

# City of Charlotte

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



## Meeting Agenda

**Monday, September 26, 2022**

**Council Chamber**

### **City Council Business Meeting**

*Mayor Vi Lyles*

*Mayor Pro Tem Braxton Winston II*

*Council Member Dimple Ajmera*

*Council Member Danté Anderson*

*Council Member Tariq Scott Bokhari*

*Council Member Ed Driggs*

*Council Member Malcolm Graham*

*Council Member Reneé Johnson*

*Council Member LaWana Mayfield*

*Council Member James Mitchell*

*Council Member Marjorie Molina*

*Council Member Victoria Watlington*

## **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.

[2022-9-26 Council Agenda QA](#)

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

**Staff Resource(s):**

Marcus Jones, City Manager

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

#### **Charlotte Transportation Center Update**

**Staff Resource(s):**

Tracy Dodson, City Manager's Office

John Lewis, CATS

**Time:** Presentation - 25 minutes; Discussion - 60 minutes

**Explanation**

- Provide an update on the Charlotte Transportation Center design

[Charlotte Transportation Center 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 22 through 41 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 FORM**

### **6. Public Forum**

## PUBLIC HEARING

### 7. Public Hearing and Decision on Cresswind Charlotte - Phase 9 Area Voluntary Annexation

**Action:**

- A. Conduct a public hearing for Cresswind Charlotte - Phase 9 area voluntary annexation, and
- B. Adopt an annexation ordinance with an effective date of September 26, 2022, to extend the corporate limits to include this property and assign it to the adjacent City Council District 5.

**Staff Resource(s):**

Alyson Craig, Planning, Design, and Development  
Holly Cramer, Planning, Design, and Development

**Explanation**

- Public hearings to obtain community input are required prior to City Council taking action on annexation requests.
- A petition has been received from the owners of this 27.743 -acre property located in eastern Mecklenburg County along the west side of Plaza Road and south of Camp Stewart Road
- The property is owned by Union Electric Membership Corporation.
- The site is currently vacant and is zoned R-3, which allows for single-family residential uses up to three dwelling units per acre.
- The petitioned area consists of one parcel: parcel identification number 111-211-18.
- The property is located within Charlotte's extraterritorial jurisdiction and shares boundaries with current city limits.
- The intent of the annexation is to enable the development of 60 single-family detached residential units within Charlotte's municipal boundaries.

**Consistent with City Council Policies**

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

**Attachment(s)**

Map (GIS)  
Map (Survey)  
Annexation Ordinance

[Cresswind Charlotte - Phase 9 Area Annexation Map](#)

[Cresswind Charlotte - Phase 9 Area Annexation Survey 24x36](#)

[Ordinance - Cresswind Charlotte - Phase 9 Area Annexation](#)

## 8. Public Hearing and Decision on Orchard Creek Area Voluntary Annexation

### Action:

- A. Conduct a public hearing for the Orchard Creek area voluntary annexation, and
- B. Adopt an annexation ordinance with an effective date of September 26, 2022, to extend the corporate limits to include this property and assign it to the adjacent City Council District 5.

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

Alyson Craig, Planning, Design, and Development  
Holly Cramer, Planning, Design, and Development

### **Explanation**

- Public hearings to obtain community input are required prior to City Council taking action on annexation requests.
- A petition has been received from the owners of this 47.205-acre property located along the north side of Plaza Road Extension and west of Hood Road in eastern Mecklenburg County.
- The property is owned by Brookfield Holdings (Orchard), LLC.
- The site is currently vacant and is zoned R-3, which allows for single-family residential uses up to three dwelling units per acre.
- The petitioned area consists of one parcel: parcel identification number 105-111-03.
- The property is located within Charlotte's extraterritorial jurisdiction and shares a boundary with current city limits.
- The intent of the annexation is to enable the development of 128 single-family homes within Charlotte's municipal boundaries.

### **Consistent with City Council Policies**

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

### **Attachment(s)**

Map (GIS)  
Map (Survey)  
Annexation Ordinance

[Orchard Creek Area Annexation Map](#)

[Orchard Creek Area Annexation Survey 8.5x11](#)

[Ordinance - Orchard Creek Area Annexation](#)

## 9. Public Hearing on a Resolution to Close an Alleyway off Ridgecrest Avenue and Ellsworth Road

### Action:

- A. Conduct a public hearing to close an Alleyway off Ridgecrest Avenue and Ellsworth Road, and
- B. Adopt a resolution and close an Alleyway off Ridgecrest Avenue and Ellsworth Road.

### **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 6.

### **Petitioner**

Ashworth Rd, LLC

### **Right-of-Way to be Abandoned**

An Alleyway off Ridgecrest Avenue and Ellsworth Road

### **Reason**

Per the petition submitted by Ashworth Rd, LLC, the abandonment will allow for development of the abutting property. The city has no objections.

### **Notification**

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

### Adjoining property owner(s)

Ashworth Rd, LLC - No objections

Douglas and Anne Wilson - No objections

Ryan and Megan Gardner - No objections

Justin and Gwynne Pfeifer - No objections

Stephen Silvera and Danielle Squires - No objections

Eugene and Rozanna Lawing - 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

[2022-04A Alleyway off Ridgecrest Abandonment Map](#)

[2022-04A Resolution to Close 09.26.2022](#)

## 10. Public Hearing on a Resolution to Close the Old Alignment of Ridge Road Off Lawrence Gray Road

### Action:

- A. Conduct a public hearing to close the Old Alignment of Ridge Road Off Lawrence Gray Road, and
- B. Adopt a resolution and close the Old Alignment of Ridge Road Off Lawrence Gray Road

### **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 4.

### **Petitioner**

J. Alton and Brenda M. Stewart Living Trust

### **Right-of-Way to be Abandoned**

The old alignment of Ridge Road

### **Reason**

Per the petition submitted by J. Alton and Brenda M. Stewart Living Trust, the abandonment will allow for development of the abutting properties. The City has no objections.

### **Notification**

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

### Adjoining property owner(s)

J. Alton and Brenda M. Stewart Living Trust - 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

[2022-09A Ridge Rd Abandonment Map](#)

[2022-09A Resolution to Close 09.26.2022](#)

## **POLICY**

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

[09.26.2022 City Manager's Memo](#)

## 12. Minority and Women Business Enterprise Disparity Study

### **Action:**

- A. Approve the Economic Development Committee recommendation to accept the findings and analysis of the 2022 City of Charlotte Minority and Women Business Enterprise Disparity Study Report, and**
- B. Amend Part A, Section 8 of the Charlotte Business INclusion Policy to extend race-conscious measures and/or gender-conscious measures through January 1, 2028.**

### **Committee Chair:**

Malcolm Graham, Economic Development Committee

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

Phil Reiger, General Services  
Steven Coker, General Services  
Patrick Baker, City Attorney's Office

### **Explanation**

- On January 15, 2021, the city retained Colette Holt and Associates to conduct a Minority and Women Business Enterprise (MWBE) Disparity Study, reviewing the city's expenditures for the period between July 1, 2017 and June 30, 2021.
- The purpose of the 2022 MWBE Disparity Study was to:
  - Determine whether disparity exists between the number of MWBE firms available to perform on city contracts and the city's utilization of those firms;
  - Determine if there is a legally defensible basis for the continued use of race-conscious and gender-conscious measures; and
  - Provide data and information that could be used to consider modifications to the Charlotte Business INclusion (CBI) Program.
- The city last conducted an MWBE Disparity Study in 2017.
- The 2017 MWBE Disparity Study provided the basis for the City Council's current race-conscious and gender-conscious measures in the CBI Policy. The use of race-conscious and gender-conscious measures in the CBI Policy sunsets December 31, 2022.

### **Findings and Recommendations**

- According to existing case law, the following is required to continue using race-conscious and gender-conscious measures:
  - Statistical data showing disparity,
  - Anecdotal evidence of discriminatory barriers, and
  - Evidence that a race-neutral and gender-neutral program will not be adequate to eliminate the disparity.
- Colette Holt and Associates concluded that:
  - There is statistical evidence showing disparity,
  - There is sufficient anecdotal evidence of discriminatory barriers, and
  - The city's use of race-conscious and gender-conscious measures has been effective in increasing the utilization of minority business enterprises and women business enterprises.
- Colette Holt and Associates compared contracts with subcontracting goals for minority businesses, women businesses, and small businesses ("Goal Contracts") to contracts with no subcontracting goals ("No-Goal Contracts").
- Colette Holt and Associates found disparity in all five of the city's contracting categories: Goods; Construction; Architecture & Engineering, Surveying; Professional Services; and Other Services.
- Colette Holt and Associates concluded that evidence exists to support the city's continuation of race-conscious and gender-conscious measures.
- The full report can be accessed at: [www.charlottebusinessinclusion.com](http://www.charlottebusinessinclusion.com)

**Committee Discussion**

- On August 1, 2022, Colette Holt and Associates presented its findings and analysis to the Economic Development Committee.
- At the August 1, 2022 Committee meeting, the Committee voted four to one to recommend that City Council accept the findings and recommendations set forth in Colette Holt and Associates' 2022 City of Charlotte MWBE Disparity Study Report.
- On September 12, 2022 Colette Holt and Associates presented its findings and analysis to City Council.

**Attachment(s)**

2022 City of Charlotte MWBE Disparity Study Executive Summary  
Disparity Study Presentation

[2022 City of Charlotte MWBE Disparity Study Executive](#)

[Disparity Study City Council Presentation 9.12.2022](#)

**BUSINESS****13. Resolution of Support for Officer Mia Goodwin Memorial Bridge****Action:**

**Adopt a resolution in support of the North Carolina Department of Transportation in the designation of the bridge located at the intersection of W.T. Harris Boulevard and Interstate 85 in the State of North Carolina on the National System for Interstate and Defense Highways as the "Officer Mia Goodwin Memorial Bridge."**

**Staff Resource(s):**

Johnny Jennings, CMPD  
Debbie Smith, Transportation

**Explanation**

- There is a request to name the bridge at the intersection of W.T. Harris Boulevard and I-85 in honor of CMPD Officer Mia Goodwin who died in the line of duty on December 22, 2021.
- Officer Goodwin was a six-year veteran of the Charlotte-Mecklenburg Police Department.
- Officer Goodwin tragically lost her life while on duty on December 21, 2021 while assisting North Carolina Highway Patrol officers on an early morning accident on Interstate 85.
- Officer Goodwin is the first female officer in the Charlotte-Mecklenburg Police Department's history to be killed in the line of duty.
- Her life and sacrifice inspired residents of the Charlotte region to show their love and support for her and her family and her memorial service was attended by hundreds of people throughout the Charlotte community and by law enforcement personnel from across the state.
- The Mayor, the Police Chief, and the Fire Chief are providing letters of support for this memorial. As part of the requirements to complete the honorary designation, a resolution of support from City Council is also needed.

**Attachment(s)**

Resolution

[Officer Mia Goodwin Memorial Bridge Resolution](#)

## 14. Interlocal Agreement for Radio Communications System

### Action:

- A. **Adopt a resolution ratifying an interlocal agreement between the City of Charlotte and the Town of Mooresville, Mecklenburg County and Iredell County regarding the public safety radio communications system including a core fiber cable for radio communications, and**
  
- B. **Adopt a resolution authorizing the City Manager or his designee to negotiate and execute an interlocal agreement with the Town of Mooresville, Mecklenburg County and Iredell County regarding the public safety radio communications system including a core fiber cable for radio communications, and**
  
- C. **Authorize the City Manager or his designee to negotiate and execute all documents necessary to complete the interlocal agreement, and to negotiate and execute future amendments to the interlocal agreement consistent with the purpose of the interlocal agreement.**

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

Reenie Askew, City Manager's Office  
Markell Storay, Innovation & Technology

### **Explanation**

- The City of Charlotte and Mecklenburg County currently share a radio system consisting of nine primary broadcast tower sites and related operations.
- The radio system supports public safety needs and provides service to various Charlotte and Mecklenburg County departments and other local government entities in the region. The Town of Mooresville is one of those local governments.
- The radio system utilized is part of the Urban Area Security Initiative ("UASI") network is operated by the City of Charlotte.
- Pursuant to this agreement, the city will establish a fiber network to improve radio console connectivity at the Iredell Emergency Communications facility (ECOM). The Town of Mooresville Fire Department is dispatched by ECOM.
- The city will cooperate with the Town of Mooresville and its vendor with installation, troubleshooting, maintenance, or de-installation, by providing access to the city's facilities as is reasonably necessary to accomplish the objectives of this agreement.
- NC General Statute Sections 153A-445(a)(1) and 160A-460 authorize the City of Charlotte, Mecklenburg County, Iredell County, and the Town of Mooresville to enter an interlocal agreement facilitating shared provision of public safety communications. City Council has previously approved interlocal agreements with Mecklenburg County and the Town of Mooresville for cooperation on public safety radio communications.
- The city may need to update or amend the interlocal agreement in the future to help ensure proper public safety communications.
- All funding and the costs for services related to this agreement will be provided solely by the Town of Mooresville.

### **Charlotte Business INclusion**

This is an interlocal agreement and is exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion policy)

### **Attachment(s)**

Resolution  
Interlocal Agreement

[Resolution for Radio Svcs Interlocal w Iredell](#)

[Mooresville ECOM Interlocal Agreement w Charlotte Iredell Mecklenburg Charlotte](#)

## 15. Donation of Three Vehicles to Johnson C. Smith University

**Action:**

**Adopt a resolution authorizing the donation of three vehicles to the Johnson C. Smith University Police Department.**

**Staff Resource(s):**

Johnny Jennings, Police  
Sherie Pearsall, Police

**Explanation**

- North Carolina General Statute 160A-280 authorizes the donation of personal property from a city to a non-profit organization or another government unit upon adoption of a resolution by City Council.
- Johnson C. Smith, a historically black college and university, is in Charlotte-Mecklenburg Police's Metro Division.
- This donation will assist Johnson C. Smith University Police Department to maintain visibility while patrolling their 105-acre campus and provide reasonable response times to incidents both on campus and on surrounding streets as necessary.
- The Charlotte-Mecklenburg Police Department is not reducing their existing allocation to make this donation. These vehicles would be decommissioned regardless of this donation.
- The total estimated value of these three vehicles is \$18,837.

**Attachment(s)**

Resolution

[Resolution - Donation of 3 Vehicles to JCSU PD](#)

## 16. Authorize Grant Applications for Stormwater Projects

### Action:

- A. **Adopt a resolution authorizing the City Manager or his designee to apply for grant funding in an amount totaling up to \$10,000,000 with the North Carolina Department of Environmental Quality for various stormwater projects,**
- B. **Authorize the City Manager or his designee to accept a grant in an amount totaling up to \$10,000,000 from the North Carolina Department of Environmental Quality for various stormwater projects, and**
- C. **Adopt a budget ordinance appropriating \$10,000,000 from the North Carolina Department of Environmental Quality in the Storm Water Capital Projects Fund contingent upon grant award.**

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

Angela Charles, Charlotte Water  
Mike Davis, Storm Water Services  
Daryl Hammock, Storm Water Services

### **Explanation**

- This resolution authorizes Storm Water Services to submit an application to the North Carolina Department of Environmental Quality's Local Assistance for Stormwater Infrastructure Investments Program (LASII).
- The city's applications will seek LASII grant funding for culvert and drainage system upgrades; modeling and planning studies; and stormwater control measures.
- The competitive application process requires the local governing body to adopt a resolution supporting the funding request.
- Awards are expected to be announced in February 2023 and all funds must be expended by December 31, 2026.
- The Resolution designates an Authorized Official to execute and file applications, furnish information to the state, and to certify and submit other information.
- This action will allow staff to proceed with submitting applications for grant funding within the procedures and deadlines of the state regulatory agencies.
- The grant does not require a local match.

### **Background**

- LASII has a total of \$82 million in funding available from the state's allocation of American Rescue Plan Act (ARPA) funds and will provide grants for construction and planning for stormwater projects to improve or create infrastructure for controlling stormwater quality and quantity.

### **Fiscal Note**

Funding: LASII Grant Funds

### **Attachment(s)**

Resolution  
Budget Ordinance

[Charlotte Storm Water Services Resolution](#)

[LASII Budget Ordinance](#)

## 17. Preferred Parking Lease in Uptown Charlotte

### **Action:**

- A. Adopt a resolution approving a one-year lease agreement with Preferred Parking Service, LLC for a 0.72-acre portion of parcel identification number 073-151-10 and**
- B. Authorize the City Manager to execute all necessary agreements and other documents to complete and implement this transaction, and to renew the lease for up to two, one-year terms.**

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

John Lewis, CATS

Allen C. Smith III, CATS

### **Explanation**

- The city owns a 2.9-acre tract of land located in Charlotte, Mecklenburg County, North Carolina, identified as Parcel Identification Number 073-151-10, and also referred to as the "CGS Main Block" (the "Property").
- The city purchased the Property to further its Charlotte Gateway Station capital project.
- On July 25, 2016, City Council approved a month-to-month lease with Preferred Parking Service, LLC for a portion of the Property.
- During the period before construction begins on the CGS Main Block, Preferred Parking Service, LLC desires to continue leasing the 0.72-acre portion of the Property for the purpose of operating a commercial parking lot.
- The terms of the Lease agreement are as follows:
  - Premises is approximately 0.72 acres of the parcel located at 518 W. 4th Street or PID 073-151-10;
  - Base Rent is \$15,791 per month (\$189,492 per year) for year one, escalating at a rate of 3 percent annually for each year thereafter. This rate is consistent with market rates; and
  - Lessee agrees and understands that future transit-related development may result in the early termination of the lease.

### **Charlotte Business INclusion**

This is a real estate leasing and acquisition contract and is exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

### **Fiscal Note**

Funding: CATS Operating Budget

### **Attachment(s)**

Resolution

[Resolution - Preferred Parking](#)

## 18. Appropriate Private Developer Funds

### **Action:**

**Adopt a budget ordinance appropriating \$160,000 in private developer funds for infrastructure improvements to the General Capital Projects Fund from the following developers:**

- GJH University, LLC
- WPBXW Highland, LLC

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

Phil Reiger, General Services

Jennifer Smith, General Services

Veronica Wallace, General Services

### **Explanation**

- Private developer agreements and appropriations are needed when a developer is required through the city rezoning process to make infrastructure improvements.
  - GJH University, LLC contributed \$30,000 for the JW Clay Boulevard Streetscape Project (Council District 4).
  - WPBXW Highland, LLC contributed \$130,000 for the Prosperity Church Road (Old Ridge Road to Benfield Road) (Council District 4)
- The developer contribution is based on cost estimates prepared by General Services.
- The city will construct the improvements as part of these projects.

### **Fiscal Note**

Funding: Private Developer Contributions

### **Attachment(s)**

Map

Budget Ordinance

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

[Budget Ordinance](#)

## 19. Amend the 2022 City Council Regular Meeting Schedule

**Action:**

**Approve amendments to the 2022 City Council Regular Meeting Schedule.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- NC General Statute Section 143-318.12 requires that the City Clerk maintain on file a schedule of the City Council's regular meetings and that the approved schedule shall be posted to the city's website. If a schedule is duly adopted and filed, no further notice of regular meetings is necessary.
- The 2022 City Council Regular Meeting Schedule (Schedule) is being amended in accordance with the revised 2022 City Council Meeting schedule.
- This action amends the Schedule, most recently adopted by City Council on April 11, 2022, by:
  - Changing first Monday of the month meetings from a Council Strategy Session at 5:00 to Council Committee Discussions at 6:00 p.m., and
  - Including Future of Charlotte: Housing and Jobs Summit Meeting for October 20-21, 2022.

**Attachment(s)**

Amended 2022 City Council Meeting Schedule

[2022 Council Meeting Schedule Amended \(Proposed\)](#)

## 20. Appointments to the Arts and Science Council Advisory Committee

**Action:**

**Appoint residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for an at-large Central district representative for a partial term beginning upon appointment and ending July 30, 2024. (Nomination by any Council member)
  - Stephanie Gardner, nominated by Council members Ajmera and Winston.
  - Nakia Savage, nominated by Council member Mayfield. (This single nomination is included due to omission of the recommendation notation on September 12th agenda)
  - Kopper Thatch, nominated by Council members Anderson, Driggs, Graham, Johnson, and Molina.
- One appointment for an at-large South/East district representative for a partial term beginning upon appointment and ending July 30, 2024. (Nomination by any Council member)
  - Jarrod Clay, nominated by Council members Ajmera and Anderson.
  - Friday Jones, nominated by Council members Driggs, Graham, Mayfield, Mitchell, and Molina.

**Attachment(s)**

Arts and Science Council Advisory Committee Applications

## 21. Appointments to the Charlotte Equitable Development Commission

**Action:**

**Appoint residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a partial term beginning upon appointment and ending August 31, 2024.
  - Nadia Anderson, nominated by Council members Driggs, Molina, and Winston.
  - Deepika Dave, nominated by Council members Ajmera and Mayfield.
  - Travis Lane, nominated by Council members Graham and Mitchell.

**Attachment(s)**

Charlotte Equitable Development Commission Applications

## CONSENT

### 22. Fire Apparatus Cooperative Purchasing Contract

**Action:**

- A. Approve the purchase of fire apparatus from a cooperative contract,**
- B. Approve a unit price contract with Atlantic Emergency Solutions (H-GAC FS12-19) for the purchase of fire apparatus for a term of one year, and**
- C. Authorize the City Manager to extend the contract for additional terms as long as the cooperative contract is in effect, at prices and terms that are the same or more favorable than those offered under the contract.**

**Staff Resource(s):**

Reginald T. Johnson, Fire  
Jerry Winkles, Fire

**Explanation**

- Fire apparatus are primarily used for service calls involving fires, medical aid, or hazardous materials to transport firefighters to an incident with the necessary equipment for firefighting and technical rescue operations.
- General fire apparatus includes fire engines, ladder trucks, mid mount platforms, and tractor drawn aerials.
- This contract provides fleet capabilities that support the unique needs of Uptown and tightly congested areas.
- 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 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 \$2,000,000.

**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: General Capital Equipment Fund

## 23. Charlotte-Mecklenburg Government Center Parking Garage Electric Vehicle Charging Station Installations

### **Action:**

**Approve a contract in the amount of \$1,151,500.55 to the lowest responsive bidder Miles-McClellan Construction Company, Inc. for the Charlotte-Mecklenburg Government Center Parking Garage Electric Vehicle Charging Station Installations project.**

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

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

### **Explanation**

- The project includes the purchase and installation of 25 electric charging stations to be placed on the fourth and fifth levels of the Charlotte-Mecklenburg Government Center Garage, located in Council District 1.
- The chargers will support the city's growing fleet of electric vehicles and is the largest City of Charlotte charging project to date.
- These chargers support the Strategic Energy Action Plan goals of changing the fuel that is consumed and lowering carbon emissions.
- On August 11, 2022, the city issued an Invitation to Bid; four bids were received.
- Miles-McClellan Construction Company, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by fourth quarter 2023.

### **Charlotte Business INCLUSION**

Per Charlotte Business INCLUSION Policy: Part B: Section 2.3, 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 certified to perform the scopes of work that the city regards as realistic opportunities for subcontracting.

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

### **Fiscal Note**

Funding: General Capital Investment Plan

## 24. Construct Water Oak Storm Drainage Improvement Project

### **Action:**

**Approve a contract in the amount of \$10,266,500 to the lowest responsive bidder Sealand Contractors Corp. for the Water Oak Storm Drainage Improvement Project.**

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

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

### **Explanation**

- This project will improve deteriorating pipe and reduce flooding of roads and structures in the McMullen Creek watershed with boundaries of Bertonley Avenue to the north, Addison Drive to the south, Walker Road to the east, and Addison Drive and Whitby Lane to the west, in Council Districts 5 and 6.
- Construction will include the installation of storm drainage, drainage system rehabilitation, water/sanitary sewer, curb, gutter, and driveways.
- On July 28, 2022, the city issued an Invitation to Bid; three bids were received.
- Sealand Contractors Corp. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by second quarter 2025.

### **Charlotte Business INclusion**

Established MBE Goal: 8.00%

Committed MBE Goal: 8.00%

Sealand Contractors Corp. met the established subcontracting goal and has committed \$821,240 or approximately 8.00% of the total contract amount to the following certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Streeter Trucking Company, Inc. (MBE, SBE) (\$491,240) (hauling)
- Darnell Jones Trucking (MBE, SBE) (\$344,285) (hauling)

Established SBE Goal: 18.00%

Committed SBE Goal: 18.00%

Sealand Contractors Corp. met the established subcontracting goal and has committed \$1,847,792 or approximately 18.00% of the total contract amount to the following certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- On Time Construction, Inc. (SBE) (\$480,000) (concrete, masonry)
- Diamond Trucking of NC, Inc. (MBE, SBE) (\$344,285) (hauling)
- AMP Utility Distribution Services, LLC (SBE) (\$325,900) (utility materials)
- Whitesell Trucking, Inc. (SBE) (\$255,900) (tree and shrub removal)
- Cochise Trucking (SBE) (\$250,000) (hauling)
- Pentacle Inc (WBE, SBE) (\$73,559) (fence installation)
- Erosion Defence (SBE) (\$64,500) (erosion control services)
- Striping Concepts, LLC (SBE) (\$31,248) (pavement markings)
- Bell Engineering (SBE) (\$22,400) (engineering consulting)

### **Fiscal Note**

Funding: Storm Water Capital Investment Plan

### **Attachment(s)**

Map

[WaterOak Map](#)

## 25. CATS Track Maintenance Tamper Machine Purchase

**Action:**

Approve a contract in the amount of \$628,250 to the lowest responsive bidder Harsco Rail for the purchase of a Model 3000 Sixteen-Tool Switch Production Tamper Machine.

**Staff Resource(s):**

John Lewis, CATS

Allen C. Smith III, CATS

Deltrin Harris, CATS

**Explanation**

- This machine is used to "tamp" the train tracks, which involves lifting the track, lining the track, and/or vibrating the ballast (stabilizing rocks) to form a uniform and strong track foundation.
- This machine is necessary to conduct maintenance and repairs to the Blue Line track alignment.
- On June 23, 2022, the city issued an Invitation to Bid; one bid was received.
- Harsco Rail was selected as the lowest responsive, responsible bidder.

**Disadvantaged Business Enterprise (DBE)**

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

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

**Fiscal Note**

Funding: CATS Capital Investment Plan

## 26. Minivans for CATS Paratransit Non-Revenue Support

### Action:

- A. **Award a unit price contract to the lowest responsive bidder Creative Bus Sales for the purchase of paratransit non-revenue support minivans for an initial term of one year, and**
- B. **Authorize the City Manager to renew the contract for up to four, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

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

John Lewis, CATS

Allen C. Smith III, CATS

Jennifer Fehribach, CATS

### **Explanation**

- CATS Special Transportation Services (STS) uses a fleet of 85 paratransit buses to provide transportation for individuals with disabilities as required by the Americans with Disabilities Act. STS provides complementary paratransit service equivalent to the fixed-route bus and rail service.
- Non-revenue minivans that support paratransit revenue service are at or over useful life and require replacement. STS currently has eight non-revenue support minivans in the CATS STS fleet.
- No vendor currently offers an electric, plug-in hybrid electric, or hybrid option that meets the ADA compatibility requirement of a wheelchair ramp for the paratransit accessible support vehicles and Federal Transit Administration Buy America Requirements.
- This contract will cover CATS' immediate need to replace the oldest vehicles and ensure paratransit service is reliable and safe, while continuing to position CATS to meet the Strategic Energy Action Plan (SEAP) goals before 2030 with the five-year replacement cycle and continued technology advancements and availability.
- On April 26, 2022, CATS issued an Invitation to Bid; two bids were received.
- Creative Bus Sales was selected as the lowest responsive, responsible bidder.
- Minivans will be purchased on an as-needed basis within the confines of the Capital Outlay and under contract terms.
- Annual expenditures are estimated to be \$255,276.

### **Disadvantaged Business Enterprise (DBE)**

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

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

### **Fiscal Note**

Funding: CATS Capital Investment Plan

## 27. Airport Distributed Antenna System Maintenance and Monitoring Services

### Action:

- A. **Approve a contract with DPJJ, LLC. dba Wireless Services for maintenance and monitoring services for the Airport's Distributed Antenna System for an initial term of five years, and**
- B. **Authorize the City Manager to renew the contract for up to one, five-year term with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

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

Haley Gentry, Aviation

Ted Kaplan, Aviation

### **Explanation**

- The Airport Distributed Antenna System (DAS) enables wireless telecommunications carriers to transmit cellular signals through a network of antennas installed in the Airport in order to provide consistent cellular service to their customers.
- On April 6, 2022, the city issued a Request for Proposals for the maintenance and monitoring of the DAS; five proposals were received.
- DPJJ, LLC. dba Wireless Services was selected due to its qualifications, experience, and responsiveness to the RFP requirements.
- This agreement will authorize DPJJ, LLC. dba Wireless Services to design, install, and maintain the existing DAS and all DAS expansions or improvements, whether related to the Airport construction projects or technical upgrades requested by the cell carriers.
- As part of these projects, Aviation will also enter into amendments to the license agreements with AT&T, Verizon and T-Mobile for their share of expenses and approved expansion projects.
- Aviation will pay DPJJ, LLC. dba Wireless Services directly for the design and installation of these projects which will then be fully reimbursed through the license agreements with the wireless carriers, or such costs will be paid directly by the carriers.
- Annual reimbursements for operations and maintenance are estimated to be \$80,000.

### **Charlotte Business INclusion**

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

- Besco Electrical (MBE) (Infrastructure Installation services to include: Fiber optic installation/termination/testing)

### **Fiscal Note**

Funding: Aviation Capital Investment Plan

## 28. Marathon Trash Compactors for the Airport Terminal

### Action:

- A. Approve the purchase of vertical trash compactors from a cooperative contract,
- B. Approve a unit price contract with Marathon Equipment Company for the purchase of VERT-I-PACK 8-yd user platforms for a term of three years under Sourcewell contract 040621-MEC, and
- C. Authorize the City Manager to extend the contract for additional terms as long as the cooperative contract is in effect, at prices and terms that are the same or more favorable than those offered under the cooperative contract.

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

Haley Gentry, Aviation

Jack Christine, Aviation

### **Explanation**

- This contract will provide vertical compactors for trash disposal to mitigate overflow of trash and maintain aesthetical standards throughout the Terminal.
- 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 \$180,000.

### **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: Aviation Operating Budget

## 29. Bond Issuance Approval for Creekridge on the Park Apartments

### **Action:**

**Adopt a resolution granting INLIVIAN's request to issue multi-family housing revenue bonds, in an amount not to exceed \$30,000,000, to finance the development of an affordable housing development known as Creekridge on the Park Apartments.**

### **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 Creekridge on the Park Apartments, a 150-unit new construction affordable housing development to be developed, owned, and operated by Charlotte Leased Housing Associates II, LLP, a Minnesota limited liability partnership, or an affiliated or related entity.
- The development will be located on approximately 8.85 acres at 7800 Creekridge Road (parcel identification number 191-071-08) in Council District 6 and will serve households earning up to 60 percent of the Area Median Income (AMI).
- The INLIVIAN bonds, not to exceed \$30,000,000, 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 \$30,000,000 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 Creekridge on the Park Apartments

INLIVIAN Resolution for Creekridge on the Park Apartments

[Map - Creekridge](#)

[City Resolution - Creekridge](#)

[INLIVIAN Resolution - Creekridge](#)

## 30. Set a Public Hearing on River District Preserve East Area Voluntary Annexation

### **Action:**

**Adopt a resolution setting a public hearing for October 24, 2022, for the River District Preserve East 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 70.96-acre "River District Preserve East" site is in southwestern Mecklenburg County along the south side of Sadler Road, west of Dixie River Road.
  - The property is currently vacant.
  - The petitioner has plans to develop 125 single family residential homes on the site.
  - The property is zoned MX-2, which allows for residential mixed-use development.
  - The property is located immediately adjacent to Council District 3.
  - The petitioned area consists of one parcel; parcel identification number 113-281-49.

### **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

[River District-Preserve East Annexation Map](#)

[Resolution for River District Preserve East Area Annexation](#)

## 31. Resolution of Intent to Abandon an Unopened Portion of Whittington Street

### **Action:**

- A. Adopt a Resolution of Intent to abandon an Unopened Portion of Whittington Street, and**
- B. Set a Public Hearing for October 24, 2022.**

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

Debbie Smith, Transportation  
Anthony Mendez, Transportation

### **Explanation**

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

### **Petitioners**

SDP Acquisitions I, LLC

### **Attachment(s)**

Map  
Resolution

[2022-03A Portion of Whittington St Abandonment Map](#)

[2022-03A Resolution of Intent](#)

## 32. Resolution of Intent to Abandon a Portion of the Alleyway off of Rozzelles Ferry Road, Lakewood Avenue and Oregon Street

### **Action:**

- A. **Adopt a Resolution of Intent to abandon a portion of the Alleyway off of Rozzelles Ferry Road, Lakewood Avenue and Oregon Street, and**
  
- B. **Set a Public Hearing for October 24, 2022.**

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

Debbie Smith, Transportation  
Anthony Mendez, Transportation

### **Explanation**

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The alleyway is located in Council District 2.

### **Petitioners**

Urban Trends Real Estate, Inc.

### **Attachment(s)**

Map  
Resolution

[2022-05A Alleyway Rozzelles Ferry & Lakewood & Oregon Abandonment Map](#)

[2022-05A Resolution of Intent 09.26.2022](#)

## 33. Meeting Minutes

### **Action:**

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

- **January 18, 2022 Zoning Meeting, and**
- **January 24, 2022 Business Meeting.**

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

Stephanie Kelly, City Clerk's Office

### **Explanation**

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

## PROPERTY TRANSACTIONS

### 34. Aviation Property Transactions - 5409 Airport Drive and 4329, 4350, 5011, and 5015 Ashley Circle

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

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

**Project: Aviation Master Plan**

**Program:** Voluntary Land Acquisition Program

**Owner(s):** The Harvest Center of Charlotte, LLC

**Property Address:** 5409 Airport Drive and 4329, 4350, 5011, 5015 Ashley Circle

**Total Parcel Area:** 7.93 acres

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

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

**Landscaping to be impacted:** None

**Zoned:** B-1 and R-17MF

**Use:** Business & Multi-Family Residential

**Parcel Identification Number(s):** 115-061-02, 115-061-04, 115-063-05, 115-061-01, 115-061-03

<https://polaris3g.mecklenburgcountync.gov/#mat=464600&pid=11506102&qsid=11506102>

<https://polaris3g.mecklenburgcountync.gov/#mat=304665&pid=11506104&qsid=11506104>

<https://polaris3g.mecklenburgcountync.gov/#mat=304649&pid=11506305&qsid=11506305>

<https://polaris3g.mecklenburgcountync.gov/#mat=140895&pid=11506101&qsid=11506101>

<https://polaris3g.mecklenburgcountync.gov/#mat=140754&pid=11506103&qsid=11506103>

**Purchase Price:** \$5,000,000, and all relocation benefits in compliance with Federal, State or Local regulations

**Council District:** 3

## 35. Aviation Property Transactions - 8807 Douglas Drive

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

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

**Project:** Aviation Master Plan

**Program:** Aviation Master Plan

**Owner(s):** James Barber and Karen Barber

**Property Address:** 8807 Douglas Drive

**Total Parcel Area:** 1.197 acres

**Property to be acquired by Easements:** None

**Structures/Improvements to be impacted:** Single-family Home

**Landscaping to be impacted:** Grass and Shrubs

**Zoned:** R-3

**Use:** Single-family Residential

**Parcel Identification Number(s):** 141-103-14

<https://polaris3g.mecklenburgcountync.gov/#mat=209122&pid=14110314&qisid=14110314>

**Purchase Price:** \$295,000, and all relocation benefits in compliance with Federal, State or Local regulations.

**Council District:** 3

## 36. Aviation Property Transactions - 8208 Robbie Circle

**Action:** Approve the following Acquisition: EIS Mitigation South

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

**Project:** EIS Mitigation South

**Program:** N/A

**Owner(s):** Jerrie Wingate Fritts

**Property Address:** 8208 Robbie Circle

**Total Parcel Area:** 0.9160 acres

**Property to be acquired by Easements:** None

**Structures/Improvements to be impacted:** Single-family Dwelling

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

**Zoned:** R-3

**Use:** Single-family Residential

**Parcel Identification Number(s):** 141-111-24

<https://polaris3g.mecklenburgcountync.gov/#mat=200489&pid=14111124&qsid=14111124>

**Purchase Price:** \$200,000, and all relocation benefits in compliance with Federal, State or Local regulations.

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

### 37. Property Transactions - Goose Creek Sanitary Sewer Extension to Cresthill Drive, Parcel # 3

**Action:** Approve the following Acquisition: Goose Creek Sanitary Sewer Extension to Cresthill Drive, Parcel # 3

**Project:** Goose Creek Sanitary Sewer Extension to Cresthill Drive, Parcel # 3

**Program:** Goose Creek Sanitary Sewer Extension to Cresthill Drive

**Owner(s):** John S. Helms and Jean L. Helms

**Property Address:** 3309 Winter Heath Way, Mint Hill

**Total Parcel Area:** 71,487 sq. ft. (1.64 ac.)

**Property to be acquired by Easements** 2,555 sq. ft. (0.06 ac.) Sanitary Sewer Easement, 2,555 sq. ft. (0.06 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** Trees

**Zoned:** R

**Use:** Single-family Residential

**Parcel Identification Number(s):** 195-072-04  
<https://polaris3g.mecklenburgcountync.gov/#mat=325210&pid=19507204&gisid=19507204>

**Purchase Price:** \$27,725

**Council District:** Adjacent to Council District 5

### 38. Property Transactions - Goose Creek Sanitary Sewer Extension to Cresthill Drive, Parcel # 6

**Action:** Approve the following Acquisition: Goose Creek Sanitary Sewer Extension to Cresthill Drive, Parcel # 6

**Project:** Goose Creek Sanitary Sewer Extension to Cresthill Drive, Parcel # 6

**Program:** Goose Creek Sanitary Sewer Extension to Cresthill Drive

**Owner(s):** Russell J. Davis

**Property Address:** 2609 Fox Hollow Road

**Total Parcel Area:** 443,304 sq. ft. (10.18 ac.)

**Property to be acquired by Easements** 10,800 sq. ft. (0.25 ac.) Sanitary Sewer Easement, 10,374 sq. ft. (0.24 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** R

**Use:** Single-family Residential

**Parcel Identification Number(s):** 197-021-02

<https://polaris3g.mecklenburgcountync.gov/#mat=531240&pid=19702102&qisid=19702102>

**Purchase Price:** \$17,625

**Council District:** Adjacent to Council District 5

### 39. Property Transactions - Goose Creek Sanitary Sewer Extension to Cresthill Drive, Parcel # 9

**Action:** Approve the following Condemnation: Goose Creek Sanitary Sewer Extension to Cresthill Drive, Parcel # 9

**Project:** Goose Creek Sanitary Sewer extension to Cresthill Drive, Parcel # 9

**Program:** Goose Creek Sanitary Sewer extension to Cresthill Drive

**Owner(s):** Preetinder Paul Singh Brar and Ravinder Kaur Brar, as Co-Trustees of The Brar Family Living Trust, U/A dated February 12th 2018

**Property Address:** 12032 Bain School Road, Mint Hill

**Total Parcel Area:** 1,390,339 sq. ft. (31.92 ac.)

**Property to be acquired by Easements:** 10,023 sq. ft. (0.23 ac.) Sanitary Sewer Easement, 9,366 sq. ft. (0.21 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** R

**Use:** Single-family Residential

**Parcel Identification Number(s):** 197-231-01  
<https://polaris3g.mecklenburgcountync.gov/#mat=23568&pid=19723101&qisid=19723101>

**Appraised Value:** \$5,300

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

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

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

**Council District:** Adjacent to Council District 5

## 40. Property Transactions - Goose Creek Sanitary Sewer Extension to Cresthill Drive, Parcel # 10

**Action:** Approve the following Condemnation: Goose Creek Sanitary Sewer Extension to Cresthill Drive, Parcel # 10

**Project:** Goose Creek Sanitary Sewer extension to Cresthill Drive, Parcel # 10

**Program:** Goose Creek Sanitary Sewer extension to Cresthill Drive

**Owner(s):** Nelson Todd McSwain and Bridget B. McSwain

**Property Address:** 7228 Ashbourne Lane, Mint Hill

**Total Parcel Area:** 70,626 sq. ft. (1.62 ac.)

**Property to be acquired by Easements:** 4,228 sq. ft. (0.10 ac.) Sanitary Sewer Easement, 4,322 sq. ft. (0.10 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** R

**Use:** Single-family Residential

**Parcel Identification Number(s):** 197-231-12

<https://polaris3g.mecklenburgcountync.gov/#mat=185718&pid=19723112&qisid=19723112>

**Appraised Value:** \$2,475

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

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

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

**Council District:** Adjacent to Council District 5

## 41. Property Transactions - Goose Creek Sanitary Sewer Extension to Cresthill Drive, Parcel # 11

**Action:** Approve the following Condemnation: Goose Creek Sanitary Sewer Extension to Cresthill Drive, Parcel # 11

**Project:** Goose Creek Sanitary Sewer extension to Cresthill Drive, Parcel # 11

**Program:** Goose Creek Sanitary Sewer extension to Cresthill Drive

**Owner(s):** Cody Barrett McSwain and Micaela Beckman

**Property Address:** 7230 Ashbourne Lane, Mint Hill

**Total Parcel Area:** 98,859 sq. ft. (2.27 ac.)

**Property to be acquired by Easements:** 5,136 sq. ft. (0.12 ac.) Sanitary Sewer Easement, 5,136 sq. ft. (0.12 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** R

**Use:** Single-family Residential

**Parcel Identification Number(s):** 197-231-10

<https://polaris3g.mecklenburgcountync.gov/#mat=185814&pid=19723110&qisid=19723110>

**Appraised Value:** \$2,425

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

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

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

**Council District:** Adjacent to Council District 5

## Adjournment

## REFERENCES

## 42. 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.

## 43. 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.

## 44. 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.