

City of Charlotte

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



Meeting Agenda

Monday, November 28, 2022

COUNCIL CHAMBERS

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.

[2022-11-28 Council Agenda QA](#)

2. Action Review Agenda Overview

Staff Resource(s):

Marcus Jones, City Manager

3. Action Review Items

Mobility Update

Staff Resource(s):

Liz Babson, City Manager's Office

Ed McKinney, Transportation

Time: Presentation - 15 minutes; Discussion - 30 minutes

Explanation

- Update on implementation of the Strategic Mobility Plan.

Green Source Advantage Service Agreement Overview

Staff Resource(s):

Sarah Hazel, General Services

Time: Presentation - 10 minutes; Discussion - 30 minutes

Explanation

- Provide an update on City of Charlotte's participation in Duke Energy's Green Source Advantage Program (Large Scale Solar) and receive Council direction on path forward.

[Council Mobility Presentation 11-28-22](#)

[GSA Overview Presentation 11-28-22](#)

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 29 through 48 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

PUBLIC HEARING

7. Public Hearing for Bosch Rexroth Corporation Business Investment Grant

Action:

- A. **Conduct a public hearing regarding approval of a City of Charlotte Business Investment Grant to Bosch Rexroth Corporation, and**
- B. **Approve the city's share of a Business Investment Grant to Bosch Rexroth Corporation for a not to exceed amount of \$959,426 over seven years.**

Staff Resource(s):

Tracy Dodson, City Manager's Office
Alyssa Brown, Economic Development

Explanation

- On October 6, 2022, Bosch Rexroth announced it would locate a customer experience and account operations center in Charlotte.
- This action is requesting a public hearing be conducted regarding City Council approval of a Business Investment Grant (BIG) of \$959,426 over seven years.
 - During the week of May 9, 2022, City Council indicated intent to approve this Business Investment Grant.
- Bosch Rexroth has committed to a capital investment of \$48,205,000, the creation of 24 jobs to be hired over five years with an average wage of \$67,016, and to retain 260 current positions for the term of the grant.
- In addition to the City of Charlotte Business Investment Grant:
 - Mecklenburg County Board of County Commissioners approved a Business Investment Grant in the amount of \$1,700,288.
 - State of North Carolina approved an On the Job Grant in the amount of \$100,000 and \$193,300 in community college training funds.

Background

- Bosch Rexroth is a manufacturer of linear motion and assembly technologies.
- The company's U.S. headquarters is in Charlotte and has operated a facility here for over 30 years.
- The company is building a new facility on a brownfield site off Tyvola Road.
- Their new building will feature high-tech capabilities for production and logistics with a customer showroom and headquarters and corporate functions.

Business Investment Grant

- The general terms and conditions of this grant include:
 - Actual grant payments are based on the value of the investment as appraised by the Mecklenburg County Tax Office.
 - Property taxes due from Bosch-Rexroth must be paid before a grant payment is made.
 - If Bosch Rexroth removes the investment from Charlotte during the grant term, it shall pay back 100 percent of the investment grant paid to date.
 - If Bosch Rexroth moves the investment from Charlotte within seven years of the end of the Business Investment Program (BIP) grant term, a portion of the grant must be repaid as follows:
 - Within one year of the end of the BIP Term - 90 percent of grant payments
 - Within two years of the end of the BIP Term - 75 percent of grant payments
 - Within three years of the end of the BIP Term - 60 percent of grant payments
 - Within four years of the end of the BIP Term - 45 percent of grant payments
 - Within five years of the end of the BIP Term - 30 percent of grant payments
 - Within six years of the end of the BIP Term - 20 percent of grant payments
 - Within seven years of the end of the BIP Term - 10 percent of grant payments

Fiscal Note

Funding: Business Investment Grant

8. Public Hearing for Solve Industrial Motion Group Business Investment Grant

Action:

- A. **Conduct a public hearing regarding approval of a City of Charlotte Business Investment Grant to Solve Industrial Motion Group, and**

- B. **Approve the City's share of a Business Investment Grant to Solve Industrial Motion Group for a not to exceed amount of \$725,981 over seven years.**

Staff Resource(s):

Tracy Dodson, City Manager's Office

Alyssa Brown, Economic Development

Explanation

- On October 11, 2022, Solve Industrial Motion Group (Solve Industrial) announced it is expanding its operations in Charlotte to include a new distribution and headquarters facility.
- During the week of July 18, 2022, City Council indicated their intent to approve this Business Investment Grant.
- Solve Industrial has committed to a capital investment of \$34,850,000, creation of 60 jobs to be hired over five-years with an average wage of \$74,500, and to retain 51 current positions for the term of the grant.
- In addition to the City of Charlotte Business Investment Grant:
 - Mecklenburg County Board of County Commissioners approved a Business Investment Grant in the amount of \$515,782, and
 - The State of North Carolina approved a On the Job Training Grant in the amount of \$60,000.

Background

- Solve Industrial is a manufacturer and distributor of power transmission products and industrial-grade bearings.
- The company has operated in Charlotte since the early 1990s.
- The newly constructed headquarters and distribution facility will house warehousing and distribution functions in addition to sales, marketing, and other corporate functions.
- The company will temporarily lease space in the Ayrley development while the new building is constructed.

Business Investment Grant

- The general terms and conditions of this grant include:
 - Actual grant payments are based on the value of the investment as appraised by the Mecklenburg County Tax Office.
 - Property taxes due from Solve Industrial must be paid before a grant payment is made.
 - If Solve Industrial removes the investment from Charlotte during the grant term, it shall pay back 100 percent of the investment grant paid to date.
 - If Solve Industrial moves the investment from Charlotte within seven years of the end of the Business Investment Program (BIP) grant term, a portion of the grant must be repaid as follows:
 - Within one year of the end of the BIP Term - 90 percent of grant payments
 - Within two years of the end of the BIP Term - 75 percent of grant payments
 - Within three years of the end of the BIP Term - 60 percent of grant payments
 - Within four years of the end of the BIP Term - 45 percent of grant payments
 - Within five years of the end of the BIP Term - 30 percent of grant payments
 - Within six years of the end of the BIP Term - 20 percent of grant payments
 - Within seven years of the end of the BIP Term - 10 percent of grant payments

Fiscal Note

Funding: Business Investment Grant

9. Public Hearing for Atlantic Coast Conference Business Investment Grant

Action:

- A. **Conduct a public hearing regarding approval of a City of Charlotte Business Investment Grant to Atlantic Coast Conference, and**

- B. **Approve the City's share of a Business Investment Grant to Atlantic Coast Conference for a not to exceed amount of \$40,914 over three years.**

Staff Resource(s):

Tracy Dodson, City Manager's Office

Alyssa Brown, Economic Development

Explanation

- On September 20, 2022, the Atlantic Coast Conference (ACC) announced it would relocate its headquarters to Charlotte
- During the week of May 3, 2022, City Council indicated their intent to approve this Business Investment Grant.
- Atlantic Coast Conference has committed to a capital investment of \$4,900,000, and creation of 50 jobs to be hired over three-years with an average wage of \$95,000.
- In addition to the City of Charlotte Business Investment Grant, Mecklenburg County Board of County Commissioners approved a Business Investment Grant in the amount of \$40,242.

Background

- The ACC is a non-profit, collegiate athletic association with fifteen member schools located along the east coast.
- The headquarters is relocating from Greensboro and there was a spirited, collaborative effort between the City of Charlotte, Mecklenburg County, Charlotte Regional Business Alliance, and State of North Carolina to retain their operations in the state.
- The ACC has hosted many sporting events, including the ACC football championship, baseball championship, and basketball tournament in Charlotte in recent years.
- Many of these championships will be hosted in Charlotte in the coming years, along with new opportunities to host events and tournaments in additional sports.

Business Investment Grant

- The general terms and conditions of this grant include:
 - Actual grant payments are based on the value of the investment as appraised by the Mecklenburg County Tax Office.
 - Property taxes due from Atlantic Coast Conference must be paid before a grant payment is made.
 - If Atlantic Coast Conference removes the investment from Charlotte during the grant term, it shall pay back 100 percent of the investment grant paid to date.
 - If Atlantic Coast Conference moves the investment from Charlotte within three years of the end of the Business Investment Program (BIP) grant term, a portion of the grant must be repaid as follows:
 - Within one year of the end of the BIP Term - 90 percent of grant payments
 - Within two years of the end of the BIP Term - 75 percent of grant payments
 - Within three years of the end of the BIP Term - 60 percent of grant payments

Fiscal Note

Funding: Business Investment Grant

POLICY

10. City Manager's Report

[11.28.22 City Manager's Memo](#)

11. Amend Code of Ordinances Chapter 3 - Animals

Action:

Adopt an ordinance amending Chapter 3 - Animals.

Staff Resource(s):

Johnny Jennings, Police

Joshua Fisher, Police

Explanation

- One of the stated purposes of the City of Charlotte Code of Ordinance Chapter 3 - Animals is "the protection of animals from abuse or conditions harmful to their well-being."
- When animals are found to be in conditions that violate terms in the city's ordinance, whenever feasible Charlotte-Mecklenburg Animal Care & Control (AC&C) attempts to reconcile the conditions with the owner through education. If efforts to mitigate violations are not successful or if the situation is too extreme, AC&C has the authority to implement a seizure process consistent with the criteria set out in city code chapter 3 section 3-134.
- In conjunction with the city's ability to seize animals, Chapter 3-133(k) of the code provides the owners of seized animals the ability to appeal the city's decision to permanently seize an animal in superior court; this provision grants the owner of the seized animal 30 days to file a *writ of certiorari* in superior court (to petition the court for review).
- To address recent concerns over the amount of time an animal must be held after being seized from its owner, changes to the city's code of ordinance are proposed that would update the provision of time from 30 days to 10 days for the owner of a seized animal to file for a court review.
- The proposed update allows for sufficient time for an owner to appeal a permanent seizure decision while also providing for a seized animal to be held for less time at the shelter.
- Proposed changes also include administrative process updates to section 3-33 (b).
- The proposed effective date of revisions to the Animal Ordinance is January 1, 2023.

Attachment(s)

Chapter 3 Animals Ordinance Proposed Revisions

[Charlotte NC Code of Ordinances Chapter 3 proposed update Nov 2022](#)

BUSINESS

12. Affordable Housing Development Support Requests

Action:

- A. Approve \$9,200,000 in additional Housing Trust Fund allocations and \$6,600,000 in American Rescue Plan funds for the following multi-family rental affordable housing developments:**
- Fairhaven Glen, \$1,150,000 (Council District 3),
 - Ovata at Reedy Creek, \$2,000,000 (Council District 4),
 - Galloway Crossing, \$1,000,000 (Council District 5),
 - Bishop Madison Homes, \$250,000 (Council District 2),
 - Grounds for Change, \$4,500,000 (Council District 1),
 - Ballantyne Seniors, \$1,400,000 (Council District 7), and
 - Evoke Living at Morris Field, \$5,500,000 (Council District 3),
- B. Approve an additional allocation of \$4,705,245 for the South Village Apartments multi-family rental affordable housing development, (Council District 3), from American Rescue Plan funds, and**
- C. Authorize the City Manager to execute, amend, and renew contracts as needed to complete the transactions approved by this action.**

Staff Resource(s):

Shawn Heath, Housing & Neighborhood Services
Warren Wooten, Housing and Neighborhood Services

Staff Resource(s):

Shawn Heath, Housing & Neighborhood Services
Warren Wooten, Housing and Neighborhood Services

Explanation

- The Action A above is consistent with the funding option #3 provided to Council at the November 14, 2022 Business meeting with the exception that instead of reallocating the \$3 million from the original award to the South Village Apartments project, the \$3 million would be allocated from American Rescue Plan funds (ARPA) for a total of \$6.6 million in ARPA funding.
- Action B is provided as an option based on Council's discussions to consider requested gap funding for the South Village Apartments project.
- This request uses existing Housing Trust Funds and ARPA funding.
- These actions consider funding for all requests presented at the November 14, 2022 Action Review with the exception of the \$1,937,873 for the Easter's Home multi-family rental affordable housing development.
- Due to unprecedented changes in market conditions, including construction material pricing and interest rates, there has been an extended period of cost escalations for housing development projects. Increasing costs have resulted in additional financing gaps on previously approved city-supported affordable housing development projects pending construction.
- On September 19, 2022, the city issued a Request for Proposals (RFP) to assess the needs of development partners with approved Housing Trust Fund (HTF) allocations that have additional gap financing needs for their respective pending affordable housing developments.
- In response to the RFP, 11 proposals were received. The city assessed each of the 11 proposals based on cost factors, construction readiness, affordability mix, length of affordability, location, and strategies used to offset increased costs.
- Developers have used multiple strategies to offset increased costs, including:
 - Repriced tax credit equity
 - Adjusted rent income based on HUD's 2022 area median income
 - Identified additional debt financing
 - Rebid construction costs / additional value engineering

- Deferred developer fees
- The revised allocations for the developments represent a net increase of support in the amount of \$15,800,000 for the developments represented in Action A and \$4,705,245 for Action B, (see attached development summary for project-specific details). This HTF increase is proposed to be funded from the current 2020 HTF bond balance (\$9,200,000) as well as ARPA funds in the total amount of \$11,305,118 as follows:
 - Action A: \$6,600,000
 - Action B: \$4,705,245
- In addition to the developments represented in Actions A and B, staff will continue to work with the developers of the additional developments that submitted gap funding requests in response to the RFP (The River District, Lakewood Apartments, Easter Home) as discussed in the November 14, 2022 Action Review meeting.

Background

- On November 26, 2001, City Council established the HTF to provide financing for affordable housing in the Charlotte area.
- On August 27, 2018, City Council adopted the Housing Charlotte Framework, which recommends expanding the supply of high-quality rental housing by building affordable housing, preserving existing naturally occurring affordable housing, and promoting family self-sufficiency initiatives.
- On June 13, 2022, City Council adopted the U.S. Department of Housing and Urban Development's Annual Action Plan (Plan) which identifies the need for affordable, safe, and decent housing for low-and-moderate income families and reaffirms the goals of the Housing Charlotte Framework.
- On July 22, 2019, April 26, 2021, September 27, 2021, and June 13, 2022, City Council approved the original city-support for the eight developments represented in Action A and B.
- Support of HTF allocations is consistent with the strategies outlined in both the Housing Charlotte Framework and the Plan, demonstrates local alignment with state-supported affordable housing developments, and allows for local leveraging of tax credit awards.

City Council Discussion

- On October 24, 2022 and November 14, 2022, City Council received briefings of the pending affordable housing development gap support requests.

Charlotte Business INclusion

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

Fiscal Note

Funding: General Capital Investment Plan and American Rescue Plan Act (ARPA) Funds

Attachment(s)

Summary of Affordable Housing Development Support Requests for Gap-Funding

[Summary of Affordable Housing Support Requests - Gap Funding](#)

13. Exchange of Real Property with 401 S College Street NC, LLC

Action:

- A. Adopt a resolution authorizing the exchange of certain real property rights between the City of Charlotte and 401 S College Street NC, LLC, a Delaware limited liability company, and**
- B. Authorize the City Manager, or his designee, to execute any documents necessary to complete this transaction in conformity herewith.**

Staff Resource:

Tracy Dodson, City Manager's Office

Additional Resource:

Tom Murray, CRVA CEO

Explanation

- The city owns the 3.262-acre parcel (Parcel Identification Number 125-071-08), located across from the NASCAR Hall of Fame and bounded by South Caldwell Street, East Brooklyn Village Avenue, and South Davidson Street, in Council District 1, (the "Entire City Parcel").
- The Entire City Parcel was purchased in 1998 for uses supporting the Convention Center. The city property is currently zoned Uptown Mixed Use District (UMUD).
- 401 S College Street NC, LLC, a Delaware limited liability company ("401 College") is under contract to purchase the 2.3-acre parcel (Parcel Identification Number 125-062-01) located at the corner of South College Street and East Martin Luther King Jr. Blvd, in Council District 1, (the "Entire 401 College Parcel") from Duke Energy. The 401 College Property is currently zoned UMUD.
- The city and Charlotte Regional Visitors Authority (CRVA) propose to exchange the southwestern most 1.9-acre portion of the Entire City Parcel (the "City Portion") for the northernmost 0.7-acre portion of the Entire 401 College Parcel (the "401 College Portion").
- 401 College proposes to convey to the city the 401 College Portion subject to a deed restriction preventing residential or office development for a period of five years from the date of the conveyance, excluding the operation of hotel and office uses that are incidental to the permitted hotel use; however, in the event 401 College, its successors or assigns, elects to develop a hotel use on 401 College's portion of the Entire 401 College Parcel which remains after this exchange, the deed restriction on the portion being conveyed to the city shall expire. The City Portion will be conveyed by the city to 401 College "as is" and "with all faults".
- An appraisal of the two portions to be exchanged, dated November 15, 2022, estimates the fair market value of the City Portion to be \$18,456,000 and the 401 College Portion to be \$12,017,500.
- In addition to the 401 College Portion, the city proposes to receive the following consideration:
 - Existing data center structure on the Entire 401 College Parcel will be demolished by 401 College following its acquisition from Duke Energy, at 401 College's sole cost, with the cost allocated to demolition on the 401 College Portion valued at \$2,500,000, and the land will be conveyed to the city as a vacant lot; and
 - Redevelopment of the Convention Center Plaza (limited to the 29,236 square feet common area) will be the responsibility of 401 College and its development partners.
 - The redevelopment will include landscaping, seating areas, public facilities.
 - 401 College will be granted an exclusive temporary construction easement to redevelop the Convention Center Plaza in connection with its development of 401 College's portion of the Entire 401 College Parcel which remains after this exchange.
 - The final design of the Convention Center Plaza will be subject to approval by the city and CRVA.
 - The cost of the redevelopment will be at least \$4,000,000.
- The CRVA supports this transaction because it believes it will provide the city and the CRVA with two development pads for future hotels and renovate the "Convention Center Plaza" into a dynamic plaza that can function as an additional amenity for the Convention Center.

Attachment(s)

Map

Resolution

[Map - Overview Parcels Land Exchange](#)[Resolution to Exchange v.f Updated 11172022 3-51](#)**14. Proposed 2023 City Council Meeting Schedule****Action:****Approve the 2023 City Council Regular and Budget Meeting Schedule.****Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

Explanation

- NC General Statute 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 be posted to the City's website. If a schedule is duly adopted and filed, no further notice of regular meetings is necessary.
- The 2023 Council Budget Meeting dates have been included on this proposed schedule of meetings along with other meetings of state and national organizations in which the city has memberships.
- For more information on City Council Meetings, visit the City Clerk's webpage at <https://charlottenc.gov/CityClerk/Pages/CityClerk.aspx>.

Attachment(s)

Proposed 2023 City Council Regular and Budget Meeting Schedule

[2023 Proposed Council Meeting Schedule](#)**15. City Clerk Compensation****Action:****Approve a FY 2022 and a FY 2023 compensation adjustment for the City Clerk.****Staff Resource(s):**

Sheila Simpson, Human Resources

Explanation

- On November 14, 2022, the Mayor and City Council met to conduct the performance evaluation of the City Clerk and discuss a potential compensation adjustment.
- The Human Resources Director assisted the Mayor and the City Council as they considered details associated with the compensation of the City Clerk.
- The action will authorize compensation adjustments for the City Clerk.

16. City Manager Compensation

Action:

Approve a FY 2022 and a FY 2023 compensation adjustment for the City Manager.

Staff Resource(s):

Sheila Simpson, Human Resources

Explanation

- On November 21, 2022, the Mayor and City Council met to conduct the performance evaluation of the City Manager and discuss a potential compensation adjustment.
- The Human Resources Director assisted the Mayor and the City Council as they considered details associated with the compensation of the City Manager.
- The action will authorize compensation adjustments for the City Manager.

17. Nominations to the Arts and Culture Advisory Board

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term beginning upon appointment and ending September 30, 2024.
 - Carla Aaron-Lopez has resigned.

Attachment(s)

Arts and Culture Advisory Board Applications

18. Nominations to the Business Advisory Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term recommended by the Certified SBE-Hispanic Contractors Association beginning upon appointment and ending April 28, 2023, followed by a three-year term beginning April 29, 2023, and ending April 28, 2026.
 - Domenico Santilli is eligible but not interested in reappointment.
- One appointment for a partial term recommended by the Charlotte Regional Business Alliance beginning upon appointment and ending April 28, 2023, followed by a three-year term beginning April 29, 2023 and ending April 28, 2026.
 - Derick Davis has resigned.
- One appointment for a partial term recommended by the Charlotte Regional Business Alliance beginning upon appointment and ending April 28, 2024.
 - McClean Godley has resigned.
- One appointment for a three-year term recommended by the Charlotte Regional Business Alliance beginning April 29, 2022, and ending April 28, 2025.
 - Tonia Woodbury did not meet attendance requirements and is ineligible for reappointment.

Attachment(s)

Business Advisory Committee Applications

19. Nominations to the Charlotte Business INClusion Advisory Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term recommended by the National Association of Women Business Owners beginning upon appointment and ending February 28, 2023, followed by a two-year term beginning March 1, 2023, and ending February 28, 2025.
 - Nicole Reina has resigned.
- One appointment for a two-year term recommended by the Hispanic Contractors Association of the Carolinas beginning March 1, 2022, and ending February 28, 2024.
 - Sandra Velez did not meet attendance requirements and is ineligible for reappointment.
- One appointment for a partial term recommended by the Latin American Chamber of Commerce beginning upon appointment and ending February 28, 2024.
 - Griselda Bailey has resigned.
- One appointment for a Prime Construction Company category representative for a partial term beginning upon appointment and ending February 28, 2023, followed by a two-year term beginning March 1, 2023, and ending February 28, 2025.
 - Chyna Green has resigned.

Attachment(s)

Charlotte Business INClusion Advisory Committee Applications

20. Nominations to the Charlotte International Cabinet

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a Cultural / Ethnic category representative for a partial term beginning upon appointment and ending June 30, 2024.
 - Kamal Dhimal did not meeting attendance requirements.

Attachment(s)

Charlotte International Cabinet Applications

21. Nominations to the Charlotte Tree Advisory Commission

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- Two appointments for two-year terms beginning December 14, 2022, and ending December 13, 2024.
 - Nate Negrin is eligible and interested in reappointment.
 - Elliott Voreis is eligible and interested in reappointment.

Attachment(s)

Charlotte Tree Advisory Commission Applications

22. Nominations to the Community Relations Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term beginning upon appointment and ending March 9, 2025.
 - Najam Usmani did not meet attendance requirements.

Attachment(s)

Community Relations Committee Applications

23. Nominations to the Historic District Commission

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a Business Operator of Dilworth representative for a three-year term beginning July 1, 2022, and ending June 30, 2025.
 - Jessica Hindman has served two terms and is ineligible for reappointment.
- One appointment for a partial term for a Resident Owner of Hermitage Court beginning upon appointment and ending June 30, 2024.
 - James Jordan has resigned.

Attachment(s)

Historic District Commission Applications

24. Nominations to INLIVIAN

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a three-year term beginning December 18, 2022, and ending December 17, 2025.
 - Linda Ashendorf is eligible and interested in reappointment.

Attachment(s)

INLIVIAN Applications

25. Nominations to the Keep Charlotte Beautiful Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term beginning upon appointment and ending June 30, 2023.
 - Caroline Sawyer has resigned.
- One appointment for a partial term beginning upon appointment and ending June 30, 2024.
 - Thanh Vu has resigned.

Attachment(s)

Keep Charlotte Beautiful Committee Applications

26. Nominations to the Passenger Vehicle for Hire Board

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a Hospitality / Tourism Industry category representative for a three-year term beginning July 1, 2021, and ending June 30, 2024.
 - Sheila Etheridge-Boddie has served two terms and is ineligible for reappointment.
- One appointment for a representative of Persons with Disabilities category representative for a partial term beginning upon appointment and ending July 1, 2023.
 - Roeshona Anderson has resigned.

Attachment(s)

Passenger Vehicle for Hire Board Applications

27. Nominations to the Storm Water Advisory Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a General Contractor category representative for a three-year term beginning July 1, 2022, and ending June 30, 2025.
 - William (Bill) Cornett has served two terms and is ineligible for reappointment.

Attachment(s)

Storm Water Advisory Committee Applications

28. Nominations to the Transit Services Advisory Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

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

Attachment(s)

Transit Services Advisory Committee Applications

CONSENT

29. Charlotte-Mecklenburg Animal Care & Control Facility Renovations, Phase II

Action:

Approve a contract in the amount of \$4,735,100.00 to the lowest responsive bidder Randolph & Son Builders, Inc. for the Charlotte-Mecklenburg Animal Care & Control Facility Renovations, Phase II.

Staff Resource(s):

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

Explanation

- This project will include the renovation of the Charlotte-Mecklenburg Animal Care & Control facility located at 8315 Byrum Drive in Council District 3. The work includes, but is not limited to, demolition, new construction, interior work, mechanical, plumbing, electrical, and a new kenneling system.
- The facility renovations are necessary to comply with the North Carolina Department of Agriculture and Consumer Services Animal Welfare Section requirements, and the 2020 City of Charlotte Americans with Disabilities Act Transition Plan.
- Phase I work was completed in September 2022 and included HVAC system enhancements to the dog kennels, slab and glazed block repair, and animal intake room renovations.
- Phase III, identified in the Advanced Planning and Design program, may include a facility expansion.
- On August 31, 2022, the city issued an Invitation to Bid; three bids were received.
- Lowest bidder Miles-McClellan Construction Company, Inc. has withdrawn its bid due to an unintentional and substantial clerical error in their bid.
- Randolph & Son Builders, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by third quarter 2024.

Charlotte Business INclusion

Established MBE Goal: 3.00%

Committed MBE Goal: 3.00%

Randolph & Son Builders, Inc. met the established MBE subcontracting goal, and has committed 3.00% (\$142,225) of the total contract amount to the following MBE certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Mekki Modular Systems, Inc. (MBE,SBE) (\$62,600) (ceramic tile)
- R & F Insulation Group L.L.C (MBE) (\$55,125) (mechanical)
- United Painting Services Inc (MBE,SBE) (\$24,500) (painting)

Established SBE Goal: 8.00%

Committed SBE Goal: 15.04%

Randolph & Son Builders, Inc. exceeded the established SBE subcontracting goal, and has committed 15.04% (\$712,155) of the total contract amount to the following SBE certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Armstrong Mechanical Services Inc. (SBE) (\$712,155) (heating, ventilation and air conditioning)

Fiscal Note

Funding: General Capital Investment Plan

30. Construct Bryant Farms Road Extension Phase 1 Design-Build Project

Action:

Authorize the City Manager to negotiate and approve a guaranteed maximum price up to \$20,000,000 to Blythe Development Co. for Design-Build construction services for the Bryant Farms Road Extension Phase 1 Design-Build Project.

Staff Resource(s):

Phil Reiger, General Services
Jennifer Smith, General Services
Veronica Wallace, General Services

Explanation

- This project will improve east-west connectivity in the Ballantyne/South Charlotte area from Elm Lane to Rea Road in Council District 7.
- Work will include the extension of Bryant Farms Road from Elm Lane to Rea Road; improve the intersection of Elm Lane, Blakeney Heath Road, and Bryant Farms Road; and install a traffic signal at the Rea Road and Bryant Farms Road intersection.
- The project will also include two, 11-foot travel lanes, multi-use paths, and a roundabout at Elm Lane.
- Progressive Design-Build consists of two phases. The design phase in the amount of \$1,438,696 was approved by Council in April 2021. This contract amendment will complete 100 percent design and include construction services for the project.
- Blythe Development Co. is the best qualified firm to meet the city's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- The city's design-build delivery method is in conformance with North Carolina General Statute 143-128.1(a) and consistent with the Design-Build Institute of America best practices for design-build generally and progressive design-build specifically.
- The guaranteed maximum price includes \$7,300,000 of work for Charlotte Water. Work will include installation of a new 36-inch drinking water transmission line and tie into the existing system along Rea Road.

Charlotte Business INCLUSION

All additional work involved on the contract amendment will be performed by Blythe Development Co. and their existing subcontractors. (Part D: Section 6 of the Charlotte Business INCLUSION Policy).

Fiscal Note

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

Attachment(s)

Map

[Map Construct Bryant Farms Road Extension Progressive Design-Build Project](#)

31. Cooperative Purchasing Contracts for Vehicles and Equipment

Action:

- A. Approve the purchase or lease 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):
 - Capital Ford, Inc. (NCSA contract # 23-09-0912),
 - Equipment Works, Inc. dba Virginia Truck Body Equipment (NCSA contract # 23-07-0421),
 - Knapheide Truck Equipment - Midsouth (NCSA contract # 22-06-0426R),
 - Parks Ford (NCSA contract # 23-09-0912),
- C. Approve unit price contracts with the following vendors for the purchase or lease of vehicles and equipment for a term of one year under Sourcewell:
 - Enterprise Fleet Management, Inc. (Sourcewell contract # 030122-EFM),
 - McNeilus (Sourcewell contract # 091219-MCN),
 - National Auto Fleet Group (Sourcewell contract # 091521-NAF),
 - Terex (Sourcewell contract # 110421-TER),
- D. Approve a unit price contract with Tesla, Inc for the purchase of vehicles for a term of one year under Washington State Department of Enterprise Services contract 05916, and
- E. 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.
- Due to current industry lead times, equipment leasing may be more effective than purchasing in some situations.
- Purchased or leased vehicles and equipment include electric vehicles, medium and heavy-duty truck bodies, refuse truck bodies, and aerial boom lift truck bodies.
- 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 \$5,760,000.

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

32. Belmont Lift Station and Forcemain

Action:

Approve a contract in the amount of \$3,415,000.00 with GHD Consulting Services Inc. for design services for the Belmont Lift Station and Forcemain project.

Staff Resource(s):

Angela Charles, Charlotte Water

Ron Hargrove, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- This contract includes design services for the Belmont Lift Station and Forcemain (adjacent to Council District 3).
- This project will design and construct a pump station and pipelines that will enable the City of Belmont to send its sanitary sewer flow to the Charlotte Water collection system.
- On October 28, 2019, City Council approved an Interlocal Agreement with Belmont to accept flow into Charlotte Water's sanitary sewer system.
- On June 15, 2022, the city issued a Request for Qualifications (RFQ); eight proposals were received.
- GHD Consulting Services Inc. is the best qualified firm to meet the city's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- In the future, City Council will receive a request for the approval of construction once the project is bid.

Disadvantaged Business Enterprise

This project is subject to the North Carolina Clean Water State Revolving (CWSRF) Fund project guidelines which only requires MWBE goals on construction contracts. GHD Consulting Services Inc. has committed \$376,280 or approximately 11.02% to the following certified firms:

- CES Group Engineers, LLP (WBE) (\$240,580) (survey)
- Habitat Assessment and Restoration Professionals (DBE) (\$135,700) (environmental service)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Map

[Map-Belmont Lift Station and Forcemain](#)

33. Clarke Creek Pump Station and Forcemain Construction

Action:

Approve a guaranteed maximum price of \$19,571,331.00 to State Utility Contractors, Inc. for Design-Build construction services for the Clarke Creek Pump Station and Forcemain project.

Staff Resource(s):

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

Explanation

- State Utility Contractors, Inc. has developed a guaranteed maximum price (GMP) for design services, procurement of materials, and construction related to the proposed Clarke Creek Pump Station and associated improvements, located in the Town of Huntersville (adjacent to Council Districts 2 and 4).
- On February 14, 2022, City Council approved a contract for \$5,668,010 with State Utility Contractors, Inc. for Design-Build design services. Based on the design, GMPs for construction services are developed.
- City Council will receive future requests for the approval of additional GMPs for construction once established.

Charlotte Business INclusion

The city negotiates subcontracting participation for Design-Build contracts after the firm is selected and scopes of work are defined for design and construction services (Part G: Section 2.7 of the Charlotte Business INclusion Policy). State Utility Contractors, Inc. has committed \$1,343,695 or approximately 6.87% of the total contract for construction services to the following certified firms:

- Smart Electric Company, Inc. (WBE) (\$525,280) (electrical construction)
- CITI, LLC (MBE) (\$240,545) (instrumentation/SCADA)
- Fuller and Co. Construction, LLC (SBE) (\$215,000)
- Buffkin Trucking, Inc. (MBE, SBE) (\$113,000) (stone hauling)
- Martin Landscaping Co. Inc. (MBE, SBE) (\$112,000) (seeding and matting)
- Soggy Bottom Erosion Control, LLC (SBE) (\$46,790) (erosion control)
- Gavel & Dorn Engineering, PLLC (SBE) (\$45,000) (soil and concrete testing)
- GDC, Inc. (MBE, SBE) (\$19,080) (traffic control services)
- Capstone Engineering (MBE) (\$15,000) (geotechnical services)
- CES Group Engineers, LLP (WBE, SBE) (\$12,000) (site layout and benchmark staking)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Map

[Map-Clarke Creek Pump Station and Forcemain Construction](#)

34. Mallard Creek Wastewater Treatment Plant Improvements

Action:

Approve a guaranteed maximum price of \$78,210,034.00 to PC/Leeper, A Joint Venture for Construction Manager at Risk services for construction of the new influent pump station of 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 16.0 million gallons per day.
- PC/Leeper, A Joint Venture has developed a guaranteed maximum price (GMP) for the construction of a new influent pump station at the Mallard Creek WWTP.
- On June 28, 2021, City Council approved a contract for \$964,696 with PC/Leeper, A Joint Venture for preconstruction services.
- On July 11, 2022, City Council approved a GMP for \$7,069,069 with PC/Leeper, A Joint Venture for equipment procurement and preliminary construction.
- The Mallard Creek WWTP Phase 1 Improvements project is anticipated to be complete by fourth quarter 2025.
- City Council will receive future requests for the approval of remaining program GMPs once they are established.

Charlotte Business INclusion

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 Small Business Enterprise (SBE) or Minority Business Enterprise (MBE) firms throughout the life of the project (Part G: Section 2.3 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

35. Waste Removal and Container Rental Services

Action:

- A. Approve a unit price contract with BFI Waste Services, LLC for waste removal and container rental services for an initial term of three years, and**
- B. Authorize the City Manager to renew the contract for up to one, two-year renewal term and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Angela Charles, Charlotte Water
Ron Hargrove, Charlotte Water
Rodney Jamison, Solid Waste Services

Explanation

- This contract will provide for the collection and removal of debris to be disposed of at permitted landfills.
- Waiver of a competitive solicitation process for services may be granted on a limited basis when deemed appropriate and in the city's best interest. A waiver has been approved for these services based on continuity of service and limited vendors with required qualifications.
- Estimated contract expenditures are \$750,000 for Charlotte Water annually and \$250,000 for Solid Waste Services annually.

Charlotte Business INclusion

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

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

Fiscal Note

Funding: Charlotte Water Operating Budget and Solid Waste Services Operating Budget

36. Water Transmission Main Improvements and Repairs

Action:

Approve a guaranteed maximum price of \$3,253,015.00 to State Utility Contractors, Inc. for Design-Build construction services for the Water Transmission Main Improvements and Repairs project.

Staff Resource(s):

Angela Charles, Charlotte Water

David Czerr, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- State Utility Contractors, Inc. developed a guaranteed maximum price (GMP) for the assessment and repairs of the 24-inch water transmission main between the Franklin Water Treatment Plant and the Town of Huntersville (within and adjacent to Council District 2).
- The GMP also includes an additional repair to the 24-inch water transmission main located at Gibbon Road and NC Highway 115 (Council District 2).
- On June 8, 2020, City Council approved a contract for \$1,923,793 with State Utility Contractors, Inc. for Design-Build design services for water transmission system improvements throughout Charlotte Water service area.
- This project segment is anticipated to be complete by second quarter 2023.

Charlotte Business INclusion

The city negotiates subcontracting participation for Design-Build contracts after the firm is selected and scopes of work are defined for design and construction services (Part G: Section 2.7 of the Charlotte Business INclusion Policy). State Utility Contractors, Inc. has committed \$245,000 or approximately 7.53% of the contract for construction services, design build services, or approved tasks to the following certified firms:

- AMP Utility Distribution Services, LLC (WBE, SBE) (\$100,000) (water main material supply)
- GDC Supplies Equipment & Contracting, LLC (MBE, SBE) (\$75,000) (traffic control)
- Trull Contracting, LLC (SBE, WBE) (\$50,000) (asphalt repair)
- Gavel and Dorn Engineering, PLLC (SBE) (\$15,000) (soil compaction testing)
- Buffkin Trucking, Inc. (MBE, SBE) (\$5,000) (hauling)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment

Map

[Map - Water Transmission Main Improvements and Repairs](#)

37. Airport Fuel Line Repairs Design Amendment

Action:

- A. **Approve contract amendment for \$156,000 to the contract with Delta Airport Consultants, Inc. for Fixed Base Operator Fuel Line Repairs Design Contract, 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

- This contract provides design and bidding phase engineering services for the work required to replace the fuel lines serving the fuel dispensing cabinets at the Airport Fixed Base Operator (FBO), Wilson Air Center.
- This activity is occurring on Airport property located in Council District 3.
- This amendment provides additional design services required to connect the existing tenant fuel tanks to the FBO fuel farm, remove tenant fuel lines from the existing design, and include sustainable aviation fuel lines for future use.
- On March 20, 2020, the city issued a Request for Proposals (RFP); thirteen proposals were received.
- Delta Airport Consultants, Inc. was selected as the lowest responsive, responsible bidder.
- The total value of this contract including this amendment is \$562,000.

Charlotte Business INclusion

All additional work involved in this amendment will be performed by Delta Airport Consultants, Inc. and their existing subcontractor(s) (Part D: Section 6 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Aviation Capital Investment Plan

38. Airport Telecommunications Lease

Action:

- A. Approve a five-year lease with BellSouth Telecommunications, LLC to accommodate communications in the Terminal, and**
- B. Authorize the City Manager to renew the lease for up to two, five-year extensions.**

Staff Resource(s):

Haley Gentry, Aviation
Ted Kaplan, Aviation

Explanation

- BellSouth Telecommunications, LLC would like to lease space at the Airport for critical communications infrastructure.
- The terms of the initial lease agreement are as follows:
 - Approximately 1414 square feet of space in the main passenger terminal at Charlotte Douglas International Airport;
 - A five-year term;
 - Rent in the amount of \$21,337.26 per year for year one, escalating at a rate of three percent annually for each year thereafter.

Fiscal Note

Funding: Revenue from this lease will be deposited in the Airport Operating Fund.

39. MedCenter Air License

Action:

- A. Approve five-year license with Charlotte-Mecklenburg Hospital Authority d/b/a MedCenter Air, and**
- B. Authorize the City Manager to renew the license for up to five, one-year terms.**

Staff Resource(s):

Haley Gentry, Aviation
Ted Kaplan, Aviation

Explanation

- Charlotte-Mecklenburg Hospital Authority d/b/a MedCenter Air will occupy hangar and office space totaling 23,932 square feet located at Charlotte Douglas International Airport.
- The rent is \$349,699 annually. The initial five-year term total is \$1,748,498.
- Charlotte-Mecklenburg Hospital d/b/a MedCenter Air has utilized these facilities for over a decade in support of its operation.

Fiscal Note

Funding: Revenue from this license will be deposited into the Airport Operating fund.

40. Wilson Air Center North Parking Lot Improvements project

Action:

Approve a contract in the amount of \$2,160,981.00 to the lowest responsive bidder Zoladz Construction Co., Inc. for the Wilson Air Center North Parking Lot Improvements project.

Staff Resource(s):

Haley Gentry, Aviation

Jack Christine, Aviation

Explanation

- The Wilson Air Center North Parking Lot Improvement project consists of the renovation and expansion of the existing parking lot adjacent to the Wilson Air North Charter Terminal building.
- The project will add over 100 parking spaces to the current lot involving grading, drainage, curb, gutter, and asphalt paving along with fencing, vehicular access control, landscaping, and lighting.
- On September 12, 2022, the city issued an Invitation to Bid (ITB); two bids were received.
 - NC General Statute 143-132 prohibits municipalities from awarding construction contracts over \$500,000 without receiving at least three competitive bids from the initial advertisement of the contract. The city may subsequently award the contract even if re-advertisements result in fewer than three competitive bids.
- On October 4, 2022, the city re-issued an ITB; three bids were received.
- Zoladz Construction Co., Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by first quarter 2024.
- This activity is occurring on Airport property located in Council District 3.

Charlotte Business INclusion

Established MBE Goal: 3.00%

Committed MBE Goal: 18.64%

Zolatz Construction Co., Inc. exceeded the established subcontracting goal, and has committed 18.64% (\$402,735) of the base bid amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Besco Electrical (MBE) (\$349,000) (electric)
- Martin Landscaping (MBE) (\$53,735) (erosion/seeding)

Established SBE Goal: 6.00%

Committed SBE Goal: 26.64%

Zolatz Construction Co., Inc. exceeded the established subcontracting goal, and has committed 26.64% (\$ 575,750) of the base bid amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Trull Contracting (SBE) (\$422,500) (paving)
- Pentacle (SBE) (\$133,250) (fence)
- Diamond Trucking (SBE) (\$20,000) (hauling)

Fiscal Note

Funding: Aviation Capital Investment Plan

41. Bond Issuance Confirmation for 8th & Tryon

Action:

Adopt a resolution reconfirming the December 13, 2021 resolution granting INLIVIAN's request to issue multi-family housing revenue bonds, in an amount not to exceed \$17,000,000, to finance the development of 8th & Tryon.

Staff Resource(s):

Shawn Heath, Housing and Neighborhood Services

Explanation

- This action does not obligate the city financially or impact the Capital Investment Plan and is requested to satisfy Section 147(f) of the Internal Revenue Service Code of 1986.
- The developer's financing has been delayed due to current market conditions and the unique nature of the development. As a result, INLIVIAN's issuance of multi-family housing revenue bonds has also been delayed.
- This action is required to reconfirm City Council's December 13, 2021 adoption of a resolution authorizing INLIVIAN to issue multi-family housing revenue bonds for 106 affordable units at 8th & Tryon Apartments. The affordable units will be developed, owned, and operated by 8th & Tryon AUOE, LLC, a North Carolina limited liability company and subsidiary of Horizon Development Properties/INLIVIAN.
- The city-supported development will consist of 106 affordable housing units located on approximately 2.2 acres at 426 N. Tryon Street in Council District 1 and serving households earning up to 80 percent of the Area Median Income (AMI) with income averaging of 60 percent of AMI. Of the 106 new affordable units, 32 will serve households that earn 30 percent of AMI or less.
- The building will also contain 247 market rate apartment units that will be owned by a separate entity and are not being financed with the Bonds nor supported with the city's Housing Trust Fund (HTF) allocation.
- Pursuant to the federal tax code, if a developer does not close on multi-family housing revenue bonds within a year of the original resolution's adoption, the local governmental unit with jurisdiction over the area where the development is located must reconfirm its original resolution.
- The developer anticipates closing the financing for this development by the end of 2022 and beginning construction in first quarter 2023.
- The INLIVIAN bonds, not to exceed \$17,000,000, will be used to finance land acquisition and construction of the development.
- This action further supports City Council's September 27, 2021 approval of a \$3,200,000 HTF allocation to this development.

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 \$17,000,000 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 has an indirect interest.

Attachment(s)

City of Charlotte Confirmation Resolution

Map

[City Resolution Confirm 8th and Tryon Bonds](#)

[MAP 8th Tryon Apartments](#)

PROPERTY TRANSACTIONS

42. Aviation Property Transactions - 5508 Wilkinson Boulevard

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: N/A

Owner(s): Sheryl McNamara, Michael McNamara, Robert Johnson, and Kenneth Johnson

Property Address: 5508 Wilkinson Boulevard

Total Parcel Area: 22782 sq. ft. (0.523 acres)

Property to be acquired by Easements: N/A

Structures/Improvements to be impacted: Small structure (prior appliance repair shop)

Landscaping to be impacted: Brush and small trees

Zoned: I-2

Use: Industrial

Parcel Identification Number: 061-271-01

<https://polaris3g.mecklenburgcountync.gov/#mat=150983&pid=06127101&qisid=06127101>

Purchase Price: \$500,000, and all relocation benefits in compliance with Federal, State or Local regulations.

Council District: 3

43. Charlotte Water Property Transactions - N. Tryon Pressure Zone Boundary Change and 960 Zone N-S Transmission Main (Hidden Valley), Parcel #221

Action: Approve the following Condemnation: N. Tryon Pressure Zone Boundary Change and 960 Zone N-S Transmission Main (Hidden Valley), Parcel #221

Project: N. Tryon Pressure Zone Boundary Change and 960 Zone N-S Transmission Main (Hidden Valley), Parcel #221

Owner(s): Kinza, Inc.

Property Address: 1408 W. Sugar Creek Road

Total Parcel Area: 131,279 sq. ft. (3.01 ac.)

Property to be acquired by Easements: 8,000 sq. ft. (0.18 ac.) in Fee Simple, 2,199 sq. ft. (0.05 ac.) in Permanent Utility Easement

Structures/Improvements to be impacted: Parking

Landscaping to be impacted: None

Zoned: B-2

Use: Hotel/motel <7 Floors

Parcel Identification Number(s): 047-011-10
<https://polaris3g.mecklenburgcountync.gov/#mat=39984&pid=04701110&gisid=04701110>

Appraised Value: \$127,725.00

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

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

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

Council District: 4

44. Property Transactions - Elevated Storage Tanks, Parcel # 1

Action: Approve the following Condemnation: Elevated Storage Tanks, Parcel # 1

Project: Elevated Storage Tanks, Parcel # 1

Program: Elevated Storage Tanks

Owner(s): PEG Charlotte Property, LLC

Property Address: 321 W Woodlawn Road

Total Parcel Area: 158,467 sq. ft. (3.638 ac.)

Property to be acquired by Easements: 28,310 sq. ft. (0.650 ac.) Water Line Easement

Structures/Improvements to be impacted: Light poles and wall

Landscaping to be impacted: Trees and various plantings

Zoned: B-2

Use: Business

Parcel Identification Number: 169-033-01

<https://polaris3g.mecklenburgcountync.gov/#mat=103692&pid=16903301&qsid=16903301>

Appraised Value: \$195,525

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

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

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

Council District: 3

45. Property Transactions - Goose Creek SS Extension to Cresthill Drive, Parcel # 7

Action: Approve the following Acquisition: Goose Creek SS Extension to Cresthill Drive, Parcel # 7

Project: Goose Creek SS Extension to Cresthill Drive, Parcel # 7

Program: Goose Creek SS Extension to Cresthill Drive

Owner(s): Joel Carriker and Carolyn M. Carriker

Property Address: 12223 Lawyers Road, Mint Hill

Total Parcel Area: 613,406 sq. ft. (14.08 ac.)

Property to be acquired by Easements: 23,420 sq. ft. (0.54 ac.) Sewer Easement and 23,420 sq. ft. (0.54 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R

Use: Residential District

Parcel Identification Number: 197-021-42

<https://polaris3g.mecklenburgcountync.gov/#mat=26415&pid=19702142&gisid=19702142>

Purchase Price: \$29,565

Council District: Adjacent to Council District 5

46. Property Transactions - PS-Monroe at Ashmore Pedestrian Beacon, Parcel # 1

Action: Approve the following Acquisition: PS-Monroe at Ashmore Pedestrian Beacon, Parcel # 1

Project: PS-Monroe at Ashmore Pedestrian Beacon, Parcel # 1

Program: PS-Monroe at Ashmore Pedestrian Beacon

Owner(s): 5820 Green CLT, Inc.

Property Address: 5820 & 5822 Monroe Road

Total Parcel Area: 55,045 sq. ft. (1.264 ac.)

Property to be acquired by Easements: 95 sq. ft. (0.002 ac.) Permanent Shelter Easement and 37 sq. ft (0.001 ac.) Sidewalk Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: O-1

Use: Office District

Parcel Identification Number: 163-051-22

<https://polaris3g.mecklenburgcountync.gov/#mat=156022&pid=16305122&qisid=16305122>

Purchase Price: \$28,450

Council District: 5

47. Property Transactions - Shamrock Drive Improvements, Parcel # 82

Action: Approve the following Acquisition: Shamrock Drive Improvements, Parcel # 82

Project: Shamrock Drive Improvements, Parcel # 82

Program: Shamrock Drive Improvements

Owner(s): Freida A. Kiser

Property Address: 2515 Shamrock Drive

Total Parcel Area: 11,931 sq. ft. (0.274 ac.)

Property to be acquired by Fee Simple: 446 sq. ft. (0.010 ac.) Fee Simple

Property to be acquired by Easements: 960 sq. ft. (0.022 ac.) Sidewalk Utility Easement and 476 sq. ft. (0.011 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Various plantings

Zoned: R-4

Use: Single-family Residential

Parcel Identification Number: 093-071-10

<https://polaris3g.mecklenburgcountync.gov/#mat=85810&pid=09307110&gisid=09307110>

Purchase Price: \$15,000

Council District: 1

48. Property Transactions - XCLT Orr Road to Rocky River Road, Parcel #15

Action: Approve the following Acquisition: XCLT Orr Road to Rocky River Road, Parcel #15

Project: XCLT Orr Road to Rocky River Road, Parcel #15

Program: XCLT Orr Road to Rocky River Road

Owner(s): Charlotte Hills Mobile Home Park LLC

Property Address: 6028 McDaniel Lane

Total Parcel Area: 695,992 sq. ft. (15.98 ac.)

Property to be acquired by Easements: 39,229 sq. ft. (0.901 ac.) Permanent Greenway Easement and 39,906 sq. ft. (0.916 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-MH

Use: Residential - Mobile Home

Parcel Identification Number: 049-041-05

<https://polaris3g.mecklenburgcountync.gov/#mat=393284&pid=04904105&qisid=04904105>

Purchase Price: \$78,500

Council District: 4

REFERENCES

49. 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.

50. 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.

51. 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.

Adjournment