
 - Market-rate housing, which is any market-rate housing developed as part of a development receiving City infrastructure reimbursement incentives, such as Tax Increment Grants and capital-funded partnerships for infrastructure improvements.
- During June 27, 2022 Action Review, City Council received a presentation on the proposed policy.
- Adoption of the proposed policy will support prospective tenants with rental subsidies, including housing vouchers directly or indirectly funded by the federal government, and all other lawful sources of income, in accessing affordable housing.

Committee Discussion

Source of Income Ad Hoc Advisory Committee

- The Source of Income Ad Hoc Advisory Committee (Ad Hoc Committee) was appointed in 2021 and charged to develop recommendations for program enhancements and process improvements that will increase the acceptance of all forms of rental subsidies, including Housing Choice Vouchers, the largest source of rental subsidies in the community.
- The Ad Hoc Committee presented its recommendations to the Great Neighborhoods Committee on February 28, 2022, including recommending that the City and County should include source of income protections for any for-rent residential housing developments receiving public financial support of any kind, including both affordable and market-rate housing developments receiving Tax Increment Grants and other types of financial support, through the creation of a new policy requiring mandatory acceptance of Housing Choice Vouchers, other forms of rental subsidies, and other legal sources of income in City supported housing developments.

Great Neighborhoods Committee

- On March 28, 2022, the Great Neighborhoods Committee reviewed the Source of Income Protections in City Supported Housing Policy and unanimously agreed (Council members Watlington, Graham, Johnson, Newton, and Phipps) to recommend the policy as presented with applicability to all City funding sources and move it forward to full Council for discussion.

Attachment(s)

Source of Income Protections in City Supported Housing Policy

[Source of Income Protections All City Supported Housing Approved 07.11.22](#)

BUSINESS

17. Acquisition of Property on 1541 West Boulevard

Action:

- A. Approve the purchase of a parcel located at 1541 West Boulevard (parcel identification number 119-033-42) for \$480,000 from RRWB, LLC, and**

- B. Authorize the City Manager, or his designee, to negotiate and execute all documents necessary to complete this transaction.**

Staff Resource(s):

Tracy Dodson, City Manager's Office
Todd DeLong, Economic Development

Explanation

- This action is for the purchase of real property with an address of 1541 West Boulevard ("Property"), consisting of approximately total 0.179 acres, which is improved with a single-story retail building and located in Council District 3.
- The Property is zoned B-1 (Neighborhood Business), which allows for uses supportive of the stabilization of the neighborhood, including the retailing of merchandise, such as groceries and household items, and for professional services for the convenience of nearby residential areas.
- The Property was appraised on March 11, 2022, at \$435,000.
- On May 9, 2022, the City approved the purchase of two parcels directly adjacent to the Property.
- The purchase of the Property, in connection with the adjacent retail space, is the next step in revitalizing this area of the City.
- West Boulevard has been an area of focus for revitalization by the City of Charlotte, and the West Boulevard Corridor Playbook identifies the intersection of Remount Road and West Boulevard as a key intersection to create dense, urban, and walkable nodes. This transaction is consistent with the *City-Owned Real Estate and Facilities Policy*, adopted by City Council in June 2017.
- The Economic Development Department continues to work with the neighborhood association and other City departments to create a safer, viable, and sustainable neighborhood.
- The purchase offer includes the following terms:
 - Purchase price of \$480,000,
 - Earnest money deposit of \$15,000, and
 - Closing shall occur on or before September 1, 2022.
- The Planning Commission reviewed the proposed transaction on May 17, 2022, and provided no comments.

Fiscal Note

Funding: General Capital Investment Plan

Attachment(s)

Map

[Map Acquisition of Property on West By](#)

18. Affordable Housing Development Support Request

Action:

- A. **Approve a total revised funding allocation of \$3,000,000 to support the development of The Barton multi-family affordable housing development, and**
- B. **Authorize the City Manager, or his designee, to negotiate, execute, amend, and renew any documents necessary to complete this transaction.**

Staff Resource(s):

Shawn Heath, Housing and Neighborhood Services
Rebecca Hefner, Housing and Neighborhood Services

Explanation

- The COVID-19 pandemic has resulted in unprecedented conditions in both the construction and financing markets.
- The Barton development has experienced a financing gap as a result of pandemic-related cost escalation. Additionally, the developer's option to purchase the property to be developed expired in June, putting the development at risk of not being able to proceed.
- The City and Local Initiatives Support Corporation (LISC) have worked with the developer to identify opportunities to reduce the financing gap, including by restructuring the development proposal as a 140-unit new construction affordable housing development serving families earning 80 percent and less of the area median income (AMI), thereby allowing the project to proceed.
- LISC has affirmed their \$3,000,000 Charlotte Housing Opportunity Investment Fund (CHOIF) support for the restructured development proposal, contingent upon the City's participation in the amount of \$3,000,000, and approval from the North Carolina Housing Finance Agency (NCHFA) for four percent low-income housing tax credits and housing bond allocation.
- This action revises the original \$2,000,000 allocation from the Housing Trust Fund by adding an additional \$1,000,000 of support for the restructured development. The \$3,000,000 will be used by the developer to acquire the property, allowing the property to be secured for the development of affordable housing while the developer seeks approval from the NCHFA for the restructured proposal.
 - The City will initially hold a first lien position on the property while the developer seeks NCHFA approval.
 - Upon approval from the NCHFA, the City's \$3,000,000 loan will be refinanced into long-term debt typical of Housing Trust Fund projects.

Background

- On April 26, 2021, City Council approved a \$2,000,000 Housing Trust Fund allocation for the development of The Barton Seniors, a proposed 174-unit new construction affordable housing development serving households earning 80 percent and less of the AMI, to be developed, owned, and operated by Blue Ridge Atlantic Development, LLC.
- The proposed development consists of approximately 4.5 acres located at 6000 Old Pineville Road (parcel identification number 169-091-11) in Council District 3, within a Transit Oriented Development District.

Charlotte Business INclusion

City funded affordable housing projects are subject to MWSBE goals based on the amount of the approved funding allocation.

Fiscal Note

Funding: General Capital Investment Plan

Attachment(s)

Map

Presentation

[Map The Barton](#)

[Barton Family revised support request](#)

19. Amend Resolution for Sale of City-Owned Properties on Isenhour Street

- A. Approve an amendment to the resolution approving the sale of three vacant City-owned parcels located at 3221 Isenhour Street, 1005 Patch Avenue, and Wainwright Avenue (parcel identification numbers 077-192-12, 077-192-13, and 077-192-21) to JCB Urban Company, to modify the scope of permissible development to include a single-family residence and two townhome units, and**
- B. Authorize the City Manager, or his designee, to negotiate and execute all documents necessary to complete this transaction.**

Staff Resource(s):

Shawn Heath, Housing and Neighborhood Services
Rebecca Hefner, Housing and Neighborhood Services
Phil Reiger, General Services
Greg Crawford, General Services

Explanation

- On October 11, 2021, City Council authorized the sale of property along Isenhour Street, Patch Avenue, and Wainwright Avenue, consisting of approximately 0.3837 acres combined, and located in Council District 1, to JCB Urban Company (JCB) to construct four for-sale affordable townhome units to be sold to House Charlotte eligible households earning 80 percent or below the Area Median Income (AMI).
- During the due diligence period including site plan review conducted by the City, it was determined that the size of the combined parcels could not accommodate the four proposed townhome units.
- JCB has amended their development plans to leverage the available maximum density of the parcels. JCB's amended plan includes the construction of three for-sale affordable units, including one single-family unit and two townhome units. The three units will be sold to House Charlotte eligible households earning 80 percent or below the AMI with a 15-year affordability period.
- The amended development plan is consistent with the Council-adopted City-Owned Real Estate and Facilities Policy and Guidelines for Evaluation and Disposition of City-Owned Land for Affordable Housing.

Fiscal Note

Funding: Proceeds from the sale will be deposited into the General Capital Investment Plan

Attachment(s)

Map
Resolution

[Map - Sale of Isenhour Properties](#)

[Resolution - Sale of Isenhour Properties \(15-18226\)](#)

20. Reserve Central Avenue Capital Project Funds

Action:

- A. Direct the City Manager to transfer \$5,000,564.34 from the I&T Consolidation Building project to the Budget Capital Control Account, and
- B. Adopt a budget ordinance reappropriating \$5,000,564.34 from the I&T Consolidation Building Project to the Budget Capital Control Account.

Staff Resource(s):

Brent Cagle, City Manager's Office
Phil Reiger, General Services

Explanation

- Currently, the Innovation and Technology (I&T) Consolidation Building (building) located at 5516 Central Avenue in Council District 2, is on hold as the original intent of the building is no longer needed.
- Due to the Charlotte Mecklenburg Government Center renovations and the adoption of teleworking policies in the wake of the COVID-19 pandemic, the City chose to consolidate I&T within the CMGC and forego the expense of renovating the building.
- During the Fiscal Year 2023 Budget Adjustments Meeting, City Council voted to add the Innovation Barn build out to the Advanced Planning and Design program so additional cost estimates and design schematics can be defined.
- This action places the previous funding for the building in the Budget Capital Control Account.
- Future use of the funds will be assessed after the Advanced Planning and Design work is completed on the Innovation Barn build out project.
- These funds will not be spent or transferred until approved by a future City Council action.

Fiscal Note

Funding: General Capital Investment Plan

Attachment(s)

Budget Ordinance

[Budget Ordinance](#)

21. Exchange of Real Property with Mill District Partners, LLC

Action:

- A. Adopt a resolution authorizing the exchange of certain real property rights between the City of Charlotte and Mill District Partners, LLC, a North Carolina limited liability company ("Mill District"); and**
- B. Authorize the City Manager, or his designee, to negotiate and execute all documents necessary to complete this transaction.**

Staff Resource(s):

Phil Reiger, General Services

Greg Crawford, General Services

Explanation

- The City owns a 0.269 acre parcel (parcel identification number 083-052-09) near North Davidson Street and East 26th Street in Council District 1. This parcel was purchased in 2013 during acquisition of the Charlotte Area Transit System Lynx Blue Line Project and is being converted from an unused rail spur to a greenway trail as part of the Cross Charlotte Trail Project.
- Mill District owns two adjoining parcels (parcel identification numbers 083-052-04 and 083-052-06) zoned TOD-US (transit-oriented development) in Council District 1 ("Mill District Property") currently under development alongside construction of the Cross Charlotte Trail.
- The proposed exchange is mutually beneficial to the City and Mill District and will increase and promote the safe connectivity of the Mill District Property across this section of greenway trail.
 - The City proposes to obtain easements for the Cross Charlotte Trail from Mill District, and
 - Mill District proposes to obtain easements necessary to build a pedestrian bridge over the Cross Charlotte Trail to connect each side of the development of the Mill District property.
- The following permanent greenway easements ("PGE") and temporary construction easements ("TCE") are needed on Mill District property to construct the Cross Charlotte Trail:
 - 2,256 square feet of PGE and 3,606 square feet of TCE on parcel 083-052-04; and
 - 108 square feet of PGE and 710 square feet of TCE on parcel 083-052-06.
 - An appraisal was made on November 18, 2020, with a fair market value of \$68,575.
- The following easements are needed over and across City property to construct a pedestrian bridge connecting each side of the development of Mill District property:
 - 175 square feet for a utility easement;
 - 485 square feet of air rights for a pedestrian bridge between 693.5 feet and 706.5 feet mean sea level; and
 - Approximately 706 square feet of TCE to construct the pedestrian bridge (this represents the area under the bridge and five feet on each side of the planned location of the bridge).
 - An appraisal was made on December 28, 2021, with a fair market value of \$37,750.
- The City and Mill District have agreed to exchange the above property interests with no additional monetary consideration, subject to Council approval.
- The Planning Commission reviewed this exchange of real property rights and because the exchange only comprises easement, indicated that the mandatory referral process was not necessary.

Attachment(s)

Map

Resolution

[Map Exchange of Real Property with Mill District Partners, LLC.pdf](#)

[Resolution - Exchange of Property \(15-18227\)](#)

22. Water Sewer Revenue Bonds and Revenue Bond Anticipation Notes

Action:

- A. **Adopt bond orders and resolutions that makes certain Statements of Fact concerning the refunding of Water Sewer Revenue Bonds and Revenue Bond Anticipation Notes,**
- B. **Provide for the issuance of Water Sewer Revenue Bonds in an amount not to exceed \$535 million,**
- C. **Provide for the issuance of Water Sewer Revenue Bond Anticipation Notes in an amount not to exceed \$500 million,**
- D. **Authorize City Officials to take necessary actions to complete the financing, including making the application to the Local Government Commission, and**
- E. **Adopt a budget ordinance appropriating \$415 million in bond proceeds to the Charlotte Water Revenue Bond Debt Service Fund.**

Staff Resource(s):

Teresa Smith, Finance
Matt Hastedt, Finance
Angela Charles, Charlotte Water

Explanation

- This action provides for the issuance of up to \$535 million comprised of the following:
 - New revenue bonds up to \$120 million to provide financing for projects listed below,
 - Refunding of the 2021 Bond Anticipation Note (BAN) of approximately \$250 million, and
 - Refunding of both the 2006B and 2011A revenue bonds for approximately \$165 million at lower rates to achieve savings.
- This action also provides for the issuance of up to \$500 million in a new Revenue BAN.
- In 2021, the City obtained a \$250 million Revenue BAN to fund projects on a short-term, interim basis and planned to convert it to long-term, fixed rate revenue bonds at the end of the 24-month construction period.
- In 2006, revenue bonds totaling \$300 million were issued at a variable rate, and the City entered into a pay-fixed interest rate agreement. Approximately \$135 million of proceeds will be used to refund the outstanding 2006B debt for savings and to fund a termination fee. The 2006B bonds will only be refunded if it results in a more favorable position for the City at the time of the financing.
- Approximately \$30 million of proceeds will be used to refund outstanding 2011A revenue bonds to achieve savings.
- The 2022 Revenue BAN of up to \$500 million is planned in two steps; a short-term construction period draw program lasting up to 36 months which will then be converted into long-term, fixed rate revenue bonds once construction nears completion. This financing approach reduces interest cost, promotes rate stability, and provides flexibility in the timing of the spending.
- The revenue bonds and BAN will provide funding for projects concentrated in two areas:
 - Maintenance of existing treatment facilities to ensure reliable treatment process and regulatory compliance, and
 - Rehabilitation and replacement of existing water and sewer infrastructure that has met its useful performance life.
- These actions do not require rate increases.

Fiscal Note

Funding: Charlotte Water Revenue Bond Debt Service Fund

Attachment(s)

Bond Orders

Resolutions

Budget Ordinance

[Bond Order Resolution - Charlotte Water and Sewer Bond Anticipation Note, Series 2022](#)

[Bond Anticipation Note Resolution - Charlotte Water and Sewer BANs, Series 2022 \(Drawdown Program\)](#)

[Bond Order Resolution - Charlotte Water and Sewer Revenue Bonds, Series 2022](#)

[Revenue Bonds Resolution - Water and Sewer System Refunding Revenue Bonds, Series 2022](#)

[Budget Ordinance](#)

23. Lease of City-owned Land to Mecklenburg County for Greenway

- A. Adopt a resolution approving a five-year lease agreement with Mecklenburg County for a greenway on City property; and**
- B. Authorize the City Manager or his designee, to execute any necessary documents to complete this transaction and to amend the lease agreement consistent with the intent of the agreement.**

Staff Resource(s):

John Lewis, Jr., CATS

Kelly Goforth, CATS

Explanation

- Mecklenburg County desires to lease approximately 8,108 square feet of land at 10300 Compass Street located in Huntersville adjacent to Council District 4 (parcel identification number 017-153-07) for a portion of the Torrence Creek Tributary II Greenway ("Greenway").
- This property is the location of the CATS Huntersville Gateway Park and Ride Lot, which includes 311 parking spaces. The Greenway will be constructed adjacent to the park and ride lot and will have a trailhead into the lot which will require the removal of one space.
- The County's proposed Greenway does not affect the property's transit capacity or use and has the potential to increase CATS system ridership by enhancing pedestrian and bicycle access to CATS services.
- Mecklenburg County is responsible for the construction, operation, and maintenance of the Greenway.
- The City is also granting temporary construction access through the CATS park and ride facility and maintenance access throughout the term of the lease.
- The terms of the lease agreement are as follows:
 - Approximately 8,108 sq. feet of land located at 10300 Compass Street;
 - A five-year term with the option to extend for an additional five-year period; and
 - Base rent of \$1.00 per year.

Attachments(s):

Map

Resolution

[Map](#)

[Resolution - Torrence Trib Greenway](#)

24. Interlocal Agreement for The Long Creek Water Quality Enhancement Project

Action:

- A. Adopt a resolution authorizing the City Manager, or his designee, to negotiate and execute an interlocal agreement with Mecklenburg County for construction of the Long Creek Water Quality Enhancement Project, and**
- B. Authorize the City Manager, or his designee, to amend the interlocal agreement consistent with the purpose for which the agreement was approved.**

Staff Resource(s):

Angela Charles, Charlotte Water
Mike Davis, Storm Water Services
Jordan Miller, Storm Water Services

Explanation

- This project is intended to improve surface water quality in the Long Creek watershed and help the City meet its ongoing permit requirements under the Federal Clean Water Act.
- The interlocal agreement between Mecklenburg County and the City will accelerate the construction of approximately 3,700 linear feet (LF) of stream restoration and 14.07 acres of wetland re-establishment/enhancement located along a portion of Long Creek that runs from Treyburn Drive to I-485 (Council District 4).
- The City has partnered with Mecklenburg County to design and implement the Long Creek Phase 2 -Treyburn to I-485 Watershed and Stream Improvements. A coordinated design is complete, and the County has awarded a construction contract to the lowest, qualified bidder, Blythe Development.
- The interlocal agreement outlines the City's partnership with Mecklenburg County to construct the project, including cost-sharing and reimbursement specifics for construction activities.
- The estimated construction costs for the City-funded portion of the project is \$2,000,000.
- Mecklenburg County Board of County Commissioners will convene on the negotiation and execution of the interlocal agreement at their July 7, 2022 meeting.
- Construction is expected to be complete by the end of second quarter of FY2024 (December 2023).

Charlotte Business INCLUSION

This is an interlocal agreement contract and is exempt (Part A: Appendix 1.27 of the Charlotte Business INCLUSION Policy).

Fiscal Note

Storm Water Capital Investment Plan

Attachment(s)

Map
Interlocal Draft
Resolution

[Map City Long Creek](#)

[Long Creek Water Quality Funding Project Agreement](#)

[Resolution for Long Creek](#)

CONSENT

25. Continue Funding Staff in the District Attorney's Office

Action:

- A. Authorize the City Manager to negotiate and execute contracts with the Administrative Office of the Courts for the funding of five positions in the District Attorney's Office's Property Crime Court, and partial funding of four positions in the District Attorney's Office's Drug Crime Unit, and**
- B. Authorize the City Manager to renew the contracts for up to four, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

Johnny Jennings, Police

Explanation

- Under NC General Statute Section 160A-289.1, the City may contract with the Administrative Office of the Courts to provide additional resources to assist with the timely disposition of cases involving threats to public safety.
- These contracts are to help address the backlog of cases in Mecklenburg County and support crime fighting initiatives.
- Since 2008, the City has provided annual funding to the Mecklenburg County District Attorney's Office to support:
 - the full cost of two Assistant District Attorneys and three Victim/Witness Legal Assistants in the District Attorney's Office's Property Crime Unit, and
 - 12.5 percent of the cost of four Assistant District Attorneys in the District Attorney's Office's Drug Crime Unit.
- These actions authorize the City Manager to negotiate and execute the contract with the North Carolina Administrative Office of the Courts for continued funding of these nine positions.
- Annual expenditures are estimated to be \$401,481.

Fiscal Note

Funding: Police Operating Budget

26. Cooperative Purchasing Contract for Maintenance, Repair, and Operating Supplies

Action:

- A. **Approve the purchase of maintenance, repair, and operating supplies from a cooperative contract,**
- B. **Approve a unit price contract with Lowe’s Home Centers, LLC for the purchase of maintenance, repair, and operating supplies for a term ending March 31, 2023, under the Omnia Partners, Public Sector, contract number R192006, and**
- C. **Authorize the City Manager to extend the contract for additional terms for as long as the cooperative contract is in effect, at prices and terms that are the same or more favorable than those offered under the cooperative contract.**

Staff Resource(s):

Phil Reiger, General Services

Kay Elmore, General Services

Explanation

- Throughout the fiscal year, City departments require hundreds of various maintenance, repair, and operating supplies for daily operations, including but not limited to hardware, hand tools, material handling products, motor and hydraulic parts, lighting, pumps, fasteners, lumber, and appliances.
- The City currently utilizes the state’s cooperative agreement with Lowe’s Home Centers, LLC, which is set to expire in July 2022, with rebid and a resulting contract not available until the fall of 2022 or later.
- Approval of the Omnia Partners contract will ensure uninterrupted availability of maintenance, repair, and operating supplies citywide.
- NC General Statute Section 143-129(e)(3) allows local governments to purchase from formally organized cooperative purchasing contracts.
- A cooperative purchasing agreement results from the consolidation and competitive solicitation of multiple public agency requirements. By aggregating common needs all agencies are able to leverage economies of scale, such as volume discounts, improved terms and conditions, reduced administrative costs, and access to professional and technical expertise.
- Staff will evaluate the best value in contracts for maintenance, repair, and operating supplies as new cooperatives become available.
- Annual expenditures are estimated to be \$200,000.

Charlotte Business INclusion

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

Fiscal Note

Funding: Various Departments’ Operating Budgets

27. Cooperative Purchasing Contracts for Vehicles and Equipment

Action:

- A. Approve the purchase of vehicles and equipment from cooperative contracts,
- B. Approve unit price contracts with the following vendors for the purchase of vehicles and equipment for a term of one year under the North Carolina Sheriff's Association (NCSA):
- Adkins Truck Equipment Co. (NCSA Contract 22-06-0426R),
 - Amick Equipment Company, Inc. (NCSA Contract 22-06-0426R),
 - Bucher Municipal (NCSA Contract 22-06-0426R),
 - Capital Chevrolet, Inc. (NCSA Contract 22-08-0913),
 - Capital Ford, Inc. (NCSA Contract 22-08-0913),
 - Charlotte Truck Center (NCSA Contract 22-06-0426R),
 - Godwin Manufacturing Co., Inc. (NCSA Contract 22-06-0426R),
 - Modern Chevrolet of Winston-Salem (NCSA Contract 22-08-0913),
 - Parks Ford (NCSA Contract 22-08-0913),
 - Performance Ford (NCSA Contract 22-08-0913),
 - Piedmont Truck Center (NCSA Contract 22-08-0913),
 - Public Works Supply (NCSA Contract 22-06-0426R),
 - Southern Truck Service, Inc. (NCSA Contract 22-06-0426R),
 - TranSource, Inc. (NCSA Contract 22-06-0426R),
 - Vanguard Truck Center (NCSA Contract 22-06-0426R),
- C. Approve unit price contracts with the following vendors for the purchase of vehicles and equipment for a term of one year under Sourcewell:
- Altec Industries, Inc. (Sourcewell Contract 110421-ALT),
 - BOMAG Americas, Inc. (Sourcewell Contract 032119-BAI),
 - Gradall Industries, Inc. (Sourcewell Contract 040319-GRD),
 - Kubota Tractor Corporation (Sourcewell Contract 040319-KBA),
 - Vermeer Corporation (Sourcewell Contract 031721-VRM),
- D. Approve a unit price contract with Vehicle Service Group for the purchase of vehicle lift equipment for a term of one year under NASPO ValuePoint contract 05316,
- E. Approve a unit price contract with Unruh Fire, Inc. for the purchase of airport firefighting equipment for a term of one year under HGACBuy contract FS12-19, and
- F. Authorize the City Manager to extend the contracts for additional terms as long as the cooperative contracts are in effect, at prices and terms that are the same or more favorable than those offered under the cooperative contacts.

Staff Resource(s):

Phil Reiger, General Services
Kay Elmore, General Services
Chris Trull, General Services

Explanation

- City vehicles and equipment are assessed on an annual basis to determine replacement needs based on a rating of vehicle usage, age, maintenance costs, and condition.
- Purchased vehicles and equipment include electric vehicles, police pursuit vehicles, passenger vehicles, vans, SUVs, pickup trucks, heavy duty cab and chassis, street maintenance equipment, sewer cleaning equipment, mini excavators, skid steers, utility vehicles, forklifts, vehicle lifts, airport firefighting apparatus, and heavy-duty construction equipment.

- NC General Statute Section 143-129(e)(3) allows local governments to purchase from formally organized cooperative purchasing contracts.
- A cooperative purchasing agreement results from the consolidation and competitive solicitation of multiple public agency requirements. By aggregating common needs all agencies are able to leverage economies of scale, such as volume discounts, improved terms and conditions, reduced administrative costs, and access to professional and technical expertise.
- Annual expenditures are estimated to be \$22,040,000.

Charlotte Business INclusion

These are cooperative purchasing contracts and are exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: General and Enterprise Capital Equipment Funds

28. Roadway Construction Services

Action:

- A. Approve a contract in the amount of \$1,824,872.50 to the lowest responsive bidder United Construction Company, Inc. for the Specialized Roadway Construction Services FY23A project, and**
- B. Approve a contract in the amount of \$1,880,385.10 to the lowest responsive bidder OnSite Development, LLC for the Specialized Roadway Construction Services FY23B project.**

Staff Resource(s):

Phil Reiger, General Services
Jennifer Smith, General Services
Tonia Wimberly, General Services

Explanation

- These are on-call contracts and will be used to construct various transportation infrastructure projects throughout the City.
- Work includes concrete sidewalk and accessible ramps, milling, asphalt paving, and pavement markings.
- Approximately eight projects may be constructed within the contract term of 24 months for each contract. The number of projects may vary depending on the nature and extent of the construction.

Action A

- On May 6, 2022, the City issued an Invitation to Bid; five bids were received.
- United Construction Company, Inc. was selected as the lowest responsive, responsible bidder.

Action B

- On May 9, 2022, the City issued an Invitation to Bid; five bids were received.
- OnSite Development, LLC was selected as the lowest responsive, responsible bidder.

Charlotte Business INclusion

Action A

Established MBE Goal: 7.00%

Committed MBE Goal: 7.01%

United Construction Company, Inc. has identified MBEs on its project team, and for each work order issued, committed 7.01% of the total contract amount to the following certified firms:

- Diamond Trucking of NC Inc (MBE, SBE) (hauling)
- R.R.C. Concrete, Inc (MBE, SBE) (concrete)
- Streeter Trucking Company, Inc. (MBE, SBE) (hauling)

Established SBE Goal: 18.00%

Committed SBE Goal: 18.08%

United Construction Company, Inc. has identified SBEs on its project team, and for each work order issued, committed 18.08% of the total contract amount to the following certified firms:

- AMP Utility Distribution Services, LLC (WBE, SBE) (utility materials)
- Carolina Cajun Concrete, Inc. (SBE) (general services)
- Countrywide Commercial Inc. (SBE) (paving)
- Piceno Concrete LLC (SBE) (concrete)
- Striping Concepts, LLC (SBE) (striping)

Action B

Established MBE Goal: 7.00%

Committed MBE Goal: 7.00%

OnSite Development, LLC has identified MBEs on its project team, and for each work order issued, committed 7.00% of the total contract amount to the following certified firms:

- Streeter Trucking Company, Inc. (MBE, SBE) (hauling)
- MTS Trucking, Inc. (MBE, SBE) (hauling)

Established SBE Goal: 18.00%

Committed SBE Goal: 18.00%

- Striping Concepts, LLC (SBE) (striping)
- LJR Concrete, LLC (SBE) (concrete)
- Tonys Trucking (SBE) (hauling)
- RAH Trucking Inc. (MBE, SBE) (hauling)

Fiscal Note

Funding: General Capital Investment Plan

29. Construct Storm Drainage Improvement Projects

Action:

Approve a contract in the amount of \$2,297,107.75 to the lowest responsive bidder Zoladz Construction Co., Inc. for the Collective Storm Drainage Improvement Projects - Series J.

Staff Resource(s):

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

Explanation

- This contract is part of an ongoing program to provide repairs and/or improvements to storm drainage systems.
- This contract will address storm drainage systems at:
 - 901 North Church Street (Council District 2),
 - 1000 Music Factory Boulevard (Council District 1), and
 - 6524 Rocklake Drive (Council District 3).
- The work includes grading, drainage, water/sanitary sewer sidewalks, and curb and gutter.
- On May 20, 2022, the City issued an Invitation to Bid; five bids were received.
- Zoladz Construction Co., Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by the fourth quarter of 2023.

Charlotte Business INclusion

Established MBE Goal: 6.00%

Committed MBE Goal: 6.00%

Zoladz Construction Co., Inc. met the established SBE subcontracting goal and has committed \$137,900 or approximately 6.00% of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Diamond Trucking of the Carolinas (MBE) (\$137,900) (hauling)

Established SBE Goal: 15.00%

Committed SBE Goal: 15.00%

Zoladz Construction Co., Inc. met the established MBE subcontracting goal and has committed \$344,566 or approximately 15.00% of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- On Time Construction (SBE) (\$150,216) (bricks/concrete)
- Pentacle, Inc. (SBE) (\$4,550) (fencing)
- RRC (SBE) (\$57,500) (concrete)
- Striping Concepts (SBE) (\$4,300) (striping)
- Spikes Out Tree Care (SBE) (\$29,000) (clearing)
- Trull Contracting (SBE) (\$99,000) (asphalt)

Fiscal Note

Storm Water Capital Investment Plan

30. Industrial Electrical Maintenance and Repair Services

Action:

- A. Approve unit price contracts with the following companies for industrial electrical maintenance and repair services for an initial term of two years:**
- Amteck, LLC,
 - Energy Erectors Inc.,
 - Steve Gainey dba Tryon Services, LLC (SBE), and
- B. Authorize the City Manager to renew the contracts for up to three, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

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

Explanation

- These contracts will provide support for power distribution and industrial control equipment within Charlotte Water's treatment plants and related facilities, which is required to ensure continuous operations.
- On April 14, 2022, the City issued a Request for Proposals (RFP); five responses were received.
- The companies selected best meet the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual aggregate expenditures are estimated to be \$2,000,000.

Charlotte Business INclusion

Steve Gainey dba Tryon Services, LLC is a City certified SBE.

Per Charlotte INclusion Policy: Part C: Section 2.1(a) The City shall not establish subcontracting goals for contracts where (a) there are no subcontracting opportunities identified for the contract; or (b) there are no SBEs, MBEs, or WBEs (as applicable) certified to perform the scopes of work that the City regards as realistic opportunities for subcontracting.

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

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

31. Mallard Creek Wastewater Treatment Plant Improvements

Action:

- A. Approve a guaranteed maximum price of \$7,069,069 to PC-Leeper, A Joint Venture for construction manager at risk services for equipment procurement and preliminary construction of the Mallard Creek Wastewater Treatment Plant Phase 1 Improvements project, and**
- B. Approve a contract in the amount of \$5,139,608 with Brown and Caldwell for construction administration services required for the Mallard Creek Wastewater Treatment Plant Phase 1 Improvements project.**

Staff Resource(s):

Angela Charles, Charlotte Water
David Czerr, Charlotte Water
Carl Wilson, Charlotte Water

Explanation

- Charlotte Water has initiated a multi-phased program spanning several years within the Mallard Creek Basin (Council District 4), which includes the capacity expansion of the Mallard Creek Wastewater Treatment Plant (WWTP) from 13.1 to 16 million gallons per day.
- The Mallard Creek WWTP Phase 1 Improvements project is anticipated to be complete by fourth quarter 2025.

Action A

- PC-Leeper, A Joint Venture has developed a guaranteed maximum price for the purchase of equipment to be installed, and initial site grading, for the capacity expansion.
- On June 28, 2021, City Council approved a contract for \$964,696 with PC-Leeper, A Joint Venture for preconstruction services.
- City Council will receive future requests for the approval of remaining project GMPs once they are established.

Action B

- This contract includes construction administration and inspection services for the Mallard Creek WWTP Phase 1 Improvements project.
- On July 22, 2019, City Council approved a contract with Brown and Caldwell for preliminary engineering, design, and program management services.

Charlotte Business INclusion

Action A

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

Action B

The City negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1 (h) of the Charlotte Business INclusion Policy). Brown and Caldwell has committed \$545,600 or approximately 10.62% of the total contract amount to the following certified firms to be utilized as project scopes are defined:

- Froehling & Robertson, Inc. (MBE) (\$330,000) (materials testing, inspection services)
- Southeastern Consulting Engineers, Inc. (SBE) (\$215,600) (electrical services)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

32. Wastewater Treatment Chemicals

Action:

- A. Approve unit price contracts for the purchase of wastewater treatment chemicals for six months to the following:**
- JCI Jones Chemicals, Inc.,
 - Olin Corporation dba Olin Chlor Alkali Products, and
- B. Authorize the City Manager to renew the contracts for up to three, six-month terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

Angela Charles, Charlotte Water

Ron Hargrove, Charlotte Water

Explanation

- These contracts will provide a variety of chemicals that are necessary in the water and wastewater treatment processes to ensure the treated water is safe for customers and the environment.
- On May 25, 2022, the City issued two Invitation to Bids (ITBs) for various wastewater treatment chemicals; nine bids were received for ITB #1 and four bids were received for ITB #2.
- The companies selected are the lowest responsive, responsible bidders.
- Annual expenditures are estimated to be \$1,500,000.

Charlotte Business INclusion

Per Charlotte INclusion Policy: Part C: Section 2.1(a) The City shall not establish subcontracting goals for contracts where (a) there are no subcontracting opportunities identified for the contract; or (b) there are no SBEs, MBEs, or WBEs (as applicable) certified to perform the scopes of work that the City regards as realistic opportunities for subcontracting.

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

Fiscal Note

Funding: Charlotte Water Operating Budget

33. Airport Concourse E Renovation Design Services

Action:

- A. Approve a contract in the amount of \$2,370,536 with The Wilson Group Architects, PA. for Concourse E Public Areas Renovation project, and
- B. Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.

Staff Resource(s):

Haley Gentry, Aviation
Jack Christine, Aviation

Explanation

- Concourse E opened in February of 2002 and is need of modernization.
- This project will rehabilitate and renovate select elements to align the concourse with the remainder of the terminal.
- The project will include renovation of restrooms, new signage and wayfinding to match CLT standard, installation of furniture with charging capabilities, new floor and wall finishes in public areas, and public artwork.
- On January 10, 2022, the City issued a Request for Qualifications (RFQ); five responses were received.
- The Wilson Group Architects, PA. is the best qualified firm to meet the City's needs based on demonstrated competence and qualification of professional services in response to the RFQ requirements.
- This activity is occurring on Airport property, located in Council District 3.

Charlotte Business INclusion

The City required Proposers to submit an MWSBE Participation Plan outlining their solicitation and utilization efforts (Part C: Section 2.1(c) of the Charlotte Business INclusion Policy).

The Wilson Group Architects, PA. has committed 7.15% (\$169,500) of the total contract amount to the following certified firm(s):

- Hartranft Lighting Design (SBE) (\$25,000) (architectural lighting design services)
- Saber Engineers (SBE) (\$144,500) (Mechanical and Electrical Engineering Services)

Fiscal Note

Funding: Aviation Capital Investment Plan

34. Airport Environmental Consulting Services

Action:

- A. Approve contracts with the following companies for environmental consulting services for an initial term of three years:**
- S&ME Inc.,
 - Hart & Hickman, PC,
 - HDR Engineering, Inc., and
- B. Authorize the City Manager to renew the contracts for up to two, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

Haley Gentry, Aviation
Jack Christine, Aviation

Explanation

- Aviation uses environmental consultation services for various environmental assessments, environmental emergency response, abatement and remedial services, stormwater management, and sediment control in support of Airport improvement and expansion projects.
- On March 23, 2022, the City issued a Request for Proposals (RFP); twelve responses were received.
- The companies selected best meet the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Total estimated annual expenditures across all contracts are \$150,000.
- This activity is occurring on Airport property, located in Council District 3.

Charlotte Business INclusion

The City negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). Prime Consultants will negotiate CBI participation on a task order basis as scopes of work are assigned for the following certified firms:

Hart & Hickman

- Enviro-Equipment Inc. (WBE, SBE) (Specialized Equipment Rental)
- Stewart Engineering, Inc. (MBE) (Environmental Remediation Services)
- Sweetwater Utility Exploration, LLC (WBE, SBE) (Subsurface Utility Location & Excavation)
- Carolinas Soil Investigations, LLC (SBE) (Environmental Drilling Services)

HDR

- CES Group Engineering (WBE) (Surveyor and Utility Locator)
- Enviro - Equipment, Inc. (WBE, SBE) (Field Equipment Rental and Remediation System Installation)

S&ME

- Environmental Engineering (WBE, SBE) (Environmental Field Equipment Rental and Equipment Field Supplier)
- JWJ Consulting, LLC (MBE, SBE) (Asbestos Sampling and, and air monitoring services)
- Probe Unity Locating (WBE, SBE) (Utility locating and mapping services)

Fiscal Note

Funding: Aviation Operating Budget

35. Airport Magnetic Base Stanchions

Action:

- A. **Approve the purchase of magnetic base stanchions and accessories for the Airport's security checkpoints by the sole source exemption,**
- B. **Approve a contract with Lavi Industries for the purchase of magnetic base stanchions and accessories for the term of three years, and**
- C. **Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Haley Gentry, Aviation

Jack Christine, Aviation

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 standardization or compatibility is the overriding considerations.
- City Council approval is required for any purchases made under the sole source exception.

Explanation

- The Airport uses stanchions in the ticket lobby to manage queuing for security checkpoints.
- The magnetic base stanchion product is advantageous for Aviation as it greatly increases queuing capacity while significantly reducing the queuing footprint for the originating passengers.
- Annual expenditures are estimated to be \$72,333.
- This activity is occurring on Airport property, located in Council District 3.

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: Aviation Operating Budget

36. Airport Vehicle Movement Area Transponders

Action:

- A. Approve a contract with L3 Harris Technologies, Inc. for the purchase of vehicle transponders and associated monitoring and support services for Aviation's existing vehicle transponder system for an initial term of five years, and**
- B. Authorize the City Manager to renew the contract for additional one-year terms, approve price adjustments, and amend the contract consistent with the purpose for which the contract was approved for as long as the city uses the system.**

Staff Resource(s):

Haley Gentry, Aviation

Jack Christine, Aviation

Explanation

- L3 Harris Technologies, Inc. has been providing vehicle transponders and associated monitoring and support services for Aviation since August 2015.
- This contract will provide transponders and associated monitoring and support services that are critical to airfield safety and required by the Federal Aviation Administration (FAA).
- 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 L3 Harris Technologies, Inc. being the original system developer and only qualified and capable firm to service and support the system.
- Annual expenditures are estimated to be \$140,300.
- This activity is occurring on Airport property, located in Council District 3.

Charlotte Business INclusion

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

Fiscal Note

Funding: Aviation Operating Budget

37. Enterprise Resource Planning Business Process Mapping Services

Action:

- A. **Approve a contract amendment #1 to the contract with Jabian, LLC to extend the contract by six months for the vendor to provide business process analysis services for all Enterprise Resource Planning process areas, and**

- B. **Authorize the City Manager to extend the contract term for an additional six-months, and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Reenie Askew, Innovation and Technology

Explanation

- The City is currently engaged in a new Enterprise Resource Planning (ERP) solution initiative to replace the current financial, budgeting, and human resource systems.
- The City previously contracted with Jabian, LLC to help create standard process flows for internal alignment across departments and externally with the vendor.
- This contract amendment will engage in business process analysis services for every ERP process area identified previously. The work will result in the detailed process documentation required for the new ERP solution initiative.
- 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. Jabian, LLC best meets the City's needs in terms of qualifications, cost and experience.
- The new estimated value of the contract is \$715,000.

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: General Capital Investment Plan

38. IT Disaster Recovery Planning Services

Action:

- A. **Approve a contract extension with Risk Solutions International LLC for technology disaster recovery planning services and resources, strategic technology consulting services, and cloud-based planning software BC in the Cloud maintenance services,**
- B. **Authorize the City Manager to approve price adjustments and amend the contract consistent with the purpose for which the contract was approved, and**
- C. **Authorize the City Manager to purchase such additional subscriptions, services, maintenance, and support as required to maintain the system for as long as the City uses the services and the software.**

Staff Resource(s):

Reenie Askew, Innovation and Technology
Haley Gentry, Aviation

Explanation

- Innovation and Technology (I&T) plays an essential role in providing information and technology (IT) related support services to most City departments, including IT applications, infrastructure, information security, and public safety communications support.
- A 2017 assessment by the City's Risk Management Department found lack of Business Continuity (BC) and Disaster Recovery (DR) planning as the highest IT risk item.
- Since December 2018, I&T has partnered with consultants to improve its BC and DR planning.
 - The City and Ankura Consulting Group, LLC, now operating as Risk Solutions International LLC (RSI), entered into an agreement for IT BC/DR Recovery Phase I on December 3, 2018.
- Phase I of the RSI contract resulted in a roadmap of an IT BC/DR Plan. Phase II is a continuation of that work.
- Phase II created the I&T Continuity of Operations Plan (COOP) and documented that plan utilizing a new subscription-based cloud application called BoldPlanning.
 - COOP will leverage the information collected as inputs in the development of an IT Disaster Recovery Master Plan (DRMP) for the City.
 - The IT DRMP outlines governance, resources, incident management, communication protocols, recovery management, and sequencing of the underlying infrastructure that is required to run applications and systems of mission critical systems.
- A waiver has been approved for these services based on qualifications and experience. Risk Solutions International LLC best meets the City's needs in terms of qualifications, cost, and experience. Innovation & Technology has partnered with RSI since 2018, and accordingly RSI has accumulated a considerable amount of organizational knowledge. At this time, it would require substantial investment by the City to duplicate or replace these services.
- Annual expenditures are estimated to be \$27,000, not including one-time fees in the amount of \$152,500.

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 and Aviation Operating Budgets

39. Amended Bond Issuance Approval for Sugar Creek Apartments

Action:

Adopt an amended resolution granting INLIVIAN's request to issue multi-family housing revenue bonds in an amount not to exceed \$28,000,000, to finance the development of an affordable housing development known as Sugar Creek Apartments

Staff Resource(s):

Shawn Heath, Housing and Neighborhood Services
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 an amended resolution authorizing the issuance of multi-family housing revenue bonds for Sugar Creek Apartments, a 188-unit new construction affordable housing development (Development) to be developed, owned, and operated by Sugar Creek Apartments LLC, a North Carolina limited liability company and an affiliate of NRP Holdings, LLC (Developer), or an affiliated or related entity.
- The Development will be located on approximately 9.9 acres located at 230 West Sugar Creek Road (parcel identification numbers 089-01-302, 089-01-304, 089-01-417, 089-03-554, 089-01-202, and 089-01-201) in Council District 4, and will serve households earning up to 80 percent of the Area Median Income (AMI) with income averaging of 60 percent AMI for the entire development. Of the 188 new units, 39 will serve households that earn 30 percent AMI or less.
- This action further supports City Council's April 26, 2021, approval of a \$3,000,000 Housing Trust Fund allocation for this Development. Additionally, on December 13, 2021, City Council adopted a resolution authorizing INLIVIAN to issue up to \$23,000,000 in multi-family housing revenue bonds for the Development. As a result of increasing construction costs, the Developer has experienced a financing gap and has requested an additional \$5,000,000 bond allocation to fill the gap.
- The increased amount of INLIVIAN bonds, not to exceed \$28,000,000, 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, an original \$23,000,000 bond allocation capacity, and a subsequent \$5,000,000 increased bond allocation capacity (total bond allocation capacity of \$28,000,000) 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)

Map
City of Charlotte Resolution
INLIVIAN Resolution

[Map_SugarCreekApt](#)

[Sugar Creek Revised City Resolution July 2022](#)

[Inlivian Resolution](#)

40. Bond Issuance Approval for Kingspark Commons

Action:

Adopt a resolution granting INLIVIAN's request to issue multi-family housing revenue bonds, in an amount not to exceed \$26,500,000, to finance the development of an affordable housing development known as Kingspark Commons.

Staff Resource(s):

Shawn Heath, Housing and Neighborhood Services
Rebecca Hefner, Housing and Neighborhood Services

Explanation

- This action will not obligate the City financially or impact the Capital Investment Plan and is requested to satisfy Section 147(f) of the Internal Revenue 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 Kingspark Commons, a 176-unit new construction affordable housing development to be developed, owned, and operated by WCO Kingspark, LP, a North Carolina limited partnership, or an affiliated or related entity.
- The development will be located on approximately 10 acres located at 2662 Dr. Carver Road (parcel identification numbers 117-031-19, 117-031-20, 117-031-21, 117-031-22, 117-031-23, 117-031-24, 117-031-25) in Council District 3 and will serve households earning up to 60 percent of the Area Median Income (AMI).
- The INLIVIAN bonds, not to exceed \$26,500,000, 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 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 \$26,500,000 for the development. Tax credit and bond allocations are subject to federal income limits, 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)

Map
City of Charlotte Resolution for Kingspark Commons
INLIVIAN Resolution for Kingspark Commons

[Map_KingsparkCommons](#)

[City Resolution and Summary of Public Hearing_KingsPark Commons](#)

[INLIVIAN - Kingspark Commons - Inducement Resolution](#)

41. Set a Public Hearing on Eastfield Station Area Voluntary Annexation

Action:

Adopt a resolution setting a public hearing for August 22, 2022, for the Eastfield Station Area 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 48.981-acre "Eastfield Station" site is located along the north side of Hucks Road and the east side of Arthur Davis Road in northern Mecklenburg County.
 - The property is mostly vacant with some single-family residential uses.
 - The petitioner has future plans to develop 110 single family units and 402 multi-family units on the site.
 - The property is zoned R-12MF(CD), which allows for single family and multi-family uses up to 12 dwelling units per acre as further detailed in the site's associated conditional site plan.
 - The property is located immediately adjacent to City Council District 4.
 - The petitioned area consists of one parcel; parcel identification number 027-181-24.

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

[Eastfield Station Area Annexation Map](#)

[Resolution for Eastfield Station Area Annexation](#)

42. Resolution of Intent to Abandon a Portion of McAlpine Station Drive

Action:

- A. Adopt a Resolution of Intent to abandon a portion of McAlpine Station Drive, and
- B. Set a Public Hearing for August 22, 2022.

Staff Resource(s):

Debbie Smith, 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 road is located in Council District 6.

Petitioners

The McAlpines, LLC

Attachment(s)

Map

Resolution

[2022-01A McAlpine Station Abandonment Map](#)

[2022-01A Resolution of Intent 07.11.2022](#)

43. Resolution of Intent to Abandon a Portion of Unopened Mcaden Street

Action:

- A. Adopt a Resolution of Intent to abandon a portion of unopened Mcaden Street, and
- B. Set a Public Hearing for August 22, 2022.

Staff Resource(s):

Debbie Smith, 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 road is located in Council District 1.

Petitioners

Jay Pravinchandra Patel

Attachment(s)

Map
Resolution

[2022-02A Portion of McAden Abandonment Map](#)

[2022-02A Resolution of Intent 07.11.2022](#)

PROPERTY TRANSACTIONS

44. In Rem Remedy: 3803 Sharyn Drive

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

Public Purpose:

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

Policy:

- Housing and Neighborhood Development and Community Safety

In Rem Remedy items are initiated from 3 categories:

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

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

Field Observation: 3803 Sharyn Drive

Action:

Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3803 Sharyn Drive (Neighborhood Profile Area 83).

Attachment(s)

In Rem Packet for 3803 Sharyn Dr

[3803 Sharon Dr](#)

45. Charlotte Water Property Transactions - North Tryon Pressure Zone Boundary Change and 960 Zone N-S Transmission Main (W.T. Harris-Plott Road Water Transmission), Parcel #3

Action: Approve the following Condemnation: North Tryon Pressure Zone Boundary Change and 960 Zone N-S Transmission Main (W.T. Harris-Plott Road Water Transmission), Parcel #3

Project: North Tryon Pressure Zone Boundary Change and 960 Zone N-S Transmission Main (W.T. Harris-Plott Road Water Transmission), Parcel #3

Owner(s): VR Investments, LLC

Property Address: 9809 East W.T. Harris Boulevard

Total Parcel Area: 23,261 sq. ft. (0.53 ac.)

Property to be acquired by Easements: 2,902 sq. ft. (0.07 ac.) in Permanent Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-4

Use: Single Family Residential

Tax Code: 135-046-57

<https://polaris3g.mecklenburgcountync.gov/#mat=224694&pid=13504657&qsid=13504657>

Appraised Value: \$2,175

Property Owner's Concerns: The property owner is concerned about the design of the project and the amount of compensation offered and has become non-responsive.

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

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

Council District: 5

46. Property Transactions - Monroe Road Streetscape, Parcel #13

Action: Approve the following Condemnation: Monroe Road Streetscape, Parcel #13

Project: Monroe Road Streetscape, Parcel #13

Program: Monroe Road Streetscape

Owner(s): 4229 Monroe Road LLC

Property Address: 4229, 4231 and 4235 Monroe Road

Total Parcel Area: 46,669 sq. ft. (1.07 ac.)

Property to be acquired by Easements: 2,116 sq. ft. (0.055 ac.) Sidewalk Utility Easement, 6,904 sq. ft. (0.16 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Parking spaces

Landscaping to be impacted: Trees and various plantings

Zoned: B-2

Use: Business

Tax Code: 159-061-11

<https://polaris3g.mecklenburgcountync.gov/#mat=583165&pid=15906111&qisid=15906111>

Appraised Value: \$191,900

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.

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

47. Property Transactions - Monroe Road Streetscape, Parcel #19

Action: Approve the following Condemnation: Monroe Road Streetscape, Parcel #19

Project: Monroe Road Streetscape, Parcel #19

Program: Monroe Road Streetscape

Owner(s): Context at Oakhurst-Charlotte LP

Property Address: 4329 Monroe Road

Total Parcel Area: 25,070 sq. ft. (0.58 ac.)

Property to be acquired by Easements: 1,039 sq. ft. (0.024 ac.) Sidewalk Utility Easement, 1,499 sq. ft. (0.034 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: B-1

Use: Business

Tax Code: 159-061-14

<https://polaris3g.mecklenburgcountync.gov/#mat=129037&pid=15906114&qisid=15906114>

Appraised Value: \$14,925

Property Owner's Concerns: Unknown, no response received.

Outstanding Concerns: Property owner is unresponsive.

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

48. Property Transactions - Monroe Road Streetscape, Parcel #26

Action: Approve the following Condemnation: Monroe Road Streetscape, Parcel #26

Project: Monroe Road Streetscape, Parcel #26

Program: Monroe Road Streetscape

Owner(s): Oakhurst Investments LLC

Property Address: 4415 Monroe Road

Total Parcel Area: 26,529 sq. ft. (0.60 ac.)

Property to be acquired by Easements: 720 sq. ft. (0.017 ac.) Utility Easement, 966 sq. ft. (0.022 ac.) Sidewalk Utility Easement, 373 sq. ft. (0.009 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Sign

Landscaping to be impacted: Trees and shrubs

Zoned: B-1

Use: Business

Tax Code: 159-061-18

<https://polaris3g.mecklenburgcountync.gov/#mat=130614&pid=15906118&qisid=15906118>

Appraised Value: \$32,700

Property Owner's Concerns: Unknown, no response received.

Outstanding Concerns: Property owner is unresponsive.

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

Council District: 5

49. Property Transactions - Monroe Road Streetscape, Parcel #27

Action: Approve the following Condemnation: Monroe Road Streetscape, Parcel #27

Project: Monroe Road Streetscape, Parcel #27

Program: Monroe Road Streetscape

Owner(s): WWD Associates LLC. et al

Property Address: 4410, 4412, 4414, 4416, 4418 and 4420 Monroe Road

Total Parcel Area: 166,837 sq. ft. (3.83 ac.)

Property to be acquired by Easements: 132 sq. ft. (0.003 ac.) Utility Easement, 3,382 sq. ft. (0.078 ac.) Sidewalk Utility Easement, 12,930 sq. ft. (0.297 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Sign and parking spaces

Landscaping to be impacted: Trees and various plantings

Zoned: B-1

Use: Business

Tax Code: 161-071-19

<https://polaris3g.mecklenburgcountync.gov/#mat=538176&pid=16107119&gisid=16107119>

Appraised Value: \$294,625

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

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

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

Council District: 5

50. Property Transactions - Monroe Road Streetscape, Parcel #40, 41, 42, and 43

Action: Approve the following Condemnation: Monroe Road Streetscape, Parcel #40, 41, 42, and 43

Project: Monroe Road Streetscape, Parcel #40, 41, 42, and 43

Program: Monroe Road Streetscape

Owner(s): Monroe Road Investors LLC

Property Address: 4726, 4732, 0 and 4800 Monroe Road

Total Parcel Area: 46,760 sq. ft. (1.07 ac.)

Property to be acquired by Easements: 3,155 sq. ft. (0.07 ac.) Sidewalk Utility Easement, 3,287 sq. ft. (0.08 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Sign

Landscaping to be impacted: None

Zoned: B-1

Use: Business

Tax Code: 161-082-20, 161-082-19, 161-082-18, 161-082-17

<https://polaris3g.mecklenburgcountync.gov/#mat=136154&pid=16108220&qisid=16108220>

<https://polaris3g.mecklenburgcountync.gov/#mat=622636&pid=16108219&qisid=16108219>

<https://polaris3g.mecklenburgcountync.gov/#pid=16108218&qisid=16108218>

<https://polaris3g.mecklenburgcountync.gov/#mat=136724&pid=16108217&qisid=16108217>

Appraised Value: \$138,300

Property Owner's Concerns: Unknown, no response received.

Outstanding Concerns: Property owner is unresponsive.

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

51. Property Transactions - XCLT Orr Road to Rocky River Road, Parcel #7, 8

Action: Approve the following Acquisition: XCLT Orr Road to Rocky River Road, Parcel #7, 8

Project: XCLT Orr Road to Rocky River Road, Parcel #7, 8

Program: XCLT Orr Road to Rocky River Road

Owner(s): 5801 Orr Road LLC

Property Address: 5801 and 5803 and 5807 Orr Road

Total Parcel Area: 196,696 sq. ft. (4.52 ac.)

Property to be acquired by Easements: 14,023 sq. ft. (0.322 ac.) Greenway Easement, 983 sq. ft. (0.023 ac.) Sidewalk Utility Easement, 13,905 sq. ft. (0.319 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Sign and retaining wall

Landscaping to be impacted: Various plantings

Zoned: I-2

Use: Industrial

Tax Code: 049-021-13, 049-021-14

<https://polaris3g.mecklenburgcountync.gov/#mat=155433&pid=04902113&qisid=04902113>

<https://polaris3g.mecklenburgcountync.gov/#mat=348706&pid=04902114&qisid=04902114>

Purchase Price: \$70,000

Council District: 4

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

Action: Approve the following Acquisition: 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: Partial concrete pad

Landscaping to be impacted: Trees and various plantings

Zoned: TOD-TR

Use: Transit Oriented Development - Transit Transition

Tax Code: 089-111-07

<https://polaris3g.mecklenburgcountync.gov/#mat=433366&pid=08911107&gisid=08911107>

Purchase Price: \$27,500

Council District: 1

53. Property Transactions - XCLT Tryon to Orr, Parcel #19

Action: Approve the following Acquisition: XCLT Tryon to Orr, Parcel #19

Project: XCLT Tryon to Orr, Parcel #19

Program: XCLT Tryon to Orr

Owner(s): Tryon Corridor Realty LLC

Property Address: 200 West Eastway Drive

Total Parcel Area: 81,216 sq. ft. (1.86 ac.)

Property to be acquired by Easements: 2,431 sq. ft. (0.056 ac.) Greenway Easement, 3,778 sq. ft. (0.087 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: TOD-TR

Use: Transit Oriented Development - Transit Transition

Tax Code: 089-121-06

<https://polaris3g.mecklenburgcountync.gov/#mat=65733&pid=08912106&qisid=08912106>

Purchase Price: \$14,000

Council District: 1

54. Property Transactions - XCLT Tryon to Orr, Parcel #21

Action: Approve the following Acquisition: XCLT Tryon to Orr, Parcel #21

Project: XCLT Tryon to Orr, Parcel #21

Program: XCLT Tryon to Orr

Owner(s): Tryon Corridor Realty LLC

Property Address: 231 Northchase Drive

Total Parcel Area: 94,024 sq. ft. (2.16 ac.)

Property to be acquired by Easements: 1,074 sq. ft. (0.025 ac.) Utility Easement, 5,885 sq. ft. (0.135 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: TOD-TR

Use: Transit Oriented Development - Transit Transition

Tax Code: 089-121-07

<https://polaris3g.mecklenburgcountync.gov/#mat=79538&pid=08912107&qisid=08912107>

Purchase Price: \$17,825

Council District: 1

55. Property Transactions - XCLT Tryon to Orr, Parcel #24

Action: Approve the following Condemnation: XCLT Tryon to Orr, Parcel #24

Project: XCLT Tryon to Orr, Parcel #24

Program: XCLT Tryon to Orr

Owner(s): Mirna Machuca Ramos

Property Address: 621 Dawn Circle

Total Parcel Area: 41,704 sq. ft. (0.96 ac.)

Property to be acquired by Easements: 932 sq. ft. (0.021 ac.) Greenway Easement,
1,093 sq. ft. (0.025 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Various plantings

Zoned: R-4

Use: Single-family Residential

Tax Code: 089-211-04

<https://polaris3g.mecklenburgcountync.gov/#mat=164242&pid=08921104&gisid=08921104>

Appraised Value: \$850

Property Owner's Concerns: Unknown, no response received.

Outstanding Concerns: Property owner is unresponsive.

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

56. Reference - Charlotte Business INclusion Policy

The following excerpts from the City of Charlotte's Charlotte Business INclusion Policy are intended to provide further explanation for those agenda items that reference the Charlotte Business INclusion Policy in the business meeting agenda.

Part A: Administration and Enforcement

Part A: Section 2.3: Targeted Outreach and Designated Contracts for Small Business Enterprises (SBEs).

When feasible, the Charlotte Business INclusion (CBI) Office may designate certain Contracts or categories of Contracts in which solicitation efforts will be directed only to SBEs. In designating Contracts for targeted outreach or SBE participation, the CBI Office takes into account the size and scope of the Contract and the availability of SBEs to provide the applicable services or products.

Part A: Section 3.1: Subcontracting Goals. The City shall establish one or more Subcontracting Goals for all Construction Contracts of 200,000 or more and for all Architecture, Engineering, and Surveying Contracts of \$100,000 or more. Contracts estimated to be less than these thresholds are exempt from the goal setting process.

Appendix Section 20: Contract: For the purposes of establishing a (Minority, Women, and Small Business Enterprise (MWSBE) subcontracting goal on a Contract, the following are examples of contract types:

- Any agreement through which the City procures services from a Business Enterprise, other than Exempt Contracts.
- Contracts include agreements and purchase orders for (a) construction, re-construction, alteration, and remodeling; (b) architectural work, engineering, surveying, testing, construction management, and other professional services related to construction; and (c) services of any nature (including but not limited to general consulting and technology-related services), and (d) apparatus, supplies, goods, or equipment.
- The term "Contract" shall also include Exempt Contracts for which an SBE, Minority Business Enterprise (MBE), or Women Business Enterprise (WBE) Goal has been set.
- Financial Partner Agreements, Development Agreements, Infrastructure Improvement Agreements, Design-Build, and Construction Manager-at-Risk Agreements shall also be deemed "Contracts," but shall be subject to the provisions referenced in the respective Parts of the Charlotte Business INclusion Program Policy.

Appendix Section 27: Exempt Contracts: Contracts that fall within one or more of the following categories are "Exempt Contracts" and shall be exempt from all aspects of the Charlotte Business INclusion Policy:

No Competitive Process Contracts: Contracts or purchase orders that are entered into without a competitive process, or entered into based on a competitive process administered by an entity other than the City, including but not limited to contracts that are entered into by sole sourcing, piggybacking, buying off the North Carolina State contract, buying from a competitive bidding group purchasing program as allowed under G.S. 143-129(e)(3), or using the emergency procurement procedures established by the North Carolina General Statutes.

Managed Competition Contracts: Managed competition contracts pursuant to which a City department or division competes with Business Enterprises to perform a City function.

Real Estate Leasing and Acquisition Contracts: Contracts for the acquisition or lease of real estate.

Federal Contracts Subject to Disadvantaged Business Enterprise (DBE) Requirements: Contracts that are subject to the U.S. Department of Transportation Disadvantaged Business Enterprise Program as set forth in 49 CFR Part 26 or any successor legislation.

State Funded Contracts Subject to the State's MWBE Requirements: Contracts that are subject to an MWBE Goal set by the State of North Carolina pursuant to N.C. Gen. Stat. 143-128.2.

Financial Partner Agreements with DBE or MWBE Requirements: Contracts that are subject to a DBE program or minority and women business development program maintained by a Financial Partner.

Interlocal Agreements: Contracts with other units of federal, state, or local government.

Contracts for Legal Services: Contracts for legal services, unless otherwise indicated by the City Attorney.

Contracts with Waivers: Contracts for which the City Manager or CBI Program Manager waives the CBI Program requirements (such as when there are no MWSBE subcontracting opportunities on a Contract).

Special Exemptions: Contracts where the department and the CBI Program Manager agree that the department had no discretion to hire an MWSBE (e.g., emergency contracts or contracts for banking or insurance services) shall be Exempt Contracts.

Appendix Section 35: Informal Contracts: Contracts that are estimated to be less than the following dollar thresholds prior to issuance of the City Solicitation Documents:

- Construction Contracts: \$500,000, and
- Service Contracts and Commodities Contracts: \$100,000.

Part B: Construction and Commodities Contracts

Part B: Section 2.1: When the City sets a Subcontracting Goal, each Bidder must either: (a) meet each Subcontracting Goal; or (b) comply with the Good Faith Negotiation and Good Faith Efforts requirements for each unmet Subcontracting Goal. Failure to comply constitutes grounds for rejection of the Bid. The City Solicitation Documents will contain certain forms that Bidders must complete to document having met these requirements.

Part B: Section 2.3: No Goals When There Are No Subcontracting Opportunities. The City shall not establish Subcontracting Goals for Contracts where: a) there are no subcontracting opportunities identified for the Contract; or b) there are no MBEs, WBEs, or SBEs (as applicable) to perform scopes of work or provide products or services that the City regards as realistic opportunities for subcontracting.

Part C: Service Contracts

Part C: Section 2.1(a) Subcontracting Goals: No Goal When There Are No MWSBE Subcontracting Opportunities. The City shall not establish Subcontracting Goals for Service Contracts where (a) there are no subcontracting opportunities identified for the Contract; or (b) there are no MWBEs or SBEs certified to perform the scopes of work that the City regards as realistic opportunities for subcontracting.

Part C: Section 2.1(b) and 2.1(c): The City may require each Proposer to submit with its Proposal one or more of the following: (a) a Participation Plan describing how Proposer intends to solicit MWSBE participation; (b) the Proposer's Committed Subcontracting Goals; and (c) an affidavit listing the MWBEs or SBEs it intends to use on the Contract.

Part C: Section 2.1(h) Negotiated Goals: The City may seek to negotiate Subcontracting Goals after Proposals have been submitted.

Part D: Post Contract Award Requirements

Part D: Section 6: New Subcontractor Opportunities/Additions to Scope/Contract Amendments

If a Contractor elects to subcontract any portion of a Contract that the Contractor did not previously identify to the City as a subcontracting opportunity, or if the scope of work on a Contract increases for any reason in a manner that creates a new MWSBE subcontracting opportunity, the City shall either (a) notify the Contractor that there will be no Supplemental MWSBE Goal for the new work; or (b) establish and notify the Contractor of a Supplemental MWSBE Goal for the new work.

Part F: Financial Partners

Part F: Section 4: Financial Partners shall undertake the following outreach efforts with respect to MWBEs and SBEs:

- 4.1 Notify MWBEs and SBEs of any contracting or procurement opportunities that may exist in the Financial Partner's business for which there are MWBEs and SBEs listed in the City's database; and
- 4.2 Request advice and assistance from the CBI Office as to what additional SBE measures might be helpful if and when it becomes apparent that outreach alone will be insufficient to meet the Financial Partner's MWBE and SBE Goal; and
- 4.3 Follow such additional measures as the CBI Office reasonably recommends.

Part G: Alternative Construction Agreements

Part G: Section 2.7: Prior to City Council's vote to award the Alternative Construction Agreement, the Program Manager and the Company shall negotiate and agree on proposed MWSBE Goals for the Project and on a Participation Plan that describes the outreach and efforts the Company will be required to undertake to meet the MWSBE subcontracting goals.

57. Reference - Property Acquisitions and Condemnations

- The City has negotiated in good faith to acquire the properties set forth below.
- For acquisitions, the property owner and staff have agreed on a price based on appraisals and/or estimates.
- In the case of condemnations, the value was established by an independent, certified appraisal followed by a third-party appraisal review.
- Real Estate staff diligently attempts to contact all property owners by:
 - Sending introductory letters via regular and certified mail,
 - Making several site visits,
 - Leaving door hangers and business cards,
 - Seeking information from neighbors,
 - Searching the internet,
 - Obtaining title abstracts, and
 - Leaving voice messages.
- For most condemnation cases, the City and the property owner(s) have been unable to reach a settlement. In some cases, condemnation is necessary to ensure a clear title to the property.
- If the City Council approves the resolutions, the City Attorney's office will initiate condemnation proceedings. As part of the condemnation process, real estate staff and the City Attorney's Office will continue to negotiate, including court-mandated mediation, in an attempt to resolve the matter. Most condemnation cases are settled by the parties prior to going to court.
- If a settlement cannot be reached, the case will proceed to a trial before a judge or jury to determine "just compensation."
- Full text of each resolution is on file with the City Clerk's Office.
- The definition of easement is a right created by grant, reservation, agreement, prescription, or necessary implication, which one has in the land of another, it is either for the benefit of land, such as right to cross A to get to B, or "in gross," such as public utility easement.
- The term "fee simple" is a synonym for ownership and is an estate under which the owner is entitled to unrestricted powers to dispose of the property, and which can be left by will or inherited.

58. Reference - Property Transaction Process

Property Transaction Process Following City Council Approval for Condemnation

The following overview is intended to provide further explanation for the process of property transactions that are approved by City Council for condemnation.

Approximately six weeks of preparatory work is required before the condemnation lawsuit is filed. During this time, the City continues to negotiate with the property owner in an effort to reach a mutual settlement.

- If a settlement is reached, the condemnation process is stopped, and the property transaction proceeds to a real estate closing.
- If a settlement cannot be reached, the condemnation lawsuit is filed. Even after filing, negotiations continue between the property owner and the City's legal representative. Filing of the condemnation documents allows:
 - The City to gain access and title to the subject property so the capital project can proceed on schedule.
 - The City to deposit the appraised value of the property in an escrow account with the Clerk of Court. These funds may be withdrawn by the property owner immediately upon filing, and at any time thereafter, with the understanding that additional funds transfer may be required at the time of final settlement or at the conclusion of litigation.
- If a condemnation lawsuit is filed, the final trial may not occur for 18 to 24 months; however, a vast majority of the cases settle prior to final trial. The City's condemnation attorney remains actively engaged with the property owner to continue negotiations throughout litigation.
 - North Carolina law requires that all condemnation cases go through formal non-binding mediation, at which an independent certified mediator attempts to facilitate a successful settlement. For the minority of cases that do not settle, the property owner has the right to a trial by judge or jury in order to determine the amount of compensation the property owner will receive.