

# City of Charlotte

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



## Meeting Agenda

**Monday, September 11, 2023**

**Council Chamber**

### **City Council Business Meeting**

*Mayor Vi Lyles*

*Mayor Pro Tem Braxton Winston II*

*Council Member Dimple Ajmera*

*Council Member Danté Anderson*

*Council Member Tariq Scott Bokhari*

*Council Member Ed Driggs*

*Council Member Malcolm Graham*

*Council Member Reneé Johnson*

*Council Member LaWana Mayfield*

*Council Member James Mitchell*

*Council Member Marjorie Molina*

*Council Member Victoria Watlington*

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

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

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

**Staff Resource(s):**

Marie Harris, Strategy and Budget

**Time:** 5 minutes

**Synopsis**

Mayor and Council may ask questions about Consent agenda items.

[2023-09-11 Council Agenda QA](#)

### **2. Consent agenda items 12 through 29 may be considered in one motion except for those items removed by a Council member. Items are removed by notifying the City Clerk.**

**Time:** 5 minutes

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.

### **3. Action Review Agenda Overview**

**Staff Resource(s):**

Marcus Jones, City Manager

## 4. Action Review Items

### Housing Trust Fund Recommendations

**Staff Resource(s):**

Shawn Heath, Housing & Neighborhood Services

**Time:** Presentation - 10 minutes; Discussion - 25 minutes

**Explanation**

- Receive recommendations related to the recent Housing Trust Fund request for proposals.

### Corridors of Opportunity Update

**Staff Resource(s):**

Monica Holmes, Planning, Design & Development

**Time:** Presentation - 15 minutes; Discussion - 30 minutes

**Explanation**

- Receive an update on the Corridors of Opportunity program.

[Action Review 5.1 - Affordable Housing Funding Recommendations](#)

[Action Review 5.2 - Corridors of Opportunity Update](#)

## 5. 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 HEARING**

## 6. Public Hearing and Decision on General Obligation Refunding Bonds and Authorization of General Obligation Bond Anticipation Notes

### Action:

- A. Conduct a public hearing regarding the issuance of General Obligation Refunding Bonds not to exceed \$235,000,000 to fund street and neighborhood improvement projects,
- B. Adopt the bond order and resolution to provide for the issuance of General Obligation Refunding Bonds not to exceed \$235,000,000,
- C. Adopt a Budget Ordinance appropriating \$235,000,000 in bond proceeds to the Municipal Debt Service Fund,
- D. Adopt a resolution to authorize a bond anticipation note program for up to \$200,000,000 to be used for projects approved in the 2018 and 2020 referenda, and
- E. Authorize City officials to take the necessary actions to complete the financing, including making application to the Local Government Commission.

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

Teresa Smith, Finance

Matthew Hastedt, Finance

### **Explanation**

- Authorize the issuance of up to \$235,000,000 of 2023 General Obligation Refunding Bonds for refunding the 2021B General Obligation Bond Anticipation Notes to convert short-term financing to permanent financing for street and neighborhood improvement projects, and refunding of outstanding 2013B General Obligation Refunding Bonds.
- This action will:
  - Conduct a public hearing on issuing long-term General Obligation Bonds for street and neighborhood improvement projects,
  - Provide information required for Local Government Commission approval of the financing,
  - Provide approval to the City Manager and the Authorized Officers named in the Resolution to take necessary actions to complete the financing and related documentation for the life of the debt, and
  - Adopt a Budget Ordinance to appropriate the bond proceeds to the Municipal Debt Service Fund.
- This action authorizes a Bond Anticipation Notes (BAN) program for up to \$200,000,000 for projects authorized by votes in the 2018 and 2020 bond referenda.
- This is a routine financing mechanism for capital projects financed with debt.
- This short-term BAN program will be used as construction period financing and converted to long-term fixed-rate General Obligation Bonds once construction nears completion (up to 36 months).
- This action authorizes City Officials named in the Resolution to take the necessary actions to complete the financing and execute related documentation for the life of the debt.

### **Fiscal Note**

Funding: Municipal Debt Service Fund

### **Attachment(s):**

Bond Order

Resolutions

Budget Ordinance

[Public Hearing and Adoption of Bond Order](#)

[Bond Resolution - Charlotte 2023B GOs \(Refunding 2021B Draw and 2013B Bonds\)](#)

[Budget Ordinance](#)

[Bond Resolution - Bank Draw Program 2023](#)

## **POLICY**

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

[9.11.2023 City Manager's Memo](#)



## **BUSINESS**

## 8. Three Sisters Market

### **Action:**

- A. Approve the use of \$1,500,000 from the Coronavirus State and Local Fiscal Recovery Fund for the West Boulevard Neighborhood Coalition in support of the development of Three Sisters Market, and**
- B. Authorize the City Manager, or his designee, to execute, amend and renew contracts as needed to complete this transaction.**

### **Committee Chair:**

Victoria Watlington, Housing, Safety and Community Committee

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

Shawn Heath, Housing and Neighborhood Services

Nicole Storey, Housing and Neighborhood Services

### **Explanation**

- The West Boulevard Neighborhood Coalition (WBNC), a 501c3 non-profit, has advocated for the development of the Three Sisters Market (Market) which is a proposed full-service cooperative grocery store that will help address food insecurity in the West Boulevard corridor by offering fresh produce, meats, and other groceries.
- The community owned, market will create jobs, serve as a gathering place and contribute to health equity with a community kitchen for demonstrations and classes.
- The Market will be located in the West Boulevard Corridor of Opportunity on a portion of property located at 2901 Romare Bearden Drive (parcel identification number 145-12-906) in Council District 3, on the same site as WBNC's Seeds for Change Urban Farm and seasonal farmer's market.
- The estimated total cost for the Market is approximately \$10 million, with \$7.5 million allocated for construction and equipment.
- The Market has received funding commitments from Mecklenburg County (\$3.25 million) and the 12th Congressional District's Community Project Funding (\$750,000). WBNC will launch a capital campaign later this year to raise the remainder of funds necessary to establish the Market.
- The city's \$1,500,000 funding allocation will be released incrementally based on the market securing fundraising commitments sufficient to construct the project, and receipt of a construction permit.
- The Market is expected to break ground in 2024, and open in 2025.

### **Background**

- In 2015, the Charlotte Mecklenburg Food Policy Council published its State of the Plate report and identified the West Boulevard Corridor as a high food insecurity risk area.
- On March 11, 2021, in response to the COVID-19 public health emergency, President Biden signed the American Rescue Plan Act of 2021 (ARPA), which included the Coronavirus State and Local Fiscal Recovery Fund. Charlotte was one of almost 1,000 cities across the nation that received these funds.
- At the February 7, 2022 City Council Strategy Session, staff recommended \$1.5 million of ARPA funds be earmarked for a potential investment in the Market. Since that time, staff has worked with the Coalition to monitor the progress of the Market development plans.
- On September 5, 2023, the Housing, Safety and Community Committee received an update on the status of the Market and voted to move the item forward for consideration by Council at the September 11, 2023 Business Meeting (Council members Watlington, Mayfield, and Bokhari voted in favor; Council members Molina and Johnson were absent for vote).

### **Charlotte Business INclusion**

This contract is exempt under the CBI program.

**Fiscal Note**

Funding: American Rescue Plan Act (ARPA) Funds

**Attachment(s)**

Map

[Map Three Sisters Market](#)

## 9. Housing Support Grants and Non-Profit Capacity Building Support

### Action:

- A. Approve the use of \$6,400,000 from the Coronavirus State and Local Fiscal Recovery Fund for the following nonprofit organizations providing projects and/or programming in support of housing security and stability for low-income residents:**
- Heal Charlotte (\$2,250,000),
  - Freedom Fighting Missionaries (\$2,000,000),
  - West Side Community Land Trust (\$1,750,000),
  - Charlotte Family Housing (\$400,000),
- B. Approve the use of \$1,100,000 in Community Development Block Grant funds for Rebuilding Together of Greater Charlotte in support of housing security and stability for low-income residents,**
- C. Approve the use of \$99,000 from the Coronavirus State and Local Fiscal Recovery Fund for non-profit capacity building services to be provided by Next Stage Consulting, Inc., and**
- D. Authorize the City Manager to execute, amend and renew contracts as needed to complete these transactions.**

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

Shawn Heath, Housing and Neighborhood Services

### **Explanation**

#### Actions A and B:

- On June 15, 2023, the city issued a Housing Support Grant opportunity to provide financial support to eligible medium-sized and/or emerging non-profit organizations that demonstrate the ability to reduce the severity of homelessness or housing instability in Charlotte. Organizations could apply for up to \$2.5 million for projects or programming in support of housing security and stability for low-income residents.
- In response to the grant opportunity, 15 proposals from eligible organizations were received. The city assessed each of the 15 proposals based on:
  - Track record of delivering programming in underserved communities,
  - Focus on Corridors of Opportunity areas of influence and populations facing housing instability,
  - Demonstrated ability to implement and sustain the proposed project/program,
  - Other confirmed funding sources to support the project/program, and
  - Community support for the project/programming.
- Of the 15 proposals, five organizations are recommended for funding as noted in Actions A and B.

#### Action C:

- An informal solicitation was conducted to identify a consulting firm with suitable credentials to provide capacity building services to a cohort of approximately 25 local nonprofit organizations, including Housing Support Grant recipients as well as certain recipients of the American Rescue Plan Act (ARPA) funded Nonprofit Support Operating Grants.
- In response to the solicitation, three firms submitted proposals, and Next Stage Consulting, Inc. was selected to provide the capacity building services.
- Next Stage Consulting, Inc. will work with the approximately 25 nonprofit organizations to provide a range of services including strategic planning, financial management, organizational strengthening, and other supportive services to help position the organizations for sustainable operations, growth and success.

**City Council Discussion**

- On February 7, 2022, City Council received an overview of the use of ARPA funds for a Nonprofit Operating Grant Program to support local non-profit organizations through a competitive grant program.
- On May 22, 2023, staff shared the proposed Housing Support Grant program concept with City Council.
- City Council received an overview of the Housing Support Grant recommendations at its August 28, 2023 business meeting.

**Charlotte Business INclusion**

These contracts are exempt under the CBI program.

**Fiscal Note**

Funding: American Rescue Plan Act (ARPA) Funds and Community Development Block Grant Funds

**Attachment(s)**

August 28, 2023 Housing Support Grant presentation

[Presentation\\_Housing Support Grant Recommendations\\_8.28.23 Action Review](#)

## 10. Grant for Alternatives to Violence Program

### **Action:**

- A. Authorize the City Manager, or his designee, to accept a grant in the amount of \$1,000,000 from the United States Department of Justice to fund the continued implementation of the Alternatives to Violence Program, and**
- B. Adopt a budget ordinance appropriating \$1,000,000 from the United States Department of Justice to the Neighborhood Development Grants Fund.**

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

Shawn Heath, Housing and Neighborhood Services  
Julia Martin, City Manager's Office

### **Explanation**

- Housing and Neighborhood Services applied for and received the Edward Byrne Memorial Justice Assistance Grant (JAG Grant) from the United States Department of Justice.
- The JAG Grant provides funding to local jurisdictions to support a range of program areas including crime and violence reduction strategies, community-based violence intervention approaches, and education.
- The JAG Grant will be used to fund the Alternatives to Violence Program (ATV) at the three ATV sites: Beatties Ford Road, West Boulevard/Remount Road, and Nations Ford Road/Arrowood Road.
- ATV is a violence interruption program that deploys evidence-based Cure Violence methodology to address violent crime.
- This funding will complement the \$2.2 million in grants previously awarded to this program as well as the city's investments in this area as part of the Corridors of Opportunity program by providing additional resources to help make neighborhoods safer through community outreach and engagement.
- The grant award does not require a local match.
- The JAG Grant project period lasts from October 1, 2023, to March 31, 2025.

### **Fiscal Note**

Funding: Neighborhood Development Grants Fund

### **Attachment(s)**

Budget Ordinance

[Budget Ordinance](#)

## 11. Metropolitan Planning Program Grant Municipal Agreement

### Action:

- A. **Adopt a resolution authorizing the City Manager to negotiate and execute a Municipal Agreement with the North Carolina Department of Transportation to support transit-planning activities for the Charlotte Regional Transportation Planning Organization,**
- B. **Adopt a resolution authorizing the City Manager, or his designee, to execute Interlocal Agreements with Iredell County Area Transportation System and Union County Transportation to support transit-planning activities for the Charlotte Regional Transportation Planning Organization, and**
- C. **Adopt a resolution authorizing the City Manager, or his designee, to execute Interlocal Agreements with Centralina Regional Council, the Town of Indian Trail, the Town of Matthews, the Town of Mooresville, and the Town of Stallings to support transportation planning projects.**

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

Alyson Craig, Planning, Design & Development  
Bob Cook, Planning, Design & Development  
Brent Cagle, CATS

### **Explanation**

#### Actions A and B

- The Federal Transit Administration (FTA) awarded the Fiscal 2024 Metropolitan Planning Grant to the City of Charlotte in July 2023.
- The city receives this grant annually as the lead planning agency for the Charlotte Regional Transportation Planning Organization (CRTPO) and as the major fixed-route transit operator for the urban area.
- The North Carolina Department of Transportation (NCDOT) requires grant recipients to enter into a new Municipal Agreement to receive the annual allocation.
- The city is responsible for the deliverables outlined in this grant, including:
  - The federally compliant travel demand model required for transportation planning and air quality conformity, and
  - Updating the Transit Element of the Metropolitan Transportation Plan, developing transit travel demand forecasts, conducting ridership surveys, and monitoring and updating the Transportation Improvement Program, as necessary, to advance projects and ensure compliance with federal regulations.
- Funding was sub-allocated for local projects to Iredell County Area Transit System and Union County Transportation.
- The total FTA planning budget for CRTPO is \$1,363,911 of which \$1,091,128 (80 percent) consists of federal funds, \$136,391 (10 percent) consists of state funds, and \$136,392 (10 percent) consists of local funds.
  - Iredell County Area Transportation System will receive up to \$56,261 for transit planning activities, including public transportation, data and planning support, public participation, and statewide and supplemental regional planning.
  - Union County Transportation will receive up to \$95,450 for transit planning activities, including data and planning support, public participation, and statewide and supplemental regional planning.
  - The local match of \$136,392 will be shared by the City of Charlotte (\$119,535), Iredell County Area Transit System (\$6,251) and Union County Transportation (\$10,606).

#### Action C

- Surface Transportation Block Grant-Direct Attributable (STBG-DA) are federal funds used to

support CRTPO's transportation planning activities.

- The CRTPO sub-allocates some of its federal STBG-DA funds to its member jurisdictions to carry out local transportation planning activities.
  - The Centralina regional Council will receive up to \$33,600 for Centralina Linking Transit and Land Use at the Community Scale,
  - The Town of Indian Trail will receive up to \$120,000 for the Indian Trail Transportation Master Plan,
  - The Town of Matthews will receive up to \$120,000 for the Matthews John St Corridor Pedestrian and Bicycle Study,
  - The Town of Mooresville will receive up to \$160,000 for the Mooresville Mobility Plan, and
  - The Town of Stallings will receive up to \$100,000 for the Stallings Silver Line Plan Integration.
- The required 20 percent match of federal funds is provided by the sponsoring jurisdiction. The local match for local transportation planning activities will be shared by all jurisdictions for Centralina Regional Council (\$8,400), the Town of Indian Trail (\$30,000), the Town of Matthews (\$30,000), the Town of Mooresville (\$40,000), and the Town of Stallings (\$25,000).

#### **Background**

- The CRTPO is the federally designated metropolitan planning organization for the Charlotte urbanized area. It provides long-range transportation planning services to Mecklenburg, Union, and Iredell counties. The city is CRTPO's lead planning agency and its staff is housed in the Planning, Design and Development department.

#### **Charlotte Business INclusion**

These are Municipal and Interlocal Agreement contracts and are exempt from the CBI Program.

#### **Fiscal Note**

Funding: General Grants Fund

#### **Attachment(s)**

Resolutions

[FY24 5303 Municipal Agreement Resolution](#)

[FY24 5303 Interlocal Agreement Resolution](#)

[FY24 Special Projects Interlocal Agreement Resolution](#)



## CONSENT

### 12. Fire Truck Maintenance Services Cooperative Contracts

**Action:**

- A. **Approve the purchase of fire truck maintenance services from a cooperative contract,**
- B. **Approve a unit price contract with Oshkosh Corporation for the purchase of fire truck maintenance services for a term of three years under Sourcewell contract #113021-OKC-1,**
- C. **Approve a unit price contract with Rev Group, Inc. for the purchase of fire truck maintenance services for a term of three years under Sourcewell contract #113021-RVG-2, and**
- D. **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 contact.**

**Staff Resource(s):**

Phil Reiger, General Services

Marcy Mars, General Services

Chris Trull, General Services

**Explanation**

- The city operates a fleet of 108 fire trucks and apparatus, and qualified vendors are needed to assist with occasional maintenance to support Charlotte Fire operations.
- Oshkosh Corporation and Rev Group, Inc. manufacture fire truck apparatus, and also provide maintenance service and support.
- 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.
- Aggregate annual expenditures are estimated to be \$1,600,000.

**Charlotte Business INclusion**

These are cooperative purchasing contracts and are exempt from the CBI Program.

**Fiscal Note**

Funding: General Services and Charlotte Fire Operating Budgets

### 13. Construct Beatties Ford Sidewalk Phase 1

**Action:**

Approve a contract in the amount of \$931,937.05 to the lowest responsive bidder Efficient Developments, LLC for the Beatties Ford Road Sidewalk Phase 1 project.

**Staff Resource(s):**

Phil Reiger, General Services

Jennifer Smith, General Services

**Explanation**

- The Beatties Ford Road Sidewalk Phase 1 project was identified in the Beatties Ford Road/Rozzelles Ferry Road Corridors of Opportunity and will improve safety, connectivity, and pedestrian mobility.
- This contract includes construction of pedestrian improvements along the north side of Beatties Ford Road from LaSalle Street to the Northwest School of the Arts in Council District 2.
- The improvements include but are not limited to sidewalk, wheelchair ramps, driveways, a bus shelter, retaining walls and planting strips.
- On June 30, 2023, the city issued an Invitation to Bid; four bids were received.
- Efficient Developments, LLC was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by fourth quarter 2024.

**Charlotte Business INclusion**

Established MBE Goal: 6.00%

Committed MBE Goal: 6.00%

Efficient Developments LLC met the established contract goal and has committed 6.00% (\$55,917) of the total contract amount to the following certified firm(s):

- Diamond Trucking of NC Inc (MBE, SBE) \$51,117 (hauling)
- Catawba LLC (MBE) \$4,800 (fence)

Established SBE Goal: 16.00%

Committed SBE Goal: 16.00%

Efficient Developments LLC met the established contract goal and has committed 16.00% (\$149,110) of the total contract amount to the following certified firm(s):

- American Electric Company (SBE) (\$60,000) (electrical)
- GTO Construction Inc. (SBE) (\$49,210) (concrete)
- Frady Tree Service, Inc. (SBE) (\$20,000) (tree removal)
- WGR Southeast, LLC (SBE) (\$9,800) (erosion control and safety inspections)
- Striping Concepts, LLC (SBE) (\$8,100) (pavement markings)
- Erosion Defence LLC (SBE) (\$2,000) (erosion control)

**Fiscal Note**

Funding: General Capital Investment Plan

**Attachment(s)**

Map

[Map Construct Beatties Ford Sidewalk Phase 1.pdf](#)

## 14. Electric Vehicle Chargers and Related Services

### **Action:**

- A. Authorize the City Manager to negotiate and execute contracts to provide, implement, and maintain Electric Vehicle Chargers and Related Services with the following companies for an initial term of three years:**
- Atom Power, Inc., and
  - JF Acquisition, LLC, dba JF Petroleum Group,
- B. Authorize the City Manager to renew the contracts for up to two, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved, and**
- C. Authorize the City Manager to purchase such additional software licenses, services, hardware, maintenance, and support as required to maintain the system for as long as the city uses the system.**

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

Phil Reiger, General Services

Sarah Hazel, General Services

### **Explanation**

- In December 2018, City Council adopted the Strategic Energy Action Plan, which provides a framework for the City of Charlotte to meet its Sustainable and Resilient Charlotte by 2050 Resolution.
- These contracts provide electric vehicle (EV) chargers and related software as the city pursues its goal of striving to have the city fleet and facilities fueled by 100 percent zero-carbon sources.
- While the majority of EV chargers will be for fleet charging, there is also a need for publicly available EV chargers.
- On March 6, 2023, the city issued a Request for Proposals (RFP); 14 responses were received.
- The companies selected best meet the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Multiple awards are recommended to ensure alternative solutions, flexibility, and availability in the provision of the services and equipment to best fit the particular needs of various city departments.
- Price adjustments may be considered based on legitimate and justified increases in the cost of doing business. The ability to consider price adjustments also allows the city to accept price decreases, if warranted.
- Annual expenditures are estimated to be \$850,000.

### **Charlotte Business INclusion**

#### Atom Power, Inc.,

Established MWSBE Goal: 7.00%

Committed MWSBE Goal: 14.60%

Atom Power, Inc. exceeded the established subcontracting goal and has committed 14.60% of the total contract amount to the following certified firms:

- Facilitator One (MBE, SBE) (project coordination and MWSBE outreach)
- Banks EC (SBE) (installation, service, and maintenance)
- Khalid Davis Electric (MBE, SBE) (installation, service, and maintenance)

#### JF Acquisition, LLC, dba JF Petroleum Group

Established MWSBE Goal: 7.00%

Committed MWSBE Goal: 7.00%

JF Acquisition, LLC dba JF Petroleum Group met the established subcontracting goal and has committed

7.00% of the total contract amount to the following certified firms:

- Maloney Engineering (SBE) (engineering)
- Besco Electric Corporation (MBE) (electrical services)

**Fiscal Note**

Funding: Various Departments' Operating Budgets

## 15. Charlotte Water Research and Learning Services

**Action:**

- A. Approve a unit price contract with the University of North Carolina at Charlotte for Charlotte Water Research and Learning Services for an initial term of 14 months, and**
  
- B. Authorize the City Manager to renew the contract for up to four, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

**Staff Resource(s):**

Angela Charles, Charlotte Water

Jackie Jarrell, Charlotte Water

Ron Hargrove, Charlotte Water

**Explanation**

- Charlotte Water will partner with the University of North Carolina at Charlotte (UNCC) Energy Production and Infrastructure Center, which provides education and applied research opportunities to students with energy and science related interests.
- UNCC will provide Charlotte Water with research assistance to identify and evaluate solutions for optimizing operations. Nationwide, utilities are partnering with universities to provide research that benefit operations.
- Services include data analysis and research, developing standard operating procedures, and specific projects and research based on current and future needs which optimize Charlotte Water operations.
- Price adjustments may be considered based on legitimate and justified increases in the cost of the services. The ability to consider price adjustments also allows the city to accept price decreases, if warranted.
- 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.
- UNCC has in depth knowledge of Charlotte Water unique processes and procedures, access to previous Charlotte Water data, and knowledge of previous associated research projects.
- Annual expenditures are estimated to be \$165,000.

**Charlotte Business INclusion**

This contract is exempt under the CBI Program.

**Fiscal Note**

Funding: Charlotte Water Operating Budget

## 16. Mallard Creek Wastewater Treatment Plant Centrifuge Maintenance

### Action:

- A. **Approve a unit price contract with Frazenburg LLC for centrifuges located at the Mallard Creek Wastewater Treatment Plant for an initial term of one year, and**
  
- B. **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  
Ron Hargrove, Charlotte Water  
Travis Hunnicutt, Charlotte Water

### **Explanation**

- This contract provides for preventative maintenance and repair services for dewatering and thickening centrifuges at the Mallard Creek Wastewater Treatment Plant, located within Council District 4.
- On June 1, 2023, the city issued a Request for Proposals (RFP); four responses were received.
- Frazenburg LLC best met the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Price adjustments may be considered based on legitimate and justified increases in the cost of doing business. The ability to consider price adjustments also allows the city to accept price decreases, if warranted.
- Annual expenditures are estimated to be \$650,000.

### **Charlotte Business INclusion**

Contract goals were not established on this contract as there were no viable subcontracting opportunities.

### **Fiscal Note**

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

## 17. Sugar-Based Beverage Reuse for Wastewater Treatment Plants

### Action:

- A. Approve unit price contracts with the following companies for sugar-based beverage reuse for wastewater treatment plants for a term of six years:**
- Coca-Cola Bottling Co. Consolidated dba CCBCC Operations, LLC,
  - Independent Beverage Company, LLC, and
- B. Authorize the City Manager to amend the contracts consistent with the purpose for which the contracts were approved.**

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

Angela Charles, Charlotte Water  
Ron Hargrove, Charlotte Water  
Joseph Lockler, Charlotte Water

### **Explanation**

- Since 2001, Charlotte Water has partnered with local beverage companies for the delivery of sugar water to its wastewater treatment plants.
- Charlotte Water utilizes this product to assist in the biological treatment of nitrogen and phosphorous in the wastewater treatment process. Use of this beneficial and sustainable product reduces the need to dose more expensive chemicals, resulting in annual savings of approximately \$500,000.
- 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 limited vendors with required qualifications.
- Annual aggregate expenditures are anticipated to be \$200,000.

### **Charlotte Business INClusion**

This contract is exempt under the CBI Program.

### **Fiscal Note**

Funding: Charlotte Water Operating Budget

## 18. Cooperative Purchasing Contract for Paratransit Cutaway Bus Purchase

### Action:

- A. **Approve the purchase of Paratransit Cutaway Buses, Special Tools/Equipment and Training from cooperative contracts,**
- B. **Approve a contract with Model 1 Commercial for the purchase of paratransit cutaway buses for a term of one year under State of Oklahoma Master Contract #SW0797C, and**
- C. **Authorize the City Manager to extend the contracts for additional terms while the cooperative contract is in effect, at prices and terms that are the same or more favorable than those offered under the cooperative contact.**

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

Brent Cagle, CATS

Elizabeth Presutti, CATS

Jennifer Fehribach, CATS

### **Explanation**

- The Charlotte Area Transit System (CATS) has 85 Paratransit Revenue Vehicles for use in the Special Transportation Department.
- The useful life of a light to medium duty cutaway bus is defined as 5-7 years and/or 150,000 miles within Federal Transit Authority guidelines. After the useful life, the vehicles are eligible for retirement pursuant to federal regulation.
- The purchase of gasoline vehicles will support CATS efforts to align with the Strategic Energy Action Plan goals and tiers by using the least emission option available that meets the service needs and standards required by CATS Special Transportation 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 can leverage economies of scale, such as volume discounts, improved terms and conditions, reduced administrative costs, and access to professional and technical expertise.
- Estimated first year expenditure is \$13,660,295, resulting in up to 55 vehicles.

### **Charlotte Business INCLUSION**

These are cooperative purchasing contracts and are exempt from the CBI Program.

### **Fiscal Note**

Funding: CATS Capital Improvement Program

## 19. LYNX Red Line Design Update

### **Action:**

- A. Approve a contract for up to \$5,000,000 with HDR Engineering, Inc. for planning and design services related to the proposed LYNX Red Line, and**
- B. Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.**

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

Brent Cagle, CATS  
Kelly Goforth, CATS  
Brian Nadolny, CATS

### **Explanation**

- This first phase of updating design for the LYNX Red Line will focus on updating the project definition and understanding the goals and needs of the public and the municipalities in the corridor.
- This phase will focus on public outreach, updating the grade crossings and track design, examining options for a new vehicle maintenance facility, reevaluating vehicle technologies and service levels, confirming station locations, and analyzing new alignment options into Center City Charlotte.
- On April 12, 2023, the city issued a Request for Qualifications (RFQ); two responses were received.
- HDR Engineering, Inc. was selected as the best-qualified firm to meet the city's needs based on demonstrated experience, project understanding, and project approach in response to the RFQ requirements.
- Future requests for City Council approval of contract amendments to complete the design of the Red Line project are anticipated.

### **Background**

- In 2019, the Metropolitan Transit Commission (MTC) approved a new Locally Preferred Alternative (LPA) for the North Corridor, from Center City Charlotte to the Town of Mooresville in Iredell County. Within the City of Charlotte, the project extends through Council Districts 1, 2, and 4.
- The LPA established a North Corridor public transportation strategy that includes near-term Bus Rapid Transit (BRT) improvements in the I-77 corridor while continuing a long-term vision confirming the Norfolk Southern O-Line as an important regional transportation corridor for future regional rapid transit/local mobility options.
- The MetroRAPID North BRT Planning Study was adopted by the MTC in May 2022. The next step is to update the design plans for the LYNX Red Line Commuter Rail. There have been several changes in the corridor since the original design was completed in 2009 and this update will revisit several key elements of that design.
- In fiscal year 2023, action was taken by the MTC and City Council to amend the FY 2023 Capital Investment Plan to include \$5 million to advance the LYNX Red Line.

### **Disadvantaged Business Enterprise**

Established DBE Goal: 9.00%  
Committed DBE Goal: 9.00%

HDR Engineering, Inc. has agreed to meet the established subcontracting goals using the following certified DBE firms:

- Neighboring Concepts (MBE, DBE) (station locations)
- CriTek Engineering Group (SBE, MBE, DBE) (utility coordination)
- Three Oaks Engineering (DBE) (environmental assessment)



**Fiscal Note**

Funding: CATS Capital Investment Plan

## 20. Year Three 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 \$991,754 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  
 Matt Dufore, Economic Development  
 Monica Holmes, Planning, Design & Development

### **Explanation**

- This request funds the third cohort year of the initiative that supports the city's on-going efforts to provide career pathways for Charlotte youth and completes the city's commitment.
- In addition to city funding, the Board of Mecklenburg County Commissioners approved funding in the amount of \$884,036 in their fiscal year 2024 budget.
- Road to Hire (R2H) is a 501(c)3 non-profit organization that allows students at Charlotte's Title I, low-income high schools take R2H classes for credit, learn technical and life skills and earn paths to debt-free college and high-earning careers.
- In 2021 and 2022, the city partnered with R2H for the provision of the Pathways program to provide internships for rising high school seniors and summer bridge experiences for graduates of the Pathways program who will be attending college in the fall.
  - CMS 2021 R2H Cohort:
    - 362 Pathways Program participants (Summer 2021)
      - 217 Summer Bridge participants (Summer 2022)
        - 94 percent (205) of which enrolled in college, including 57 at CPCC, UNCC, and JCSU
  - CMS 2022 R2H Cohort:
    - 330 Pathways Program participants (Summer 2022)
      - 211 Summer Bridge participants (Summer 2023)
        - 97 Percent (205) of which enrolled in college, including 76 at CPCC, UNCC, and JCSU
- 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 supports 405 students paid internships over the summer of 2023 through the Pathways Program and 240 students in the Summer Bridge program over the summer of 2024.
  - Pathways Program: Rising high school seniors 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 Free Application for Federal Student Aid with the support of R2H instructors.
  - Summer Bridge program: Students who have completed the Pathways Program the summer prior have the opportunity to participate in a paid, four-week Summer Bridge program that 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.

**Charlotte Business INclusion**

This contract is exempt under the CBI Program.

**Fiscal Note**

Funding: General Capital Investment Plan

## 21. Public Auction for Disposal of Surplus Equipment

**Action:**

- A. Adopt a resolution declaring specific vehicles, equipment, and other miscellaneous items as surplus,**
- B. Authorize said items for sale by public auction on September 16, 2023, and**
- C. Authorize the City Manager to approve certain administrative and storage fees as may be required from time to time for auction events.**

**Staff Resource(s):**

Phil Reiger, General Services

Marcy Mars, General Services

**Explanation**

- General Services provides asset recovery and disposal services to city departments, Mecklenburg County, Emergency Management Services, and INLIVIAN.
- Periodic auctions of surplus items are regularly conducted at the city's Asset Recovery and Disposal facility located at 5550 Wilkinson Boulevard, Charlotte, North Carolina, in Council District 3.
- Pursuant to North Carolina General Statute 160A-270(b), approval is requested for a public auction to be held on September 16, 2023, at 9:00 a.m. to dispose of city-owned property declared as surplus.
- The auction will be virtual with a live simulcast and electronic bidding.
- The auction company will be compensated 8.5 percent of the total gross sale price of rolling stock and miscellaneous items.
- Proceeds from the auction are distributed to the city's General Fund and Enterprise Funds (including but not limited to Aviation, Charlotte Water, and Charlotte Area Transit System), and other agencies based on asset ownership.

**Attachment(s)**

Resolution

Property List

Delegation of Authority

Virtual Auction Information

[Rolling Stock Auction Resolution](#)

[Rolling Stock Auction Property List \(Exhibit A\)](#)

[Rolling Stock Auction Delegation of Authority](#)

[Virtual Rolling Stock Auction Information](#)

## PROPERTY TRANSACTIONS

### 22. In Rem Remedy: 940 Aileen Circle

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

**Public Purpose:**

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

**Policy:**

- Housing and Neighborhood Development and Community Safety

**In Rem Remedy items are initiated from 3 categories:**

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

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

**Field Observation: 940 Aileen Circle, Council District 3**

**Action:**

**Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 940 Aileen Circle (Neighborhood Profile Area 116).**

**Attachment(s)**

In Rem Packet for 940 Aileen Circle

[940 Aileen Cr - In Rem](#)

## 23. Property Transactions - Beckwith Meadow Storm Drainage Improvement Project, Parcel # 25

**Action:** Approve the following Acquisition: Beckwith Meadow Storm Drainage Improvement Project, Parcel # 25

**Project:** Beckwith Meadow Storm Drainage Improvement Project (SDIP), Parcel # 25

**Program:** Beckwith Meadow SDIP

**Owner(s):** Cory Slusher

**Property Address:** 1312 Meadow Lane

**Total Parcel Area:** 7,800 sq. ft. (0.179 ac.)

**Property to be acquired by Easements:** 1,703 sq. ft. (0.012 ac.) Storm Drainage Easement, 658 sq. ft. (0.015 ac.) Sanitary Sewer Easement and 36 sq. ft. (0.001 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** N1-B

**Use:** Neighborhood 1 Zoning District

**Parcel Identification Number:** 093-041-29

<https://polaris3g.mecklenburgcountync.gov/#mat=33554&pid=09304129&gisid=09304129>

**Purchase Price:** \$23,429

**Council District:** 1

## 24. Property Transactions - Beckwith Meadow Storm Drainage Improvement Project, Parcel # 27

**Action:** Approve the following Condemnation: Beckwith Meadow Storm Drainage Improvement Project, Parcel # 27

**Project:** Beckwith Meadow Storm Drainage Improvement Project (SDIP), Parcel # 27

**Program:** Beckwith Meadow SDIP

**Owner(s):** Brian J. Barnes and Melinda D. Barnes

**Property Address:** 1407 Meadow Lane

**Total Parcel Area:** 7,200 sq. ft. (0.165 ac.)

**Property to be acquired by Easements:** 692 sq. ft. (0.016 ac.) Storm Drainage Easement

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

**Landscaping to be impacted:** Trees

**Zoned:** N1-B

**Use:** Neighborhood 1 Zoning District

**Parcel Identification Number:** 093-023-01

<https://polaris3g.mecklenburgcountync.gov/#mat=39858&pid=09302301&gisid=09302301>

**Appraised Value:** \$22,725

**Property Owner's Concerns:** The property owner is concerned about the amount of compensation offered and has requested negotiations cease until the project is complete.

**City's Response to Property Owner's Concerns:** The city informed the property owner they could obtain their own appraisal or provide supporting documentation to justify their counteroffer. The city remains open to resuming negotiations when the property owner is ready.

**Recommendation:** 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

## 25. Property Transactions - CMPD NorthWest Right of Way Acquisition, Parcel # 1

**Action:** Approve the following Acquisition: CMPD NorthWest Right of Way Acquisition, Parcel # 1

**Project:** CMPD NorthWest Right of Way Acquisition, Parcel # 1

**Program:** CMPD NorthWest Right of Way Acquisition

**Owner(s):** Northwoods at Coulwood Homeowners Association, Inc.

**Property Address:** Northwoods Forest Drive

**Total Parcel Area:** 36,805 sq. ft. (0.845 ac.)

**Property to be acquired by Fee Simple:** 3,593 sq. ft. (0.082 ac.) Fee Simple

**Property to be acquired by Easements:** 1,773 sq. ft. (0.041 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** Trees and various plantings

**Zoned:** N1-A

**Use:** Neighborhood 1 Zoning District

**Parcel Identification Number:** 031-314-99  
<https://polaris3g.mecklenburgcountync.gov/#pid=03131499&gisid=03131499>

**Purchase Price:** \$16,795

**Council District:** 2

## 26. Property Transactions - CMPD NorthWest Right of Way Acquisition, Parcel # 3

**Action:** Approve the following Acquisition: CMPD NorthWest Right of Way Acquisition, Parcel # 3

**Project:** CMPD NorthWest Right of Way Acquisition, Parcel # 3

**Program:** CMPD NorthWest Right of Way Acquisition

**Owner(s):** Jacquelyn Dwelle McGinnis and Lewis Alfred McGinnis

**Property Address:** 1548 Mt Holly-Huntersville Road

**Total Parcel Area:** 132,422 sq. ft. (3.040 ac.)

**Property to be acquired by Fee Simple:** 3,590 sq. ft. (0.082 ac.) Fee Simple

**Property to be acquired by Easements:** 887 sq. ft. (0.020 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** Trees

**Zoned:** N1-A

**Use:** Neighborhood 1 Zoning District

**Parcel Identification Number:** 031-311-60  
<https://polaris3g.mecklenburgcountync.gov/#mat=48152&pid=03131160&gisid=03131160>

**Purchase Price:** \$10,000

**Council District:** 2



## 27. Property Transactions - Monroe Road Multiuse Path, Parcel # 20

**Action:** Approve the following Acquisition: Monroe Road Multiuse Path, Parcel # 20

**Project:** Monroe Road Multiuse Path (MUP), Parcel # 20

**Program:** Monroe Road MUP

**Owner(s):** Steven E. Brattain and Suha Brattain

**Property Address:** 5551 Monroe Road

**Total Parcel Area:** 59,493 sq. ft. (1.366 ac.)

**Property to be acquired by Easements:** 918 sq. ft. (0.021 ac.) Sidewalk Utility Easement and 2,571 sq. ft. (0.059 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** OFC

**Use:** Office Flex Campus Zoning District

**Parcel Identification Number:** 163-021-50

<https://polaris3g.mecklenburgcountync.gov/#mat=152107&pid=16302150&qisid=16302150>

**Purchase Price:** \$10,925

**Council District:** 5

## 28. Property Transactions - Shamrock Drive Improvements, Parcel # 2

**Action:** Approve the following Condemnation: Shamrock Drive Improvements, Parcel # 2

**Project:** Shamrock Drive Improvements, Parcel # 2

**Program:** Shamrock Drive Improvements

**Owner(s):** Shyam B. Patil and Roshni Dubey

**Property Address:** 1520 Shamrock Drive

**Total Parcel Area:** 8,585 sq. ft. (0.197 ac.)

**Property to be acquired by Easements:** 127 sq. ft. (0.003 ac.) Sidewalk Utility Easement and 1,258 sq. ft. (0.029 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** Trees and various plantings

**Zoned:** N1-C

**Use:** Neighborhood 1 Zoning District

**Parcel Identification Number:** 093-097-07

<https://polaris3g.mecklenburgcountync.gov/#mat=46555&pid=09309707&gisid=09309707>

**Appraised Value:** \$22,025

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

**City's Response to Property Owner's Concerns:** The city has made design changes however the property owner is against sidewalk being constructed on his property.

**Recommendation:** 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

## 29. Property Transactions - Shamrock Drive Improvements, Parcel # 13

**Action:** Approve the following Condemnation: Shamrock Drive Improvements, Parcel # 13

**Project:** Shamrock Drive Improvements, Parcel # 13

**Program:** Shamrock Drive Improvements

**Owner(s):** James T. Wilkes and Alexandra A. Romanovskaya

**Property Address:** 1709 Shamrock Drive

**Total Parcel Area:** 6,190 sq. ft. (0.142 ac.)

**Property to be acquired by Easements:** 11 sq. ft. (0.000 ac.) Sanitary Sewer Easement and 1,007 sq. ft. (0.023 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** Various plantings

**Zoned:** N1-C

**Use:** Neighborhood 1 Zoning District

**Parcel Identification Number:** 093-102-12

<https://polaris3g.mecklenburgcountync.gov/#mat=54653&pid=09310212&gisid=09310212>

**Appraised Value:** \$15,425

**Property Owner's Concerns:** The property has outstanding title issues.

**City's Response to Property Owner's Concerns:** The city has been unable to reach an agreement or resolve outstanding title issues at this time.

**Recommendation:** To obtain clear title and avoid delay in the project schedule, recommendation is to proceed to condemnation.

**Council District:** 1

## Adjournment

## REFERENCES

## 30. 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.



### **31. 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.

## 32. 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.