

# **City of Charlotte**

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



## **Meeting Agenda**

**Monday, May 9, 2022**

**Council Chamber**

### **City Council Business Meeting**

*Mayor Vi Lyles*

*Mayor Pro Tem Julie Eiselt*

*Council Member Dimple Ajmera*

*Council Member Tariq Scott Bokhari*

*Council Member Ed Driggs*

*Council Member Larken Egleston*

*Council Member Malcolm Graham*

*Council Member Reneé Johnson*

*Council Member Greg Phipps*

*Council Member Matt Newton*

*Council Member Victoria Watlington*

*Council Member Braxton Winston II*

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

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

### **1. Mayor and Council Consent Item Questions and Answers**

**Staff Resource(s):**

Marie Harris, Strategy and Budget

**Time:** 5 minutes

**Synopsis**

Mayor and Council may ask questions about Consent agenda items.

[2022-5-09 Council Agenda QA](#)

[Council Meeting QAs - May 9, 2022 \(follow-up\)](#)

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

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

*Call to Order*

*Introductions*

*Invocation*

*Pledge of Allegiance*

## **PUBLIC FORUM**

### **3. Public Forum**

## **CONSENT**

- 4. Consent agenda items 36 through 71 may be considered in one motion except for those items removed by a Council member. Items are removed by notifying the City Clerk.**

Consideration of Consent Items shall occur in the following order:

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

## **AWARDS AND RECOGNITIONS**

### **5. Mecklenburg Declaration of Independence Week**

**Action:**

Council member Bokhari will read a proclamation recognizing May 20-24, 2022, as Mecklenburg Declaration of Independence Week.

### **6. Mental Health Awareness Month Proclamation**

**Action:**

Council member Newton will read a proclamation recognizing May as Mental Health Awareness Month.

### **7. National Public Works Week Proclamation**

**Action:**

Mayor Lyles will read a proclamation recognizing May 15-21, 2022, as National Public Works Week.

## **PUBLIC HEARING**

## 8. Public Hearing on the Proposed Fiscal Year 2023 Operating Budget and Fiscal Years 2023-2027 Capital Investment Plan

### **Action:**

**Conduct a public hearing on the City Manager's Proposed Fiscal Year 2023 Operating Budget and Fiscal Years 2023 - 2027 Capital Investment Plan.**

### **Committee Chair:**

Ed Driggs, Budget and Governance Committee

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

Marcus Jones, City Manager's Office

Ryan Bergman, Strategy and Budget

Teresa Smith, Finance

### **Explanation**

- On May 2, 2022, the City Manager presented the Proposed Fiscal Year (FY) 2023 Operating Budget and FY 2023-2027 Capital Investment Plan. The proposed budget represents the City's proposed operating and capital budgets for the fiscal year which begins July 1, 2022.
- State law requires the City hold a public hearing following the presentation of the Manager's Proposed Budget and prior to the City Council adoption of the budget, currently scheduled for May 31, 2022.
- Charlotte's Proposed FY 2023 Budget was developed to lead the City of Charlotte toward addressing the most foundational and pressing needs of the city.

### **Proposed FY 2023 Operating and Capital Budgets' Summary**

- The City Manager's Proposed FY 2023 Operating Budget and FY 2023-2027 Capital Investment Plan were developed consistent with the City Council's strategic priorities. These priorities served as the foundational elements against which all FY 2023 budget decisions were measured.
- The proposed budget includes a property tax rate of 34.81¢ per \$100 of assessed valuation, which is the same as the past three adopted budgets.
- The proposed budget for the City consists of three major components supported by general tax revenues:
  - A General Fund budget of \$784.8 million for FY 2023, representing a 4.5 percent increase from FY 2022, to support initiatives that will continue to deliver exceptional government services to the community;
  - A \$161.3 million Municipal Debt Service Fund, increasing 3.1 percent from FY 2022; and
  - A \$1 billion five-year General Capital Investment Plan that invests in the Strategic Energy Action Plan, city-owned facilities, sidewalks and bikeways, and streets and intersections.

### **Proposed FY 2023 Budget Highlights**

- Includes no proposed tax increase and protects current employees-no layoffs or furloughs.
- Invests \$10 million for the Corridors of Opportunity.
- Operationalizes the SAFE Charlotte Plan:
  - Adds two new Alternatives to Violence sites with \$1 million in federal funds,
  - Launches Civilian Assistance: Respond, Engage Support (CARES), a team for mental health, substance abuse, and homelessness calls for service, and
  - Updates internal operations at the Charlotte-Mecklenburg Police Department by providing \$118,000 for a new Early Intervention System.
- Supports the City's Strategic Energy Action Plan by adding 55 fully electric vehicles to the City's fleet.
- Supports \$30 million from the American Rescue Plan Act Tranche 2 for affordable housing initiatives that support strategic partnerships, reduce displacement risk, and advance staying in place.



**Proposed FY 2023 Employee Compensation and Benefits**

- Annualizes costs for FY 2022 employee salary actions.
- Provides an eight percent salary increase for all General Hourly Employees (four percent increases in both July and January).
- Raises minimum hourly pay to \$20 for 40-hour per week City employees by January 2023.
- Provides a four percent merit pool for salaried employees.
- Provides a three percent market adjustment (1.5 percent increase in both July and January) plus a 2.5 to five percent step increase for all eligible public safety pay plan employees.
- Creates a 2.5 percent salary incentive for job classifications that require a Commercial Driver's License.
- No increase to employee healthcare premiums.
- Supports a shift differential incentive of 2.5 percent beginning in January 2023, for employees in job assignments with multiple shifts, who are permanently assigned to either second or third shifts.
- Provides a one-time retention incentive equivalent to two percent of salary for all hourly and Public Safety Pay Plan employees; and salaried positions in grade 19 or below (Supported by the American Rescue Plan Act Fund).
- Continues to offer the Charlotte Area Transit System (CATS) All-Access Transit Pass to employees.

**Proposed FY 2023 Nongeneral Departments' Revenue**

- Charlotte Water: The FY 2023 Water and Sewer Fee for the typical homeowner is proposed to increase by 3.54 percent. The typical homeowner would experience a \$2.49 per month increase.
- Storm Water Services: The FY 2023 Storm Water Fee for the typical homeowner is proposed to increase by 3.8 percent. The typical homeowner would experience a \$0.34 per month increase.
- Aviation: Select non-regulatory fees were adjusted to increase or decrease based on Aviation's cost-recovery model.
- CATS: In FY 2023, CATS' fares will remain the same as in FY 2022. FY 2023 user fees include the creation of a new fee for License Agreements.

**Proposed FY 2023 Financial Partners and Outside Agency Funding**

- No new General Fund supported financial partners are being proposed for FY 2023.
- General Fund supported financial partners which were funded in FY 2022 are being recommended for the same funding levels in FY 2023, with the exception of UNC Charlotte Urban Institute/ Institute for Social Capital, who previously requested one-time support, and the Charlotte Regional business Alliance which will receive a slight increase due to funding based on local population served.
- The FY 2023 recommended budgets for Charlotte Center City Partners, University City Partners, and SouthPark Community Partners Municipal Service Districts #1-6 support economic, cultural, and social development within designated districts. Their allocations are based on the valuation of properties in their respective districts.
- DreamKey Partners, formally Charlotte Mecklenburg Housing Partnership, which receives both PAYGO and federal grant funds, is proposed to receive level funding of \$1,690,000 for affordable housing and a \$2 million increase for the House Charlotte program. This increase for the House Charlotte program will be reserved for home ownership assistance for City of Charlotte employees.
- Agencies that receive only Pay-As-You-Go (PAYGO) funding are proposed to maintain their FY 2022 funding levels, except for Local Initiatives Support Corp (LISC) which will receive funding equal to FY 2021 actual funding levels.

**Proposed FY 2023-2027 Capital Investment Plan (CIP)**

- The five-year total Proposed FY 2023-2027 CIP is \$6.2 billion (this includes the total General CIP, as well as the five-year capital plan totals for nongeneral departments: Aviation, CATS, Charlotte Water, and Storm Water).
- The General CIP totals \$1.0 billion (this includes general obligation bonds, other sources, reappropriation of prior authorization, and PAYGO funds).
- The nongeneral departments' five-year capital plans total \$5.2 billion and are summarized below:

- Aviation totals \$1.9 billion, a 67.3 percent increase,
- CATS totals \$144.1 million, a 1.2 percent decrease,
- Charlotte Water totals \$2.6 billion, a 11.3 percent increase, and
- Storm Water totals \$538.0 million, a 0.6 percent increase.
- The Proposed FY 2023-2027 General CIP includes:
  - Allocates \$48.8 million to construct three fire stations, one of which will be the City's first all-electric fire station,
  - Supports for the Strategic Energy Action Plan with \$4.0 million for the installation of sustainable infrastructure in City-owned facilities, including \$1.45 million for electric vehicle supply equipment locations,
  - Provides \$157.3 million towards new capital roads and intersection infrastructure projects over the next four bonds. FY 2023 includes:
    - \$12.7 million to improve Eastway Drive/Shamrock Drive Intersection, and
    - \$7.3 million to improve Rea Road.
  - Proposes the 2022 Bond, highlights include:
    - Provides third consecutive \$50 million allocation to create and preserve affordable housing,
    - More than triples the 2020 Bond funding for the Sidewalk Program, from \$15 million to \$50 million,
    - Doubles the 2020 Bond totals for the Bike Program, from \$4 million to \$8 million,
    - Provides \$17.1 million of funding for Vision Zero strategy:
      - \$12.6 million to enhance Transportation Safety, more than six times the previous bond funding of \$2 million in the 2018 and 2020 bonds,
      - \$4.5 million for street lighting to implement new street lighting projects along high-injury network streets or to enhance existing street lighting by converting existing lights to LED,
    - Invests \$10 million for the Corridors of Opportunity, and
    - Provides \$10 million for congestion mitigation improvements in the South Charlotte, Steele Creek, and University City areas.

### Budget Process

- The following is the Council-adopted remaining budget meeting schedule:
  - May 11 - Budget adjustments,
  - May 25 - Budget straw votes, and
  - May 31 - Budget adoption.
- State law requires local governments to adopt a budget by July 1 of each year.
- A complete copy of the proposed budget is available online at:  
<https://charlottenc.gov/budget/Pages/default.aspx>

### Attachment(s)

Proposed FY 2023 Budget Book - City Manager's Letter

Proposed FY 2023 Budget Book - Executive Summary

[Proposed FY 2023 Budget](#)

[Proposed FY 2023 Budget Presentation](#)

## 9. Public Hearing and Decision on the Enclave at Fairhill Pond Area Voluntary Annexation

### **Action:**

- A. Conduct a public hearing for the Enclave at Fairhill Pond Area voluntary annexation, and**
- B. Adopt an annexation ordinance with an effective date of May 9, 2022, to extend the corporate limits to include this property and assign it to the adjacent City Council district 4.**

### **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 13.003-acre property located along north side of Hucks Road and the west side of Browne Road in Mecklenburg County.
- The property is owned by Fairhill Pond CLT, LLC.
- The site has some single-family residential uses and is zoned R-4, which allows for single-family residential uses up to four dwelling units per acre.
- The petitioned area consists of three parcels; parcel identification numbers: 027-641-05, 027-641-04, and 027-641-28.
- 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 44 single-family homes on the site.

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

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

### **Attachment(s)**

Map (GIS)  
Map (Survey)  
Annexation Ordinance

[Enclave at Fairhill Pond Area Annexation Map](#)

[Enclave At Fairhill Pond Area Annexation Survey](#)

[Ordinance - Enclave at Fairhill Pond Area Annexation](#)

## 10. Public Hearing and Decision on the Windsford Area Voluntary Annexation

### **Action:**

- A. Conduct a public hearing for the Windsford Area voluntary annexation, and**
- B. Adopt an annexation ordinance with an effective date of May 9, 2022, to extend the corporate limits to include this property and assign it to the adjacent City Council district 2.**

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

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

### **Explanation**

- Public hearings to obtain community input are required prior to City Council taking action on annexation requests.
- A petition has been received from the owners of this 28.0637-acre property located along the south side of Miranda Road and west of Beatties Ford Road in Mecklenburg County.
- The property is owned by JDSI, LLC.
- The site is currently vacant with some single-family residential uses and is zoned R-3, which allows for single-family residential uses up to three dwelling units per acre.
- The petitioned area consists of seven parcels; parcel identification numbers: 037-081-05, 037-081-30, 037-081-29, 037-081-19, 037-081-16, 037-081-25, and 037-081-21.
- 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 121 single-family homes on the site as part of a larger development that extends across another parcel already within city limits.

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

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

### **Attachment(s)**

Map (GIS)  
Map (Survey)  
Annexation Ordinance

[Windsford Area Annexation Map](#)

[Windsford Area Annexation Survey](#)

[Ordinance - Windsford Area Annexation](#)

## 11. Public Hearing on a Resolution to Close a Portion of Alleyways off Chamberlain Avenue

### Action:

- A. Conduct a public hearing to close a portion of alleyways off Chamberlain Avenue, and
- B. Adopt a resolution and close a portion of alleyways off Chamberlain Avenue.

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

Liz Babson, Transportation

Anthony Mendez, Transportation

### **Explanation**

- NC General Statute Section 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation (CDOT) received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way and attaches it to the adjacent property.
- The attached resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.
- The alleyways to be closed is located in Council District 2.

### **Petitioner**

Savona Resi Project, LLC

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

Alleyways off Chamberlain Avenue

### **Reason**

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

### **Notification**

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

### Adjoining property owner(s)

Savona II, LLC - No objections

Savona Resi Project, LLC - No objections

### City Departments

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

### **Attachment(s)**

Map

Resolution

[2021-31A Alleyway off Chamberlin Ave Abandonment Map](#)

[2021-31A Resolution to Close 05.09.2022](#)

## 12. Public Hearing on a Resolution to Close a Portion of the Alleyway Between Fountain View and Garden Terrace and a Portion of the Alleyway off Scott Avenue

### Action:

- A. Conduct a public hearing to close a portion of the alleyway between Fountain View and Garden Terrace and a portion of the alleyway off Scott Avenue, and
- B. Adopt a resolution and close a portion of the alleyway between Fountain View and Garden Terrace and a portion of the alleyway off Scott Avenue.

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

Liz Babson, Transportation  
Anthony Mendez, Transportation

### **Explanation**

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

### **Petitioner**

The Charlotte-Mecklenburg Hospital Authority

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

A portion of the alleyway between Fountain View and Garden Terrace and a portion of the alleyway off Scott Avenue

### **Reason**

Per the petition submitted by The Charlotte-Mecklenburg Hospital Authority, the abandonment will allow for the development of the adjacent property. The City has no objections.

### **Notification**

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

### Adjoining property owner(s)

The Charlotte-Mecklenburg Hospital Authority - No objections

### City Departments

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

### **Attachment(s)**

Map  
Resolution

[2021-26A Abandonment Map](#)

[2021-26A Resolution to Close 05.09.2022](#)

### 13. Public Hearing on a Resolution to Close A Portion of Fountain View and Garden Terrace Right-of-Ways

**Action:**

- A. Conduct a public hearing to close a portion of Fountain View and Garden Terrace right-of-ways, and
- B. Adopt a resolution and close a portion of Fountain View and Garden Terrace right-of-ways.

**Staff Resource(s):**

Liz Babson, Transportation  
Anthony Mendez, Transportation

**Explanation**

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

**Petitioner**

The Charlotte-Mecklenburg Hospital Authority

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

A portion of Fountain View and Garden Terrace right-of-ways

**Reason**

Per the petition submitted by The Charlotte-Mecklenburg Hospital Authority, the abandonment will allow for the development of the adjacent property. The City has no objections.

**Notification**

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

Adjoining property owner(s)

The Charlotte-Mecklenburg Hospital Authority - No objections

City Departments

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

**Attachment(s)**

Map  
Resolution

[2021-25A Portion of Fountain View and Garden Terrace Abandonment Map](#)

[2021-25A Resolution to Close 05.09.2022](#)



## 14. Public Hearing on a Resolution to Close Memorial Place and an Alleyway off Memorial Place

### Action:

- A. Conduct a public hearing to close Memorial Place and an alleyway off Memorial Place, and
- B. Adopt a resolution and close Memorial Place and an alleyway off Memorial Place.

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

Liz Babson, Transportation

Anthony Mendez, Transportation

### **Explanation**

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

### **Petitioner**

The Charlotte-Mecklenburg Hospital Authority

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

Memorial Place and an alleyway off Memorial Place

### **Reason**

Per the petition submitted by The Charlotte-Mecklenburg Hospital Authority, the abandonment will allow for the development of the adjacent property. The City has no objections.

### **Notification**

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

### Adjoining property owner(s)

The Charlotte-Mecklenburg Hospital Authority - No objections

Mecklenburg County - No objections

### City Departments

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

### **Attachment(s)**

Map

Resolution

[2021-03A Memorial Pl & 10' Alleyway Abandonment Map Revised](#)

[2021-03A Resolution to Close 05.09.2022](#)

## 15. Public Hearing on a Resolution to Close Mineral Springs Road at North US 29 By-Pass

### Action:

- A. Conduct a public hearing to close Mineral Springs Road at North US 29 By-Pass, and
- B. Adopt a resolution and close Mineral Springs Road at North US 29 By-Pass.

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

Liz Babson, Transportation

Anthony Mendez, Transportation

### **Explanation**

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

### **Petitioner**

University City Community Owner, LLC

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

Mineral Springs Road at North US By-Pass and North Tryon Street

### **Reason**

Per the petition submitted by University City Community Owner, LLC, the abandonment will allow for the development of the adjacent property. The City has no objections.

### **Notification**

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

### Adjoining property owner(s)

University City Community Owner, LLC - No objections

### City Departments

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

### **Attachment(s)**

Map

Resolution

[2019-23 Mineral Springs at US 29 Bypass Abandonment Map](#)

[2019-23 Resolution to Close 05.09.2022](#)

## 16. Public Hearing on a Resolution to Close Unopened Maplewood Road off West Mallard Creek Church Road

### Action:

- A. Conduct a public hearing to close unopened Maplewood Road off West Mallard Creek Church Road, and
- B. Adopt a resolution and close unopened Maplewood Road off West Mallard Creek Church Road.

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

Liz Babson, Transportation

Anthony Mendez, Transportation

### **Explanation**

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

### **Petitioner**

CC Escent Research Park, LLC

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

Unopened Maplewood Road off West Mallard Creek Church Road

### **Reason**

Per the petition submitted by CC Escent Research Park, LLC, the abandonment will allow for the development of the adjacent property. The City has no objections.

### **Notification**

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

### Adjoining property owner(s)

Crescent Communities, LLC- No objections

Dallas & Elizabeth King - No objections

### City Departments

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

### **Attachment(s)**

Map

Resolution

[2021-34A Unopened Maplewood Road Abandonment Map](#)

[2021-34A Resolution to Close 05.09.2022](#)

## 17. Public Hearing on a Resolution to Close Unopened Right-of-Way off Liggett Street, a Portion of Unopened Heywood Avenue Right-of-Way, and a Portion of the Alleyway off Alleghany Street

### Action:

- A. Conduct a public hearing to close unopened right-of-way off Liggett Street, a portion of unopened Heywood Avenue right-of-way, and a portion of the alleyway off Alleghany Street, and
- B. Adopt a resolution and close unopened right-of-way off Liggett Street, a portion of unopened Heywood Avenue right-of-way, and a portion of the alleyway off Alleghany Street.

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

Liz Babson, Transportation  
Anthony Mendez, Transportation

### **Explanation**

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

### **Petitioner**

Robert Drakeford

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

Unopened right-of-way off Liggett Street, unopened Heywood Avenue right-of-way, and a portion of the alleyway off Alleghany Street

### **Reason**

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

### **Notification**

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

### Adjoining property owner(s)

Olivia Investments, LLC - No objections  
Alvacor Investments, LLC - No objections  
Charlotte Mecklenburg School Board of Education - No objections

### City Departments

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

**Attachment(s)**

Map

Resolution

[2021-19A Unopened ROW at Liggett & Heywood Abandonment Map Revised2](#)

[2021-19A Resolution to Close 05.09.2022](#)

## **POLICY**

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

[05.09.2022 City Manager's Memo](#)

## **BUSINESS**



## 19. 7th and North Tryon Infrastructure Reimbursement Agreement

### Action:

- A. **Authorize the City Manager to negotiate and execute an infrastructure reimbursement agreement with BP-Metropolitan NC, LCC in an amount not to exceed \$24,448,588 for public infrastructure and public parking which are expected to be reimbursed through 45 percent of incremental City and County property taxes from a designated area over 15 years, or until fully reimbursed, whichever occurs first, and**
- B. **Authorize the City Manager to negotiate and execute an infrastructure reimbursement agreement with BP-Metropolitan NC, LLC in an amount not to exceed \$3,000,000 for public infrastructure improvements, which is expected to be reimbursed in a future bond referendum, and**
- C. **Adopt a resolution approving an Interlocal Agreement with Mecklenburg County for the 7th and North Tryon Infrastructure Reimbursement Agreement.**

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

Tracy Dodson, City Manager's Office

### **Explanation**

- BP-Metropolitan NC, LCC plans to develop a \$600 million mixed-use development on a 3.1-acre site bounded by North Tryon, Seventh, College, and Sixth Streets in Council District 1.
- The 7th and North Tryon redevelopment project is identified as a catalytic site in the City Council-adopted North Tryon Vision Plan.
- In addition to supporting the North Tryon Vision Plan, these improvements implement the City's goals of increasing economic development, increasing the local tax base, creating jobs, improving road networks and pedestrian connectivity, traffic mitigation, creating open space and placemaking opportunities, and public parking.
- The 7th and North Tryon project will serve as a connector for cultural amenities (i.e., Discovery Place, Spirit Square, McGlohan Theater, and Carolina Theater) throughout the corridor and to transit.
- The project is expected to provide approximately:
  - 400,000 square feet in office space,
  - 30,000 square feet in retail space,
  - 345 multi-housing units,
  - 220 hotel rooms, and
  - 23,100 square feet for a public plaza.
- This site supports the development of the new Charlotte-Mecklenburg Library - Main Library, McGlohan and Duke Energy theaters, and 250 public parking spaces to support all uses.
- This project will bring an additional \$4.7 million in annual City and County tax revenue and is expected to achieve the following job creation:
  - 4,000 full time employees, of which 40 percent are new to market,
  - 250 retail and food service employees,
  - 10 parking operation employees,
  - 125 full time hotel employees,
  - 1,200-1,500 temporary construction jobs, and
  - 250 facility-based permanent jobs.
- This project commits \$18 million in funding toward affordable housing projects in the community. This includes \$3 million from the developer from proceeds of land sales.
  - \$6 million for an Inlivan development (Tryon property).
    - 32 units at 30 percent average median income (AMI),
    - 37 units at 60 percent AMI, and

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

#### Action A

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

#### Action B

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

#### Action C:

- The reimbursement arrangement requires the City and County to execute an interlocal agreement, which obligates the County to pay 45 percent of the incremental County property taxes from the designated area to the City during the term of the agreement.
- The City will remit such payment annually to BP-Metropolitan NC, LCC.

#### **Charlotte Business INclusion**

Prior to the City Manager executing the infrastructure reimbursement agreement, Charlotte Business INclusion will work with the Developer to negotiate and incorporate an approved MWSBE participation plan with subcontracting goals on all work tied to all phases of the agreements. (Part G, Section 2.6 of the Charlotte Business INclusion Policy).

**Fiscal Note**

Funding: General Capital Investment Plan and Tax Increment Grant

**Attachment(s)**

Resolution

4.11 Action Review Presentation

[Resolution](#)

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

## 20. Acquisition of Property on West Boulevard at Remount Road

### Action:

- A. **Approve the purchase of two parcels located at 1527 and 1533 West Boulevard (parcel identification numbers 119-033-40 and 119-033-41) in the amount of \$1,200,000 from West Blvd Shop, Inc., and**
- B. **Authorize the City Manager to negotiate and execute all documents necessary to complete the purchase of the property.**

### Staff Resource(s):

Tracy Dodson, Economic Development

Todd DeLong, Economic Development

### Explanation

- This action requests authority to purchase two parcels (the "Property") at 1527 and 1533 West Boulevard located in Council District 3.
- The Property, totaling 0.70 acres, are improved with a single-story retail building that consists of eight total retail spaces.
- The Property is zoned B-1, which allows for retailing of merchandise, such as groceries, and household items and professional services to create and sustain the neighborhood area.
- The Property was appraised on March 11, 2022, at \$1,200,000.
- The City worked with the U.S. Attorney's Office to coordinate the purchase of the Property in lieu of the property going through a foreclosure sale so that the Property can be repurposed in conformity with the West Boulevard Corridor Playbook.
  - The Property is subject to a federal foreclosure action due to significant volume of drug trafficking activity and violence at the site.
  - As a condition of the dismissal of the United States' interest in the Property, the City will be required to manage the Property in accordance with terms and conditions established to eliminate the re-occurrence of criminal activity at the site.
  - The terms include the responsibility of the City to terminate existing leases as soon as practicable, but, in no event, shall any lease extend beyond its respective term and to complete needed renovations based on a Facility Conditions Report dated March 17, 2022.
- West Boulevard has been an area of focus and revitalization for the City of Charlotte.
- Purchase of this Property allows for the opportunity to expand the tax base by attracting private sector investments and revitalizing corridors into mixed use areas promoting safety, viability, and sustainability of neighborhoods.
- The Economic Development Department has been working with the West Boulevard Neighborhood Coalition on corridor revitalization, as well as developing a plan for tenancy of the retail space.
- The offer includes the following terms:
  - Purchase Price of \$1,200,000 based on the March 11, 2022, appraised value of \$1,200,000,
  - Earnest money deposit of \$10,000, and
  - Closing shall occur on or before May 16, 2022.
- As part of the mandatory referral process, the proposed acquisition has been referred to the Planning Commission for its review prior to the completion of the acquisition of the Property.
- This transaction is consistent with the City-Owned Real Estate and Facilities Policy, adopted by City Council in June 2017 and the West Boulevard Corridor Playbook.

### Fiscal Note

Funding: Corridors of Opportunity

### Attachment(s)

Map

[Map](#)

## 21. Adopt a Resolution Supporting a North Carolina Department of Transportation Safety Project

**Action:**

**Adopt a resolution supporting a safety project on South Boulevard at Sharon Lakes Road to improve traffic safety in support of the Vision Zero Action Plan.**

**Staff Resource(s):**

Liz Babson, Transportation

Angela Berry, Transportation

**Explanation**

- The North Carolina Department of Transportation (NCDOT) has conducted an evaluation of crash history at the intersection of South Boulevard (SR 3998) and Sharon Lakes Road.
- The evaluation revealed a history of angle crashes for vehicles exiting a driveway immediately south of Sharon Lakes Road.
- NCDOT has proposed the installation of a concrete median on South Boulevard south of Sharon Lakes Road to restrict left turns to and from the driveway entrance.
- NCDOT will fully fund the cost of these improvements.
- The project requires a resolution of support for the use of NCDOT Highway Safety Improvement Project funding.
- The project supports the Vision Zero Action Plan by advancing a safe transportation system for all users.
- NCDOT anticipates beginning design in fiscal year 2022.
- This intersection is adjacent to Council Districts 3 and 6.

**Fiscal Note**

Funding: North Carolina Department of Transportation

**Attachment(s)**

Map

Resolution

[South Blvd and Sharon Lakes Map](#)

[South Blvd and Sharon Lakes Resolution](#)

## 22. Appropriate Private Developer Funds

### Action:

- A. Authorize the City Manager to execute a developer agreement with TGACSE Central Square, LLC for traffic signal installations and improvements, and**
- B. Adopt a budget ordinance appropriating \$771,817 in private developer funds for traffic signal installations and improvements to the General Capital Projects Fund.**

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

Liz Babson, Transportation  
David Smith, Transportation

### **Explanation**

- Private developer agreements and appropriations are needed when a developer is required through the City rezoning process to make traffic signal improvements.
- Funding contributions from private developers must be appropriated prior to the City's initiation of work.
- The \$771,817 in private developer funding is for traffic signals, traffic signal modifications and/or upgrades, and other related work associated with the developers' project. The funding is restricted to the TGACSE Central Square, LLC project at the following intersections in Council District 1:
  - Central Avenue and Clement Avenue,
  - Commonwealth Avenue and Pecan Avenue,
  - Central Avenue and Pecan Avenue, and
  - Central Avenue and Hawthorne Lane.
- These developer contributions are based on cost estimates prepared by the Charlotte Department of Transportation (CDOT).
- Any funding contributed by the developer for a signal project that is unused by the City will be refunded back to the developer after project completion.
- CDOT will install and operate these signals as part of the existing signal systems in the area.

### **Fiscal Note**

Funding: Private Developer Contributions

### **Attachment(s)**

Map  
Budget Ordinance

[TGACSE Central Square, LLC Map](#)

[TGACSE Central Square, LLC Budget Ordinance](#)

## 23. Lease of City-Owned Property in the JW Clay Parking Deck to IvyRehab

### **Action:**

- A. Adopt a resolution authorizing the City Manager to execute a retail lease agreement with IVYREHAB University NC, LLC, operating as IvyRehab, for the lease of approximately 2,604 square feet in the JW Clay Parking Deck for a 10-year term with extension options, and**
- B. Authorize the City Manager to negotiate and execute all documents necessary to complete the transaction with IVYREHAB University NC, LLC, operating as IvyRehab, at the JW Clay Parking Deck.**

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

John Lewis, Jr., CATS

Allen C. Smith III, CATS

### **Explanation**

- The JW Clay Parking Deck on the LYNX Blue Line Extension (BLE) in Council District 4 incorporates 15,470 square feet of leasable space for office and retail, per the Transit Oriented Development ordinance.
- The leasable spaces provide opportunities for retail and business firms to offer goods and services to customers using the BLE and to walk-up customers from surrounding areas.
- IvyRehab proposes to open a facility for providing physical, speech, and occupational therapy and other ancillary uses.
- The lease terms are:
  - Approximately 2,604 square feet of retail space in the JW Clay Parking Deck (Suite 224);
  - 10-year term with two options to extend the lease term for an additional 60 months each;
  - A base rent of \$5,425 per month (\$65,100 per year) for year one, escalating at a rate of three percent annually for each year thereafter. This rate is consistent with market rates; and
  - The tenant would pay a share of common area maintenance costs.
- The tenant is responsible for improvement costs related to up-fit of the parking deck office and retail space.

### **Fiscal Note**

Funding: Revenue from the lease will be deposited in the CATS Operating Budget.

### **Attachment(s)**

Resolution

[Resolution - JW Clay Parking Deck to IvyRehab](#)

## 24. Nominations to the Alternative Compliance Review Committee

**Action:**

**Nominate residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a three-year term for a Community Representative beginning July 1, 2022, and ending June 30, 2025.
  - Mary Kelly is eligible and interested in reappointment.
- Two appointments for three-year terms for a Real Estate Development Industry Representative beginning July 1, 2022, and ending June 30, 2025.
  - Tobe Holmes is eligible and interested in reappointment.
  - Michael-Paul James is eligible and interested reappointment.

**Attachment(s)**

Alternative Compliance Review Committee Applications

## 25. Nominations to the Arts and Science Council Advisory Committee

**Action:**

**Nominate residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a District Seven South and East Advisory Council Representative for a partial term beginning upon appointment and ending June 30, 2022, and a two-year term beginning July 1, 2022, and ending June 30, 2024. (Nomination by Council member Edmund Driggs)
  - George Kaperonis has resigned.

**Attachment(s)**

Arts and Science Council Advisory Committee Applications



## 26. Nominations to the Business Advisory Committee

**Action:**

**Nominate residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

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

**Attachment(s)**

Business Advisory Committee Applications

## 27. Nominations to the Charlotte Business INClusion Advisory Committee

**Action:**

**Nominate residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a two-year term recommended by the Hispanic Contractors Association of the Carolinas beginning March 1, 2022, and ending February 28, 2024.
  - Sandra Velez did not meet attendance requirements and is ineligible for reappointment.
- One appointment for a two-year term recommended by the Metrolina Native American Association beginning March 1, 2022, and ending February 28, 2024.
  - Jessie Jacobs has resigned.

**Attachment(s)**

Charlotte Business INClusion Advisory Committee Applications

## 28. 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 three-year term beginning July 1, 2022, and ending June 30, 2025.
  - Niketa Mittal is eligible and interested in reappointment.
- One appointment for a three-year term recommended by the Charlotte Regional Visitors Authority beginning July 1, 2022, and ending June 30, 2025.
  - Erin Rose is eligible and interested in reappointment.
- Two appointments for three-year terms recommended by the Charlotte Regional Business Alliance beginning July 1, 2022, and ending June 30, 2025.
  - Hans Hilgenstock is eligible and interested in reappointment.
  - Akofa Dossou is eligible and interested in reappointment.
- One appointment for a three-year term for an Education / Non-profit category representative beginning July 1, 2022, and ending June 30, 2025.
  - Maggie Commins is eligible and interested in reappointment.
- One appointment for a three-year term for an International Business category representative beginning July 1, 2022, and ending June 30, 2025.
  - Vanessa Mathews is eligible and interested in reappointment.

**Attachment(s)**

Charlotte International Cabinet Applications

## 29. Nominations to the Charlotte Mecklenburg Public Access Corporation

**Action:**

**Nominate residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- Three appointments for three-year terms beginning July 1, 2022, and ending June 30, 2025.
  - Nicole Arnold is eligible and interested in reappointment.
  - Jamal Harvey is eligible and interested in reappointment.
  - Theresa Halsey has served two terms and is ineligible for reappointment.

**Attachment(s)**

Charlotte Mecklenburg Public Access Corporation Applications

### 30. Nominations to the Civil Service Board

**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 May 16, 2022, and ending May 15, 2025.
  - Kyle Clements is eligible but not interested in reappointment.

**Attachment(s)**

Civil Service Board Applications

### 31. Nominations to the Domestic Violence 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 21, 2022, and a three-year term beginning September 22, 2022, and ending September 21, 2025.
  - Bishop Cornelius Anderson, Jr. has resigned.

**Attachment(s)**

Domestic Violence Advisory Board Applications

### 32. Nominations to the Neighborhood Matching Grants Fund

**Action:**

**Nominate residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a two-year term for a Non-profit Sector category representative beginning April 16, 2022, and ending April 15, 2024.
  - Randella Foster is eligible but not interested in reappointment.

**Attachment(s)**

Neighborhood Matching Grants Fund Applications

### 33. Nominations to the Passenger Vehicle for Hire Board

**Action:**

**Nominate residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a Hospitality / Tourism Industry category representative for a partial term beginning upon appointment and ending June 30, 2024.
  - Sheila Etheridge-Boddie has served two terms and is ineligible for reappointment.
- One appointment for a Company Operating Certificate Licensee category representative for a three-year term beginning July 1, 2022, and ending June 30, 2025.
  - Alvin Stennett is eligible and interested in reappointment.

**Attachment(s)**

Passenger Vehicle for Hire Board Applications

### 34. Nominations to the Privatization / Competition Advisory Committee

**Action:**

**Nominate residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a two-year term beginning March 2, 2022, and ending March 1, 2024.
  - James Marascio has served two terms and is ineligible for reappointment. However, the board would like the member to serve for a third term. See memo for details.

**Attachment(s)**

Privatization / Competition Advisory Committee Applications

### 35. 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

## 36. Provision of Internship Program for Youth

### Action:

- A. Authorize the City Manager to negotiate and execute a contract with Road to Hire in the amount of \$933,058 for provision of the Pathways program for students' internships and summer bridge experiences, and**
- B. Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.**

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

Tracy Dodson, City Manager's Office

### **Explanation**

- This initiative is in support of the City's on-going efforts to provide career pathways for Charlotte youth.
- Road to Hire (R2H) is a 501(c)3 non-profit organization that connects low-income young adults with onramps to sustainable careers through high school programming, paid training, college access, and life skills support.
- R2H presented an update on the partnership to the Economic Development Committee on April 4, 2022.
- The City of Charlotte previously partnered with R2H on similar initiatives.
  - In September 2020, the City solicited a "Workforce Partner Support Grants" process. The intention was to use CARES Act funding to support initiatives by non-profits related to career resources and job placement assistance. One organization that applied and received assistance was R2H. R2H received \$250,000 to support "Road to Hire Fellowships" which are apprenticeships that serve 18 to 25-year-olds in Charlotte.
  - In 2021, the City partnered with R2H for the provision of the Pathways program for students' internships and summer bridge experiences.
- R2H's Pathways program is designed to promote economic justice for students from Charlotte's highest-poverty high schools by investing in them from that critical last year before high school graduation, to and through college or apprenticeships, and into their first two years in high-growth careers.
- City funding will be used to provide 405 students paid internships over the summer of 2022 and 225 students the College Bridge program over the summer of 2023:
  - Paid summer learning internships before senior year of high school: Students are paid so they can afford to spend time being exposed to high-growth career opportunities like software development, engineering, nursing, and others. Summer programming includes hands-on support for students and families as they explore college, navigate admissions, and apply for financial aid. All R2H students will complete a FAFSA with the support of R2H instructors.
  - Paid Summer Bridge program: A paid, four-week Summer Bridge program prepares rising college freshman and incoming apprentices for college life and independent living.
- A 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 collaborative partnership with Mecklenburg County on using this program to support upward mobility.
- The Board of Mecklenburg County Commissioners will consider funding in the amount of \$884,000 in their fiscal year 2023 budget.

### **Charlotte Business INclusion**

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

### **Fiscal Note**

Funding: General Capital Investment Plan

## 37. Electronic Monitoring Services

### **Action:**

- A. Approve a unit price contract with Omnilink Systems, Inc. for electronic monitoring services for an initial term of three years, and**
  
- B. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

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

Johnny Jennings, Police

Martha Dozier, Police

### **Explanation**

- The Charlotte Mecklenburg Police Department (CMPD) implemented the electronic monitoring program in 2007 and currently uses the program to monitor and tracks over 450 offenders at any given time.
- The electronic monitoring program provides pre-trial and post-conviction supervision of court-ordered adult and juvenile offenders for property and person crimes, supervision of high-risk domestic violence offenders, and victim tracking.
- On February 17, 2022, the City issued a Request for Proposals (RFP) on behalf of the Charlotte Cooperative Purchasing Alliance (CCPA); two responses were received.
- Omnilink Systems, Inc. best meets the City's needs in terms of qualifications and experience, technical approach, cost, and responsiveness to RFP requirements.
- Electronic monitoring services are commonly used by entities of all sizes. Offering competitively-priced electronic monitoring services through the CCPA benefits entities locally, regionally, and nationwide.
- Annual expenditures are estimated to be \$450,000.

### **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 not 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**

Police Operating Budget

## 38. Pavement Condition Rating Analysis Services

### Action:

- A. **Approve the purchase of pavement condition rating analysis services from a cooperative contract,**
- B. **Approve a contract with H2O Partners, Inc. for the purchase of condition rating analysis services for a term of one year under Houston-Galveston Area Council (HGAC) Contract HP08-21, 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):**

Liz Babson, Transportation  
Charlie Jones, Transportation

### **Explanation**

- The City currently maintains approximately 5,500 lane miles of streets. Pavement condition surveys are critical for the planning and scheduling of roadway maintenance and resurfacing and are performed every two to three years.
- Pavement condition rating information supports programming of available resurfacing funds to maximize the City's overall pavement condition. The rating process includes:
  - Collection of roadway asset information; and
  - Assessment of each City-maintained pavement segment.
- 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 can 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 \$550,000.

### **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: Powell Bill funds



## 39. Facility Fire Alarm Systems, Equipment, and Services

### Action:

- A. **Approve the purchase of facility fire alarm systems, equipment, and related services from a cooperative contract,**
- B. **Approve a unit price contract with Johnson Controls Fire Protection LP for the purchase of fire detection, sprinkler, and suppression systems, and other building automation equipment and services, for a term of three years under Sourcewell contract #030421-JHN, 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):**

Phil Reiger, General Services  
Kay Elmore, General Services  
David Wolfe, General Services

### **Explanation**

- City departments will use this contract to purchase critical fire alarm systems, equipment, and related services to ensure the safety of City employees across all facilities.
- 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 \$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: Various Departments' Operating Budgets

## 40. Charlotte-Mecklenburg Government Center HVAC Replacement Construction Manager at Risk Contract

### **Action:**

**Authorize the City Manager to negotiate and approve a contract with J.E. Dunn Construction Company for a construction manager at risk in an amount not to exceed \$960,000 for the construction phase of the Charlotte-Mecklenburg Government Center HVAC Replacement Project.**

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

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

### **Explanation**

- The Charlotte-Mecklenburg Government Center was completed in 1986. The majority of the heating, ventilation, and air conditioning (HVAC) equipment is original to the building. The HVAC equipment is beyond its useful life and in need of replacement to ensure proper heating, cooling, and air flow throughout the building.
- In December 2021, one of the two boilers failed and was unable to be repaired. This contract will allow the project to expedite the boiler replacement portion of the project.
- The City has selected the Construction Manager at Risk (CMAR) project delivery method to provide more effective coordination and more certainty with project costs and to fast track the schedule and better mitigate risks during construction.
- On October 27, 2020, the City issued a Request for Qualifications (RFQ); two proposals were received.
- J.E. Dunn Construction Company is the firm best qualified to meet the City's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- The contract with J.E. Dunn Construction Company is for construction phase services, including coordinating all construction activities, managing all subcontractors, and delivering the project in collaboration with the City and the design consultant.
- The pre-construction phase was awarded to J.E. Dunn Construction Company on June 14, 2021, in the amount of \$383,778.
- City Council will be asked to approve a future contract amendment for the remainder of the project scope of work.
- The boiler replacement will be complete by early fourth quarter 2022.

### **Charlotte Business INclusion**

The City has established an 4.37% MSBE project goal. Because this is a Construction Manager at Risk project, the Construction Manager has the opportunity to add SBE and MBE firms throughout the life of the project. (Part G: Section 2.3 of the Charlotte Business INclusion Policy).

### **Fiscal Note**

General Capital Investment Plan

## 41. HVAC Systems, Hardware, Maintenance, and Related Services

### Action:

- A. Approve the purchase of HVAC systems and related services from a cooperative contract,
- B. Approve a unit price contract with Carrier Global Corporation for the purchase of heating, ventilation, and air conditioning equipment, parts, supplies, and services for a term of three years under Sourcewell contract #070121-CAR, 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):**

Phil Reiger, General Services  
Kay Elmore, General Services  
David Wolfe, General Services

### **Explanation**

- City departments are responsible for the operations and maintenance of municipal facilities, structures, and assets, including office, warehouse, and storage space; public safety facilities; and vehicle maintenance facilities.
- Many City facilities are maintained by Carrier Global Corporation equipment and some repairs require proprietary supplies or services.
- 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 \$1,500,000.

### **Charlotte Business INclusion**

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

### **Fiscal Note**

Funding: Various Departments' Operating Budgets

## 42. Construct N Davidson St 2401 Storm Drainage Improvement Project

### **Action:**

**Approve a contract in the amount of \$1,840,285.20 to the lowest responsive bidder, United of Carolinas, Inc., for the N Davidson St 2401 Storm Drainage Improvement Project.**

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

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

### **Explanation**

- This project will reduce street flooding and improve aging infrastructure in the Upper Little Sugar Creek watershed at the intersection of North Davidson Street and East 27th Street, in Council District 1.
- Construction will include the installation of storm drainage, water/sanitary sewer, curb, gutter, and sidewalk.
- On January 28, 2022, the City issued an Invitation to Bid; five bids were received.
- United of Carolinas, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by the second quarter of 2023.

### **Charlotte Business INclusion**

Established MBE Goal: 8.00%

Committed MBE Goal: 8.04%

United of Carolinas, Inc. exceeded the established MBE subcontracting goal and has committed 8.04% (\$148,039) of the total contract amount to the following MBE certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- R.R.C. Concrete Inc. (MBE, SBE) (\$148,039) (concrete, general construction)

Established SBE Goal: 18.00%

Committed SBE Goal: 9.00%

SBE Participation to Date: 10.92%

United of Carolinas, Inc. failed to meet the established SBE subcontracting goal but has earned the required Good Faith Efforts (Part C: Section 5 of the Charlotte Business INclusion Policy). Prime has committed 10.92% (\$200,968) of the total contract amount to the following certified firm(s):

- Whitesell Trucking, Inc. (SBE) (\$96,000) (general construction, sitework)
- Striping Concepts, LLC (SBE) (\$3,472) (pavement markings)
- Pentacle Inc. (WBE, SBE) (\$3,996) (fence installation)
- Cesar A Leon L.L.C. (MBE, SBE) (\$50,000) (hauling)
- Silverback Brothers LLC (MBE, SBE) (\$27,000) (hauling)
- Sun King Trucking, LLC (MBE, SBE) (\$20,500) (hauling)

### **Fiscal Note**

Funding: Storm Water Capital Investment Plan

### **Attachment(s)**

Map

[Map Construct N Davidson St 2401 Storm Drainage Improvement Project.pdf](#)

## 43. Curbside Residential Recycling Collection Services

### **Action:**

- A. Approve a contract with Waste Management of Carolinas, Inc. for curbside residential recycling collection services for an initial term of five years, and**
  
- B. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

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

Rodney Jamison, Solid Waste Services

### **Explanation**

- This contract will provide bi-weekly curbside residential single-stream recycling services, including the collection and proper disposal of recyclables from over 226,000 homes.
- On November 10, 2021, the City issued a Request for Proposals (RFP); six responses were received.
- Waste Management of Carolinas, Inc. best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Their proposal includes compressed natural gas fueled collection trucks in support of the City's Strategic Energy Action Plan.
- Annual expenditures are estimated to be \$10,400,000.

### **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 not 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: Solid Waste Services Operating Budget

## 44. Davidson South Street Sanitary Sewer Construction

### **Action:**

**Approve a guaranteed maximum price of \$9,054,027.98 to Propst Construction Company for Design-Build construction services for the Davidson South Street Sanitary Sewer Project.**

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

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

### **Explanation**

- Propst Construction Company developed a guaranteed maximum price to construct the Davidson South Street Sanitary Sewer Project. The project improves capacity limitations in the existing sanitary sewer by replacing 4,000 linear feet of sanitary sewer pipe, ranging from 8 to 18-inch diameter, in the Town of Davidson (adjacent to Council Districts 2 and 4).
- On November 26, 2018, City Council approved a contract for \$2,186,227 with Propst Construction Company for Design-Build design services.
- The project is anticipated to be complete by third quarter 2023.

### **Charlotte Business INclusion**

The City negotiates participation for Design-Build contracts after the firm is selected and scopes of work are defined for design and construction services (Part G: Section 2.7 of the Charlotte Business INclusion Policy). Propst Construction Company has committed \$905,854 or approximately 10.00% of the total contract for construction services to the following certified firms:

- Trull Contracting, LLC (WBE, SBE) (\$277,004) (paving/resurfacing and concrete)
- Fuller & Co. Construction, LLC (SBE) (\$199,920) (tunneling)
- Silverback Brothers, LLC (MBE, SBE) (\$154,223) (hauling)
- Capstone Civil Engineering, Inc. (MBE, SBE) (\$135,807) (geotechnical, cctv)
- Yellow Duck Marketing, LLC (WBE, SBE) (\$89,600) (public relations)
- Lil Associates II, Inc. (MBE, SBE) (\$45,500) (compliance monitoring consultant)
- Soggy Bottom Erosion Control, LLC (SBE) (\$3,800) (erosion control services)

### **Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

### **Attachment(s)**

Map

[Map-Davidson South Street Sanitary Sewer Construction](#)

## 45. Irwin Creek Flow Equalization Pump Station Improvements Construction

### **Action:**

**Approve a guaranteed maximum price of \$14,096,181 to State Utility Contractors, Inc. for Design-Build construction services for the Irwin Creek Flow Equalization Pump Station Reliability Improvements and Paw Creek/Coffey Creek Flow Diversion Projects.**

### **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 for the procurement and replacement of the Flow Equalization Pump Station at the Irwin Creek Wastewater Treatment Plant (WWTP), which serves areas in northwest Mecklenburg County, and construction of improvements on the Paw Creek Pump Station force main (adjacent to and including Council Districts 1, 2, and 3).
- These improvements will rehabilitate, replace, and upgrade critical components to enhance reliability, accommodate projected flows in the area, and allow for improved control of directing wastewater flows between the Irwin Creek and McAlpine Creek WWTPs.
- On January 14, 2019, City Council approved a contract with State Utility Contractors, Inc. for Design-Build design services.
- The project is anticipated to be complete by fourth quarter 2023.

### **Charlotte Business INclusion**

The City negotiates participation for Design-Build contracts after the firm is selected and scopes of work are defined for design and construction services (Part G: Section 2.7 of the Charlotte Business INclusion Policy). State Utility Contractors, Inc. has committed \$2,354,720 or approximately 16.70% of the total contract for construction services to the following certified firms:

- Smart Electric Company, Inc. (WBE) (\$2,077,448) (electrical construction)
- CITI, LLC (MBE) (\$220,272) (instrumentation and controls)
- RAM Pavement Services, Inc. (SBE) (\$40,000) (asphalt paving services)
- Soggy Bottom Erosion Control LLC (SBE) (\$7,500) (erosion control)
- Sanders Constructors, Inc. (SBE) (\$6,000) (clearing)
- Froehling & Robertson Inc. (MBE) (\$3,500) (testing)

### **Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

## 46. Irwin Creek Wastewater Treatment Plant Process Tanks Cleaning

### **Action:**

- A. Approve a unit price contract with Bio-Nomic Services Inc. for the cleaning of process tanks at the Irwin Creek Wastewater Treatment Plant for a term of two years, and**
- B. Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.**

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

Angela Charles, Charlotte Water

David Czerr, Charlotte Water

Ron Hargrove, Charlotte Water

### **Explanation**

- This contract will provide comprehensive cleaning services of the sludge tanks at the Irwin Creek Wastewater Treatment Plant located in Council District 3. Cleaning services are needed due to the accumulation of debris over time.
- On January 11, 2022, the City issued a Request for Proposals (RFP); five responses were received.
- Bio-Nomic Services Inc. best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$349,100.

### **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 Capital Investment Plan



## 47. McAlpine Creek Wastewater Treatment Plant Construction Change Order

**Action:**

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

**Staff Resource(s):**

Angela Charles, Charlotte Water

Ron Hargrove, Charlotte Water

Carl Wilson, Charlotte Water

**Explanation**

- This project rehabilitates or replaces critical components of the wastewater treatment process systems at the McAlpine Creek Wastewater Treatment Plant (WWTP), located in the Town of Pineville (adjacent to Council District 7).
- This change order concerns four of the existing 16 clarifier tanks that will require additional structural, mechanical, and electrical rehabilitation.
- The project was designed to be constructed in several phases over five years. City Council previously approved contracts for this project on February 26, 2018, May 14, 2018, January 14, 2019, May 13, 2019, September 29, 2019, and February 24, 2020.
- Total contract expenditures including this change order are \$142,919,997.
- The project is anticipated to be complete by fourth quarter 2023.

**Charlotte Business INclusion**

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

**Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

## 48. Queens Road West Water Main Replacement Construction

### **Action:**

**Approve a contract in the amount of \$3,351,028.78 to the lowest responsive bidder Propst Construction Company for the Queens Road West Water Main Replacement Project.**

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

Angela Charles, Charlotte Water

Jackie Jarrell, Charlotte Water

Scott Clark, Charlotte Water

### **Explanation**

- This contract will install 4,300 linear feet of 8-inch water main along East Boulevard between Maryland Avenue and Queens Road and Queens Road West between East Boulevard and Selwyn Avenue (Council District 6).
- This project will replace the existing water main along East Boulevard and Queens Road West, which has reached the end of its useful life.
- On February 24, 2022, the City issued an Invitation to Bid; three bids were received.
- Propst Construction Company was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by first quarter 2023.

### **Charlotte Business INclusion**

Established MBE Goal: 3.00%

Committed MBE Goal: 3.00%

Propst Construction Company met the established MBE subcontracting goal and has committed \$100,531 or approximately 3.00% of the total contract amount to the following certified firm (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Silverback Brothers, LLC (MBE, SBE) (\$100,531) (hauling)

Established SBE Goal: 8.00%

Committed SBE Goal: 8.00%

Propst Construction Company met the established SBE subcontracting goal and has committed \$268,082 or approximately 8.00% of the total contract amount to the following certified firm (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Trull Contracting, LLC (WBE, SBE) (\$214,647) (paving, resurfacing street, construction sidewalk and driveway)
- Mohawk Traffic Services, Inc. (SBE) (\$41,960) (traffic control services)
- Soggy Bottom Erosion Control, LLC (SBE) (\$11,475) (erosion control services, fence installation)

### **Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

### **Attachment(s)**

Map

[Queens Road West Water Replacement Project - Map](#)

## 49. Sanitary Sewer Degreaser

### **Action:**

- A. Approve the purchase of sanitary sewer degreaser by piggybacking on a previously bid contract,**
- B. Approve a contract with G&G Enterprises of KS LLC for the purchase of sanitary sewer degreaser for the term of one year, and**
- C. Authorize the City Manager to renew the contract for up to three, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

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

Angela Charles, Charlotte Water  
Jackie Jarrell, Charlotte Water  
Scott Clark, Charlotte Water

### **Explanation**

- This contract will provide degreaser used in the sanitary sewer cleaning process to remove grease from sanitary sewer lines.
- NC General Statute Section 143-129(g) authorizes local governments to purchase without bidding from an entity that has competitively solicited and awarded a contract for the same item within the last twelve months contracted to furnish the item to any federal, state, or local agency after a formal bid process substantially similar to the one set forth in the North Carolina statutes.
- On July 9, 2021, the City of Raleigh approved a contract with G&G Enterprises of KS LLC as a result of an Invitation to Bid competitive solicitation process.
- G&G Enterprises of KS LLC is willing to provide sanitary sewer degreaser to the City at the same or better terms as are provided in its contract with the City of Raleigh.
- Annual expenditures are estimated to be \$95,000.

### **Charlotte Business INClusion**

This contract is being purchased off an existing contract as a piggybacking contract and is exempt (Part A: Appendix 1.27 of the Charlotte Business INClusion Policy).

### **Fiscal Note**

Funding: Charlotte Water Operating Budget

## 50. Airport Baggage Cart Rental Concession

### Action:

- A. **Approve a contract with Smarte Carte, Inc. for baggage cart rental concession services at the Airport for an initial term of five years, and**
  
- B. **Authorize the City Manager to renew the contract for one, two-year term with possible price adjustments and to amend the contract consistent with the purpose for which it was approved.**

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

Haley Gentry, Aviation

Ted Kaplan, Aviation

### **Explanation**

- Baggage cart vending systems provide passengers with the ability to lease a baggage cart for the transportation of their luggage.
- On November 30, 2021, the City issued a Request for Proposals; one proposal was received.
- Smarte Carte, Inc. meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Smarte Carte, Inc. has committed to a \$450,000 capital investment to upgrade baggage cart rental equipment throughout the terminal.
- Annual expenditures are estimated to be \$125,000.

### **Airport Concessions Disadvantaged Business Enterprise**

The Federal ACDBE Program neither requires nor permits goals for every contract. There is no ACDBE goal for this contract. The City must meet its overall goal by using a mix of contract goals and race-neutral means.

### **Fiscal Note**

Funding: Aviation Operating Budget

## 51. Airport Rental Car Facilities Management Services

### Action:

- A. **Approve a contract extension for one year to the contract with MVI Field Services, LLC for rental car facility operations and management services, and**
  
- B. **Authorize the City Manager to extend the contract for up to one, one-year term with possible price amendments and to amend the contract consistent with the purpose for which the contract and this extension were approved.**

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

Haley Gentry, Aviation

Ted Kaplan, Aviation

### **Explanation**

- In 2014, a 7,000-space parking deck opened next to the terminal building. Levels one to three of the parking deck constitute the consolidated rental car facility (CONRAC) and levels four to seven constitute public parking.
- MVI Field Services, LLC provides management, staffing, and maintenance services of the CONRAC facility.
- On May 28, 2019, City Council approved a three-year contract extension with MVI Field Services, LLC which expires June 30, 2022.
- The contract also included two, one-year renewal options through June 30, 2024, subject to mutual agreement of the parties and the review and approval of City Council.
- A waiver of a competitive solicitation process was approved for these services based on the importance of maintaining continuity of rental car operations.
- The maintenance and management of the CONRAC and remote rental car facility are funded by contract facility charges, a user fee charged by rental car companies to customers.
- The annual value of the contract is estimated to be \$2,814,214.

### **Airport Concessions Disadvantaged Business Enterprise**

The ACDBE participation goal is established at 20.00% and based on the total eligible expenses for goods and services. MVI Field Services, LLC has agreed to utilize certified ACDBE firms in order to meet or exceed the goal established for the duration of this contract. The obligations of both the City and MVI Field Services, LLC under this contract shall be subject to the provision of all federal regulations relating to the ACDBE program.

### **Fiscal Note**

Funding: Aviation Operating Budget

## 52. On-Call Airfield Lighting Maintenance

### **Action:**

- A. Approve a contract with Brooks-Berry-Haynie & Associates, Inc. for on-call airfield lighting maintenance services for an initial term of three years, and**
  
- B. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

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

Haley Gentry, Aviation

Jack Christine, Aviation

### **Explanation**

- The Aviation Department's Facilities Division maintains the airfield, including runways and taxiways and the lights, signs, regulators, and control systems within the AOA (Aircraft Operational Area).
- A contract is needed to provide on-call power, distribution, lighting, conduit, panels, equipment connections and high voltage repairs, and maintenance as needed.
- The services provided under the scope of this contract will decrease response times to airfield lighting issues and support airfield productivity.
- On January 31, 2022, the City issued a Request for Proposals (RFP); two responses were received.
- Brooks-Berry-Haynie & Associates, Inc. best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$100,000.

### **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.

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

### **Fiscal Note**

Funding: Aviation Operating Budget

## 53. Purchase of Airfield Runway Maintenance Equipment

### Action:

- A. Approve the purchase of a Stripe Hog™ SH8000 from a cooperative contract,
- B. Approve a contract with Waterblasting, LLC DBA Hog Technology for the purchase of a Stripe Hog™ SH8000 water blasting machine for a term of one year under Sourcewell Contract 052417-WTB, 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**

- The Aviation Department's Airfield Maintenance Division is responsible for maintaining the pavement on the airfield, including rubber removal, paint removal, and paint protection. This work is done using a Stripe Hog water blasting machine.
- Due to the increases in aircraft operations, the needed intervals of rubber removal on the runways has doubled, requiring a second Stripe Hog unit to maintain airfield safety compliance.
- 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 \$850,000.

### **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 Capital Investment Plan

## 54. Support Services for Human Resources System

### Action:

- A. **Authorize the City Manager to negotiate and execute a three-year contract with Rimini Street, Inc. to provide support services for the citywide human resources system,**
- B. **Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved, and**
- C. **Authorize the City Manager to purchase such additional services, maintenance, and support as required to maintain PeopleSoft for as long as the City uses PeopleSoft.**

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

Reenie Askew, Innovation and Technology  
Markell Storay, Innovation and Technology  
Ronny Chambers, Innovation and Technology

### **Explanation**

- Rimini Street, Inc., an independent, third-party enterprise support service provider that provides tax, legal, and regulatory updates; security support; onboarding; and archiving services.
- Rimi will provide regular updates to the City's Human Resources system, PeopleSoft, that are customized to the City's environment.
- Using a third-party provider reduces the level of effort required of City staff to implement regular software updates to the system, allowing City staff to focus on other activities.
- 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 the need for continuity of service, limited vendors with required qualifications, and Rimini Street Inc.'s unique, customized service offering.
- Annual expenditures are estimated to be \$260,000.

### **Background**

- The City currently uses PeopleSoft as its human resources software system which includes timekeeping and payroll functions.
- PeopleSoft is likely to be replaced as part of the City's effort to implement a new citywide enterprise resource planning system. Accordingly, the City is seeking to reduce expenditures on the existing system while still maintaining a high level of service for the City employees.

### **Charlotte Business INclusion**

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

### **Fiscal Note**

Funding: Innovation and Technology Operating Budget



## 55. Bond Issuance Approval for Forest Park Apartments

### **Action:**

**Adopt a resolution granting INLIVIAN's request to issue multi-family housing revenue bonds, in an amount not to exceed \$26,000,000, to finance the development of Forest Park Apartments.**

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

Shawn Heath, City Manager's Office

Rebecca Hefner, Housing and Neighborhood Services

### **Explanation**

- This action will not further obligate the City financially or impact the Capital Investment Plan and is requested to satisfy Section 147(f) of the Internal Revenue Code of 1986, which requires the issuance of housing bonds to be approved by the local governmental unit with jurisdiction over the area where the development is located.
- INLIVIAN is requesting that City Council adopt a resolution authorizing the issuance of multi-family housing revenue bonds for Forest Park Apartments, a 200-unit new construction affordable housing development to be developed, owned, and operated by Forest Park Family Apartments LLC, a North Carolina limited liability company, or an affiliated or related entity.
- The development will be located at 7140 Forest Point Boulevard in Council District 3 and will serve households earning up to 80 percent and below the Area Median Income (AMI) with income averaging of 60 percent AMI for the entire development. Of the 200 new units, 40 will serve households that earn 30 percent of AMI or less.
- This action further supports City Council's April 11, 2022, approval of a \$2,500,000 Housing Trust Fund allocation to this development.
- The INLIVIAN bonds, not to exceed \$26,000,000, will be used to finance land acquisition and construction of the development

### **Background**

- The developer applied for four percent low-income housing tax credits and housing bond allocation capacity from the North Carolina Housing Finance Agency to finance the land acquisition and construction of the development.
- The North Carolina Housing Finance Agency approved a four percent tax credit and a bond allocation capacity totaling \$26,000,000 for the development. Tax credit and bond allocations are subject to federal income limits and set-aside rules and include deed restrictions.
- INLIVIAN, as a public housing authority, is duly authorized to issue housing bonds to finance developments that serve persons of low and moderate income, including developments in which it does not have a direct interest.

### **Attachment(s)**

City of Charlotte Resolution for Forest Park Apartments

INLIVIAN Resolution for Forest Park Apartments

[CoC Resolution](#)

[Inlivian Resolution](#)

## 56. Set a Public Hearing on Sunset Creek Area Voluntary Annexation

### **Action:**

**Adopt a resolution setting a public hearing for June 13, 2022, for the Sunset Creek 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 a boundary with current city limits.
- Annexation of this area will allow for more orderly development review, extension of City services, capital investments, and future annexation processes.
- The 56.022-acre "Sunset Creek" site is located along the along the south side of Sunset Road, east of Oakdale Road in northern Mecklenburg County.
  - The property is mostly vacant with some single-family residential uses.
  - The petitioner has future plans to develop 131 single-family homes and 150 multi-family units in addition to one existing single-family home that will remain on the site.
  - The majority of the property is zoned MX-2, which allows for residential mixed-use development and a small section of the parcel is zoned R-3, single family residential.
  - The property is located immediately adjacent to City Council District 2.
  - The petitioned area consists of one parcel: parcel identification number 037-043-01.

### **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

[Sunset Creek Area Annexation Map](#)

[Resolution for Sunset Creek Area Annexation](#)

## 57. Resolution of Intent to Abandon Old Ridge Road

**Action:**

- A. Adopt a Resolution of Intent to Abandon Old Ridge Road, and
- B. Set a Public Hearing for June 13, 2022.

**Staff Resource(s):**

Liz Babson, Transportation  
Anthony Mendez, Transportation

**Explanation**

- NC General Statute Section 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The road is located in Council District 4.

**Petitioners**

WPBXW Highland, LLC

**Attachment(s)**

Map  
Resolution

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

[2021-32A Resolution of Intent 03.28.2022](#)

## 58. Refund of Property Taxes

**Action:**

**Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$1,254,807.45.**

**Staff Resource(s):**

Teresa Smith, Finance

**Explanation**

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

**Attachment(s)**

Taxpayers and Refunds Requested  
Resolution Property Tax Refunds

[Resolution](#)

[List of Taxpayers New](#)

## PROPERTY TRANSACTIONS

### 59. Property Transactions - JW Clay Blvd Streetscape, Parcel #20

**Action:** Approve the following Acquisition: JW Clay Blvd Streetscape, Parcel #20

**Project:** JW Clay Blvd Streetscape, Parcel #20

**Program:** JW Clay Blvd Streetscape

**Owner(s):** CS Shoppes at University Place LLC

**Property Address:** 8956 JM Keynes Drive

**Total Parcel Area:** 15,706 sq. ft. (0.36 ac.)

**Property to be acquired by Easements:** 1,034 sq. ft. (0.024 ac.) Sidewalk Utility Easement, 2,643 sq. ft. (0.061 ac.) Temporary Construction Easement

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

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

**Zoned:** TOD-CC

**Use:** Transit Oriented District - Community Center

**Tax Code:** 047-272-09

<https://polaris3g.mecklenburgcountync.gov/#mat=610848&pid=04727209&gjsid=04727209>

**Purchase Price:** \$26,000

**Council District:** 4

## 60. Property Transactions - Monroe Road Streetscape, Parcel #10, 12, 14, and 16

**Action:** Approve the following Acquisition: Monroe Road Streetscape, Parcel #10, 12, 14, and 16

**Project:** Monroe Road Streetscape, Parcel #10, 12, 14, and 16

**Program:** Monroe Road Streetscape

**Owner(s):** 4300 Monroe Road LLC

**Property Address:** 4200, 4228, 4300 and 4312 Monroe Road

**Total Parcel Area:** 264,978 sq. ft. (6.08 ac.)

**Property to be acquired by Easements:** 5,150 sq. ft. (0.118 ac.) Utility Easement 10,490 sq. ft. (0.24 ac.) Sidewalk Utility Easement, 11,050 sq. ft. (0.25 ac.) Temporary Construction Easement, 482 sq. ft. (0.011 ac.) Storm Drainage Easement

**Structures/Improvements to be impacted:** Sign, parking, and light poles

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

**Zoned:** I-2, I-1, B-2 and I-2(CD)

**Use:** Industrial and Business District

**Tax Code:** 161-071-28, 161-071-27, 161-071-26, 161-071-25

<https://polaris3g.mecklenburgcountync.gov/#mat=447603&pid=16107128&qsid=16107128>

<https://polaris3g.mecklenburgcountync.gov/#mat=126582&pid=16107127&qsid=16107127>

<https://polaris3g.mecklenburgcountync.gov/#mat=127658&pid=16107126&qsid=16107126>

<https://polaris3g.mecklenburgcountync.gov/#mat=128260&pid=16107125&qsid=16107125>

**Appraised Value:** \$300,883

**Council District:** 5

## 61. Property Transactions - Monroe Road Streetscape, Parcel #11

**Action:** Approve the following Acquisition: Monroe Road Streetscape, Parcel #11

**Project:** Monroe Road Streetscape, Parcel #11

**Program:** Monroe Road Streetscape

**Owner(s):** FWY Partners

**Property Address:** 4225 Monroe Road

**Total Parcel Area:** 46,734 sq. ft. (1.07 ac.)

**Property to be acquired by Easements:** 1,207 sq. ft. (0.028 ac.) Sidewalk Utility Easement, 1,168 sq. ft. (0.027 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** Tree

**Zoned:** B-2

**Use:** Business District

**Tax Code:** 159-061-09

<https://polaris3g.mecklenburgcountync.gov/#mat=126452&pid=15906109&qisid=15906109>

**Purchase Price:** \$17,580

**Council District:** 5

## 62. Property Transactions - Monroe Road Streetscape, Parcel #17

**Action:** Approve the following Acquisition: Monroe Road Streetscape, Parcel #17

**Project:** Monroe Road Streetscape, Parcel #17

**Program:** Monroe Road Streetscape

**Owner(s):** Providence United Methodist Church

**Property Address:** 4305 Monroe Road

**Total Parcel Area:** 83,165 sq. ft. (1.91 ac.)

**Property to be acquired by Easements:** 111 sq. ft. (0.003 ac.) Storm Drainage Easement, 2,489 sq. ft. (0.057 ac.) Sidewalk Utility Easement, 2,397 sq. ft. (0.055 ac.) Temporary Construction Easement

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

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

**Zoned:** R-17 MF

**Use:** Multi-family Residential

**Tax Code:** 159-061-13

<https://polaris3g.mecklenburgcountync.gov/#mat=127907&pid=15906113&qisid=15906113>

**Purchase Price:** \$45,000

**Council District:** 5

## 63. Property Transactions - Monroe Road Streetscape, Parcel #25

**Action:** Approve the following Acquisition: Monroe Road Streetscape, Parcel #25

**Project:** Monroe Road Streetscape, Parcel #25

**Program:** Monroe Road Streetscape

**Owner(s):** Robert Eugene Banner and Judy M. Banner

**Property Address:** 4400 Monroe Road

**Total Parcel Area:** 49,944 sq. ft. (1.15 ac.)

**Property to be acquired by Easements:** 547 sq. ft. (0.013 ac.) Utility Easement, 1,642 sq. ft. (0.038 ac.) Sidewalk Utility Easement, 2,265 sq. ft. (0.052 ac.) Temporary Construction Easement

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

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

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

**Use:** Industrial and Business District

**Tax Code:** 161-071-20

<https://polaris3g.mecklenburgcountync.gov/#mat=129878&pid=16107120&gisid=16107120>

**Purchase Price:** \$50,925

**Council District:** 5



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

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

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

**Program:** Monroe Road Streetscape

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

**Property Address:** 4520 Monroe Road

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

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

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

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

**Zoned:** B-2

**Use:** Business District

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

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

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

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

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

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

**Council District:** 5

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

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

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

**Program:** Monroe Road Streetscape

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

**Property Address:** 4620 Monroe Road

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

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

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

**Landscaping to be impacted:** None

**Zoned:** B-1

**Use:** Business District

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

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

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

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

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

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

**Council District:** 5

## 66. Property Transactions - Monroe Road Streetscape, parcel #38

**Action:** Approve the following Condemnation: Monroe Road Streetscape, parcel #38

**Project:** Monroe Road Streetscape, parcel #38

**Program:** Monroe Road Streetscape

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

**Property Address:** 4624 - 4632 Monroe Road

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

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

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

**Landscaping to be impacted:** None

**Zoned:** B-1

**Use:** Business District

**Tax Code:** 161-082-01

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

**Appraised Value:** \$46,925

**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:** 5

## 67. Property Transactions - Monroe Road Streetscape, parcel #45

**Action:** Approve the following Acquisition: Monroe Road Streetscape, parcel #45

**Project:** Monroe Road Streetscape, parcel #45

**Program:** Monroe Road Streetscape

**Owner(s):** The Zeje Group LLC

**Property Address:** 4814 Monroe Road

**Total Parcel Area:** 12,750 sq. ft. (0.29 ac.)

**Property to be acquired by Easements:** 71 sq. ft. (0.002 ac.) Storm Drainage Easement, 1,090 sq. ft. (0.025 ac.) Sidewalk Utility Easement, 678 sq. ft. (0.016 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** O-2

**Use:** Office District

**Tax Code:** 161-082-15

<https://polaris3g.mecklenburgcountync.gov/#mat=137298&pid=16108215&qisid=16108215>

**Purchase Price:** \$18,500

**Council District:** 5

## 68. Property Transactions - Monroe Road Streetscape, parcel #52

**Action:** Approve the following Acquisition: Monroe Road Streetscape, parcel #52

**Project:** Monroe Road Streetscape, parcel #52

**Program:** Monroe Road Streetscape

**Owner(s):** Emma Allen Insurance Agency Inc

**Property Address:** 4920 Monroe Road

**Total Parcel Area:** 12,757 sq. ft. (0.29 ac.)

**Property to be acquired by Easements:** 1,113 sq. ft. (0.026 ac.) Sidewalk Utility Easement, 987 sq. ft. (0.023 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** Irrigation system, trees, and various plants

**Zoned:** O-2

**Use:** Office District

**Tax Code:** 161-081-19

<https://polaris3g.mecklenburgcountync.gov/#mat=139122&pid=16108119&qisid=16108119>

**Purchase Price:** \$53,500

**Council District:** 5

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

**Action:** Approve the following Acquisition: Monroe Road Streetscape, Parcel #58

**Project:** Monroe Road Streetscape, Parcel #58

**Program:** Monroe Road Streetscape

**Owner(s):** Jeffrey Fagan and Elaine Fagan

**Property Address:** 5008 Monroe Road

**Total Parcel Area:** 11,684 sq. ft. (0.27 ac.)

**Property to be acquired by Easements:** 103 sq. ft. (0.002 ac.) Storm Drainage Easement, 920 sq. ft. (0.021 ac.) Sidewalk Utility Easement, 773 sq. ft. (0.018 ac.) Temporary Construction Easement

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

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

**Zoned:** O-2

**Use:** Office District

**Tax Code:** 161-081-14

<https://polaris3g.mecklenburgcountync.gov/#mat=140443&pid=16108114&qisid=16108114>

**Purchase Price:** \$14,875

**Council District:** 5

## 70. Property Transactions - XCLT Tryon to Orr, Parcel #1

**Action:** Approve the following Condemnation: XCLT Tryon to Orr, Parcel #1

**Project:** XCLT Tryon to Orr, Parcel #1

**Program:** XCLT Tryon to Orr

**Owner(s):** RJR Investment LLC

**Property Address:** 4635 North Tryon Street

**Total Parcel Area:** 54,086 sq. ft. (1.24 ac.)

**Property to be acquired by Easements:** 2,941 sq. ft. (0.068 ac.) Sidewalk Utility Easement, 9,176 sq. ft. (0.211 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** Trees

**Zoned:** B-2

**Use:** Business District

**Tax Code:** 089-016-09

<https://polaris3g.mecklenburgcountync.gov/#mat=134713&pid=08901609&gisid=08901609>

**Appraised Value:** \$68,225

**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:** 1

## 71. Property Transactions - XCLT Tryon to Orr, Parcel #9

**Action:** Approve the following Condemnation: XCLT Tryon to Orr, Parcel #9

**Project:** XCLT Tryon to Orr, Parcel #9

**Program:** XCLT Tryon to Orr

**Owner(s):** ZCM Real Estate LLC

**Property Address:** 0 Bennett Street

**Total Parcel Area:** 57,289 sq. ft. (1.32 ac.)

**Property to be acquired by Easements:** 14,516 sq. ft. (0.333 ac.) Greenway Easement, 10,272 sq. ft. (0.236 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** Wooded area

**Zoned:** R-12MF

**Use:** Multi-family Residential

**Tax Code:** 089-023-21

<https://polaris3g.mecklenburgcountync.gov/#pid=08902321&qisid=08902321>

**Appraised Value:** \$135,600

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

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

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

**Council District:** 1

## Adjournment



## REFERENCES

## 72. 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.

## 73. 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.

## 74. 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.