

City of Charlotte

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



Meeting Agenda

Monday, October 10, 2022

Council Chambers

City Council Business Meeting

Mayor Vi Lyles

Mayor Pro Tem Braxton Winston II

Council Member Dimple Ajmera

Council Member Danté Anderson

Council Member Tariq Scott Bokhari

Council Member Ed Driggs

Council Member Malcolm Graham

Council Member Reneé Johnson

Council Member LaWana Mayfield

Council Member James Mitchell

Council Member Marjorie Molina

Council Member Victoria Watlington

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

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

1. Mayor and Council Consent Item Questions and Answers

Staff Resource(s):

Marie Harris, Strategy and Budget

Time: 5 minutes

Synopsis

Mayor and Council may ask questions about Consent agenda items.

[2022-10-10 Council Agenda QA](#)

2. Action Review Agenda Overview

Staff Resource(s):

Marcus Jones, City Manager

3. Action Review Items

Equity in Governance Framework

Staff Resource(s):

Federico Rios, Housing and Neighborhood Services

Time: Presentation - 15 minutes; Discussion - 30 minutes

Explanation

- Provide an overview of the Equity in Governance Framework

Future of Charlotte: Housing and Jobs Summit Preview (Item Deferred)

Staff Resource(s):

Marcus Jones, City Manager

Tracy Dodson, City Manager's Office

Shawn Heath, Housing and Neighborhood Services

Time: Presentation - 10 minutes; Discussion - 30 minutes

Explanation

- Provide a preview of the agenda for the October 20 to 21 Council Summit and an update on available American Rescue Plan Funds for Housing and Jobs/Workforce Development.

[10.10 Action Review - Equity in Governance Update](#)

4. Closed Session (as necessary)

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

Call to Order

Introductions

Invocation

Pledge of Allegiance

CONSENT

- 5. Consent agenda items 28 through 44 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

6. Indigenous Peoples' Day

Action:

Mayor Lyles will read a proclamation recognizing October 10, 2022 as Indigenous Peoples' Day.

7. Charlotte CROP Hunger Walk Day

Action:

Mayor Lyles will read a proclamation recognizing October 16, 2022 as Charlotte CROP Hunger Walk Day.

8. Hispanic Heritage Month

Action:

Mayor Lyles will read a proclamation recognizing September 15 - October 15, 2022 as Hispanic Heritage Month.

PUBLIC HEARING

9. Public Hearing and Decision on the Battle of McIntyre's Farm Monument Historic Landmark Designation

Action:

- A. Conduct a public hearing to consider historic landmark designation for the structure known as the "Battle of McIntyre's Farm Monument" (associated with the property listed under parcel identification number 037-116-05), and**
- B. Adopt an ordinance with an effective date of October 10, 2022, designating the structure known as the "Battle of McIntyre's Farm Monument" (associated with the property listed under parcel identification number 037-116-05) as a historic landmark.**

Staff Resource(s):

Alyson Craig, Planning, Design, and Development
David Pettine, Planning, Design, and Development

Explanation

- The city has received a recommendation from the Charlotte-Mecklenburg Historic Landmarks Commission (HLC) to designate the Battle of McIntyre's Farm Monument as a local historic landmark.
- Public hearings are required prior to City Council action on designation requests.
- The Battle of McIntyre's Farm Monument is associated with the property located at 5801 Beatties Ford Road near the intersection of Beatties Ford Road and McIntyre Avenue, in Council District 2.
- Designation of this property could significantly contribute to its long-term preservation.
- The Battle of McIntyre's Farm Monument is associated with the property listed under parcel identification number 037-116-05, and the recommended designation would include the monument in its entirety and a 24-foot radius of land immediately surrounding the monument, which comprises a portion of the land associated with the tax parcel.
- The property is zoned R-4 which is primarily a single-family zoning district.
- The property is owned by Mecklenburg County and currently exempt from property taxes.

Attachment(s)

Ordinance
Information Sheet
Designation Report

[Ordinance - ELBD Marker, McIntyre Farm](#)

[Information Sheet - ELBD Marker, McIntyre Farm](#)

[Designation Report - ELBD Marker](#)

[Designation Report - McIntyre Farm](#)

10. Public Hearing and Decision on the Franks House Historic Landmark Designation

Action:

- A. Conduct a public hearing to consider historic landmark designation for the property known as the "Franks House" (parcel identification number 073-063-12), and
- B. Adopt an ordinance with an effective date of October 10, 2022, designating the property known as the "Franks House" (parcel identification number 073-063-12) as a historic landmark.

Staff Resource(s):

Alyson Craig, Planning, Design, and Development

David Pettine, Planning, Design, and Development

Explanation

- The city has received a recommendation from the Charlotte-Mecklenburg Historic Landmarks Commission (HLC) to designate the Franks House as a local historic landmark.
- Public hearings are required prior to City Council action on designation requests.
- The Franks House is located at 305 Dunbar Street in Council District 2.
- Designation of this property could significantly contribute to its long-term preservation.
- The Franks House is listed under parcel identification number 073-063-12, and the recommended designation would include the exterior of the structure and the land associated with the tax parcel.
- The property is zoned UMUD which is an urban, mixed-use development district.
- The property is owned by Rivafinoli Partners LLC.
- Based on the current value, the potential amount of deferrable taxes would be approximately \$497.76 for the City of Charlotte, \$882.12 for Mecklenburg County, and \$55.77 for Municipal Service District 4.

Attachment(s)

Ordinance

Information Sheet

Designation Report

[Ordinance - Franks House](#)

[Information Sheet - Franks House](#)

[Designation Report - Franks House](#)

11. Public Hearing and Decision on the Williams Memorial Presbyterian Church Wall and Marker Historic Landmark Designations

Action:

- A. Conduct a public hearing to consider historic landmark designation for the structures known as the "Williams Memorial Presbyterian Church Wall and Marker" (associated with the property listed under parcel identification number 041-171-01), and
- B. Adopt an ordinance with an effective date of October 10, 2022, designating the structures known as the "Williams Memorial Presbyterian Church Wall and Marker" (associated with the property listed under parcel identification number 041-171-01) as historic landmarks.

Staff Resource(s):

Alyson Craig, Planning, Design, and Development
David Pettine, Planning, Design, and Development

Explanation

- The city has received a recommendation from the Charlotte-Mecklenburg Historic Landmarks Commission (HLC) to designate the Williams Memorial Presbyterian Church Wall and Marker as local historic landmarks.
- Public hearings are required prior to City Council action on designation requests.
- The Williams Memorial Presbyterian Church Wall and Marker are associated with the property located at 4700 Beatties Ford Road in Council District 2.
- Designation of this property could significantly contribute to their long-term preservation.
- The Williams Memorial Presbyterian Church Wall and Marker are associated with the property listed under parcel identification number 041-171-01.
- The recommended designation would include the wall in its entirety, as well as a 20-foot wide strip of land abutting each side of the wall, running for the entire length of each segment of the wall and measured in each direction from the external face of each wall segment. It would also include the external face of the stone piers located at each wall segment's termination points, and the marker in its entirety, as well as a 20-foot radius of land immediately surrounding the marker, which comprises a portion of the land associated with the tax parcel.
- The property is zoned R-4 which is primarily a single-family zoning district.
- The property is owned by Williams Memorial Presbyterian Church, Inc. and is currently exempt from property taxes.

Attachment(s)

Ordinance

Information Sheet

Designation Report on the Williams Memorial Presbyterian Church Wall and Marker

Designation Report on the E. L. Baxter Davidson Historic Markers and Monuments

[Ordinance - ELBD Marker, Williams Pres](#)

[Information Sheet - ELBD Marker, Williams Pres](#)

[Designation Report - ELBD Marker, Williams Pres](#)

[Designation Report - ELBD Markers](#)

POLICY

12. City Manager's Report

[10.10.2022 City Manager's Memo](#)

13. Update Council Rules of Procedure

Action:

Approve the Budget, Governance and Intergovernmental Relations Council Committee's recommendations to amend Rule 28 (a) of the Rules of Procedure for the Charlotte City Council specific to Council's Committee meetings.

Committee Chair:

Dimple Ajmera, Budget, Governance and Intergovernmental Relations

Staff Resource(s):

Patrick Baker, City Attorney's Office

Lina James, City Attorney's Office

Explanation

- The Rules of Procedure for the Charlotte City Council (Rules of Procedure) was most recently amended on April 8, 2019. Under the current rules:
 - Rule 28 allows for telephonic and electronic attendance at Committee meetings and Council meetings under certain specific conditions. This rule was adopted by Council on May 24, 2010 and amended on April 11, 2016.
- In October 2020, Mayor Lyles referred consideration of virtual meetings and attendance under the Rules of Procedure to the Budget and Effectiveness Council Committee after Council held meetings virtually based on the Governor's declaration of a statewide state of emergency due to COVID-19 and pursuant to legal authority under the remote meeting laws.
- Council Committee meetings do not constitute a quorum of Council and Committees are only charged with making recommendations, not binding decisions, to Council.
- Amendments to the Rules of Procedure must be voted on and adopted by City Council.

Proposed Changes

- The proposed amendments to the Rule 28 (a) of the Rules of Procedure provide for allowing for electronic participation by Councilmembers during Council Committee meetings
- Specific amendments to Rule 28 (a) include deleting the reasons for absence and the notice requirements:
 - Rule 28. Telephonic and electronic attendance at meetings
 - a) Committee meetings. Council members may attend committee meetings by telephone or other electronic means. ~~when they are unable, by reason of illness or injury, to attend in person. Members who plan to attend by electronic means shall notify City staff at least 48 hours in advance allow for arrangements to be made.~~ Members attending electronically are entitled to vote and fully participate in the business of the committee meeting.
 - b) Council meetings. Council members may attend Council meetings by telephone or other electronic means for emergency meetings. In addition, Council members may attend regular and special meetings by telephone or other electronic means where:
 - (i) necessary to achieve a quorum;
 - (ii) attendance is precluded due to weather, civil unrest, emergency, etc.; and
 - (iii) the meeting needs to be continued (e.g., need to open and continue a public hearing to avoid the need to readvertise) or to take action on matters that cannot be delayed

Committee Discussion

- The Budget and Effectiveness Council Committee met on December 1, 2020, January 26, June 3 and 17, 2021, to discuss virtual meetings and the Rules of Procedure.
- The newly established Budget, Governance and Intergovernmental took up this referral for discussion at their October 3, 2022, Committee meeting.
- After discussion and reviewing input from the City Attorney's Office, the committee voted (3-2: For - CMs Ajmera, Mayfield, and Mitchell. Against - CMs Anderson and Bokhari) to recommend amending Rule 28 section (a).

Attachment(s)

Rule of Procedure of the Charlotte City Council - Blackline

[Rules of Procedure Proposed Update 10.10.2022](#)

BUSINESS

14. 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 the Town of Huntersville, the Town of Mint Hill, the Town of Mooresville, and the Town of Troutman to support transportation planning projects.**

Staff Resource(s):

Alyson Craig, Planning Design and Development
Bob Cook, Planning, Design and Development
Debbie Smith, Transportation
John Lewis, CATS

Explanation

Actions A and B

- The Federal Transit Administration (FTA) awarded the Fiscal Year 2023 Metropolitan Planning Grant to the City of Charlotte in July 2022.
- 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.
- Planning, Design and Development; Charlotte Department of Transportation; and the Charlotte Area Transit System are 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 \$2,503,820 of which \$2,003,056 (80 percent) consists of federal funds, \$250,382 (10 percent) consists of state funds, and \$250,382 (10 percent) consists of local funds.
 - Iredell County Area Transportation System will receive up to \$67,517 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 \$132,708 for transit planning activities, including data and planning support, public participation, and statewide and supplemental regional planning.
 - The local match of \$250,382 will be shared by the City of Charlotte (\$228,135), Iredell County Area Transit System (\$7,502) and Union County Transportation (\$14,745).

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 Town of Huntersville will receive up to \$128,000 for the Huntersville Mobility Plan,
 - The Town of Mint Hill will receive up to \$120,000 for the Mint Hill Traffic Data Collection Analysis,
 - The Town of Mooresville will receive up to \$48,000 for the Mooresville Vision Zero Action Plan, and
 - The Town of Troutman will receive up to \$96,000 for the Troutman Mobility Plan.
- 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 the Town of Huntersville (\$32,000), the Town of Mint Hill (\$30,000), the Town of Mooresville (\$12,000), and the Town of Troutman (\$24,000).

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 Agreement contracts and are exempt (Part A: Appendix 1.27 of the Charlotte Business INCLUSION Policy).

Fiscal Note

Funding: General Grants Fund

Attachment(s)

Action A Resolution

Action B Resolution

Action C Resolution

[Action A - FY23 5303 Municipal Agreement Resolution](#)

[Action B - FY23 5303 Interlocal Agreement Resolution](#)

[Action C - FY23 Special Projects Interlocal Agreement Resolution](#)

15. World Link Wireless, Inc. Lease at the Charlotte Transportation Center

Action:

- A. Adopt a resolution approving a five-year lease agreement with World Link Wireless, Inc. for operation of a mobile phone retail store at the Charlotte Transportation Center, and**
- B. Authorize the City Manager or his designee to execute all necessary agreements and other documents to complete this transaction.**

Staff Resource(s):

John Lewis, CATS

Allen C. Smith III, CATS

Explanation

- The city uses the Charlotte Transportation Center (CTC), located in Council District 1, as the main terminal and transfer point for Charlotte's public transit system.
- The leasable spaces within the CTC provide opportunities for retail and business firms to offer goods and services to customers using the Charlotte Area Transit System.
- World Link Wireless, Inc. would like to lease retail space at the CTC to operate its Boost Mobile, mobile phone store.
- The terms of the lease renewal agreement are as follows:
 - Approximately 316 square feet of retail space in Suite A110 located in the CTC;
 - A five-year term;
 - Rent in the amount of \$2,640 per month (\$31,680 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
 - Tenant agrees and understands that future transit-related development may result in the early termination of the lease.

Fiscal Note

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

Attachment(s)

Resolution

[Resolution - World Link Wireless, Inc.](#)

16. Nominations to the Bicycle Advisory Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term beginning upon appointment and ending December 31, 2024.
 - Eoin Sheil has resigned.

Attachment(s)

Bicycle Advisory Committee Applications

17. Nominations to the Business Advisory Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

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

Attachment(s)

Business Advisory Committee Applications

18. 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 partial term recommended by the Latin American Chamber of Commerce beginning upon appointment and ending February 28, 2024.
 - Griselda Bailey has resigned.

Attachment(s)

Charlotte Business INclusion Advisory Committee Applications

19. Nominations to the Charlotte Equitable Development Commission

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 August 31, 2024.
 - Marjorie Molina has resigned.

Attachment(s)

Charlotte Equitable Development Commission Applications

20. Nominations to the Charlotte Neighborhood Equity and Stabilization Commission

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a Housing Finance category representative for a partial term beginning upon appointment and ending August 31, 2024.
 - Kim M. Graham has resigned.
- One appointment for a Resident Experienced/Experiencing Displacement category representative for a partial term beginning upon appointment and ending August 31, 2024.
 - GQ Lewis has resigned.

Attachment(s)

Charlotte Neighborhood Equity and Stabilization Commission Applications

21. 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 partial term beginning upon appointment and ending May 15, 2023.
 - Ryan McGill will resign on October 15, 2022, due to military service.

Attachment(s)

Civil Service Board Applications

22. Nominations to the Historic District Commission

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

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

Attachment(s)

Historic District Commission Applications

23. Nominations to the Keep Charlotte Beautiful Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

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

Attachment(s)

Keep Charlotte Beautiful Committee Applications

24. Nominations to the Passenger Vehicle for Hire Board

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

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

Attachment(s)

Passenger Vehicle for Hire Board Applications

25. Nominations to the Planning Commission

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment recommended by the Board of Education for a three-year term beginning July 1, 2022, and ending June 30, 2025.
 - Sam Spencer has served two terms and is ineligible for reappointment.

Attachment(s)

Planning Commission Applications

26. Nominations to the Storm Water Advisory Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

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

Attachment(s)

Storm Water Advisory Committee Applications

27. 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

28. Audio-Visual Products and Services

Action:

- A. Approve the purchase of Smarter Systems Audio-Visual Products and Related Services from a federal contract,**
- B. Approve a contract with Promark Technology, Inc. for the purchase of Audio-Visual Products and Related Services for the remaining term of four years under General Services Administration, Contract GS-35F-303DA, dated May 4, 2016,**
- C. Authorize the City Manager to extend the use of the contract for additional terms as long as the federal contract is in effect, at prices and terms that are the same or more favorable than those offered under the federal contract, and**
- D. Authorize the City Manager to purchase such additional software licenses, services, and hardware or amend the contract as may be required for additional enterprise implementations of this audio-visual solution, consistent with the purpose for which the contract was awarded.**

Staff Resource(s):

Reenie Askew, Innovation and Technology
Phil Reiger, General Services
Kay Elmore, General Services

Explanation

- The city requires audio-visual products and services to support ongoing operations.
- This vendor will provide the following audio-visual products and related services including:
 - Smarter Systems AV Equipment,
 - AV Equipment Maintenance,
 - Related Software Licenses and Software Maintenance, and
 - Related Services.
- NC General Statute Section 143-129(e)(9a) allows local governments to purchase from contracts established by the United States government, including any federal agency, if the contractor is willing to extend the same or more favorable prices, terms, and conditions as those established under the federal contract.
- Promark Technology, Inc. is willing to provide Smarter Systems Audio-Visual Products and Services to the city at the same or better terms as established in the federal contract.
- Annual expenditures are estimated to be \$250,000.

Charlotte Business INclusion

This contract is being purchased off existing State/Federal contracts and is exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Various Department Operating Budgets

29. Dixie River Road Water Main

Action:

Approve a contract in the amount of \$7,448,399.20 to the lowest responsive bidder R.H. Price Inc. for the Dixie River Road Water Main project.

Staff Resource(s):

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

Explanation

- This contract will construct a new 24-inch water transmission main to serve the River District on the west side of Mecklenburg County (adjacent to Council District 3).
- On July 11, 2022, the city issued an Invitation to Bid; 11 bids were received.
- R.H. Price Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by first quarter 2024.

Background

- On May 30, 2018, City Council approved the donation of surveying, engineering, and easements to the city from the River District developer, Crescent River District, LLC.
- Crescent River District, LLC has contracted with design consultant LandDesign Inc. to prepare the watermain design and permitting documents. Crescent River District, LLC has also contracted LandDesign Inc. for construction administration services during the construction of the water main.

Charlotte Business INclusion

Established MBE Goal: 2.00%

Committed MBE Goal: 2.00%

R.H. Price Inc. met the established MBE subcontracting goal and has committed 2.00% (\$149,000) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- MTS Trucking, Inc. (MBE, SBE) (\$142,500) (hauling)
- EDT, PLLC (MBE) (\$6,500) (cathodic protection testing)

Established SBE Goal: 6.00%

Committed SBE Goal: 6.00%

R.H. Price Inc. met the established SBE subcontracting goal and has committed 6.00% (\$447,000) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Trull Contracting, LLC (SBE, WBE) (\$197,000) (paving)
- Mohawk Traffic Services, LLC (SBE) (\$120,000) (traffic control)
- Martin Landscaping Co., Inc. (MBE, SBE) (\$70,000) (seeding and restoration)
- Erosion Defence (SBE) (\$60,000) (silt fence installation)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Map

[Map-Dixie River Road Water Main](#)

30. Professional Engineering Services for Sunview/Telfair Storm Drainage Improvement Project

Action:

Approve a contract for up to \$1,000,000 with LandDesign, Inc. for planning and design services for the Sunview/Telfair Storm Drainage Improvement Project.

Staff Resource(s):

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

Explanation

- The Sunview/Telfair Storm Drainage Improvement Project is bordered by Archdale Drive to the north, Sulstone Lane to the east, and Old Reid Road to the south and west, and is located in Council District 6.
- Professional engineering services will evaluate infrastructure and reported storm drainage concerns to determine design-needed improvements to the existing drainage system.
- Specific planning tasks include, but are not limited to:
 - Site assessment activities,
 - Hydrologic and hydraulic analyses,
 - Determination of alternatives to address the applicable drainage issues,
 - Recommendations of a preferred solution, and
 - Evaluation of downstream impacts.
- A planned future phase will design the preferred storm drainage improvements recommended by the planning phase.
- On August 23, 2019, the city issued a Request for Qualifications (RFQ); 35 responses were received. 20 firms were selected to receive contracts.
- LandDesign, Inc. is the best qualified to meet the city's needs for this particular project on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.

Charlotte Business INCLUSION

The city negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INCLUSION Policy). LandDesign, Inc. has identified the following certified firm to participate as project scopes are defined, and committed 10.00% of the total contract amount to the following certified firm:

- CES Group Engineers, LLP (WBE) (surveying)

Fiscal Note

Funding: Storm Water Capital Investment Plan

Attachment(s)

Map

[Sunview Project Map](#)

31. CATS Gillig Bus Maintenance Parts

Action:

- A. Approve the purchase of bus maintenance parts by the sole source exemption,
- B. Approve a unit price contract with Gillig LLC for the purchase of bus maintenance parts for the term of three years, and
- C. 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):

John Lewis, CATS

Allen C. Smith III, CATS

Jennifer Fehribach, CATS

Sole Source Exemption

- North Carolina General Statute Section 143-129 (e) (6) provides that formal bidding requirements do not apply when:
 - Performance or price competition are not available;
 - A needed product is available from only one source or supply; or
 - Standardization or compatibility is the overriding consideration.
- Sole sourcing is necessary for this contract because there is only one supply source by the original equipment manufacturer.
- City Council approval is required for purchases made under the sole source exception.

Explanation

- The city uses proprietary original equipment manufacturer (OEM) bus parts in the daily maintenance and repair of the Transit bus fleet.
- The proprietary OEM parts meet the required specifications and standards to keep the buses in the proper operating condition and to maintain bus warranties.
- Bus parts will be ordered on an "as needed" basis. The contract amount is based on prior usage and required inventory stock levels to maintain service fleet availability.
- Gillig LLC will be paid the unit prices set forth in the contract, a copy of which is available upon request.
- Annual expenditures under the contract are estimated to be \$1,000,000.

Disadvantaged Business Enterprise (DBE)

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

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

Fiscal Note

Funding: CATS Operating Budget

32. Set a Public Hearing on Garrison Road Industrial Phase 1 Area Voluntary Annexation

Action:

Adopt a resolution setting a public hearing for October 24, 2022, for the Garrison Road Industrial Phase 1 Area voluntary annexation petition.

Staff Resource(s):

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

Explanation

- The city has received a petition for voluntary annexation of private property.
- Public hearings are required prior to City Council action on annexation requests.
- This property is located within Charlotte's extraterritorial jurisdiction.
- The area proposed for annexation shares boundaries with current city limits.
- Annexation of this area will allow for more orderly development review, extension of city services, capital investments, and future annexation processes.
- The 149.7-acre "Garrison Road Industrial Phase 1" site is located west of Interstate 485 along Garrison Road in southwestern Mecklenburg County.
 - The property is currently vacant with some single-family residential uses.
 - The petitioner has plans to develop five Class A industrial buildings totaling 1,212,840 square feet of industrial uses on the site.
 - The property is zoned I-1(CD), which allows for light industrial uses.
 - The property is located immediately adjacent to City Council District 3.
 - The petitioned area consists of five parcels; parcel identification numbers: 141-291-05, 141-291-03, 141-291-02, 141-291-01, and 141-181-65.

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

[Map - Garrison Road Industrial Phase 1 Area Annexation](#)

[Resolution - Garrison Road Industrial Phase 1 Area Annexation](#)

33. Refund of Property Taxes

Action:

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$4,039.04.

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

[List of Taxpayers](#)

[Resolution Property Tax Refunds](#)

PROPERTY TRANSACTIONS

34. Property Transactions - Goose Creek Sanitary Sewer Extension to Cresthill Drive, Parcel # 5

Action: Approve the following Acquisition: Goose Creek Sanitary Sewer Extension to Cresthill Drive, Parcel # 5

Project: Goose Creek Sanitary Sewer Extension to Cresthill Drive, Parcel # 5

Program: Goose Creek Sanitary Sewer Extension to Cresthill Drive

Owner(s): John Barja Jr. and Robin Lynn Barja

Property Address: 12657 Lawyers Rd

Total Parcel Area: 217,606 sq. ft. (4.99 ac.)

Property to be acquired by Easements: 20,274 sq. ft. (0.47 ac.) Sanitary Sewer Easement, 12,525 sq. ft. (0.29 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R

Use: Residential District

Parcel Identification Number(s): 197-021-79
<https://polaris3g.mecklenburgcountync.gov/#mat=30917&pid=19702179&qisid=19702179>

Purchase Price: \$24,225

Council District: Adjacent to Council District 5

35. Property Transactions - Goose Creek Sanitary Sewer Extension to Cresthill Drive, Parcel # 7

Action: Approve the following Condemnation: Goose Creek Sanitary Sewer Extension to Cresthill Drive, Parcel # 7

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

Program: Goose Creek Sanitary Sewer Extension to Cresthill Drive

Owner(s): Joel Carriker and Carolyn M Carriker

Property Address: 12223 Lawyers Road

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

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

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R

Use: Residential District

Parcel Identification Number(s): 197-021-42
<https://polaris3g.mecklenburgcountync.gov/#mat=26415&pid=19702142&qisid=19702142>

Appraised Value: \$21,325

Property Owner's Concerns: The city is unable to reach an agreement with the property owner.

City's Response to Property Owner's Concerns: The city continues to negotiate with the property owner.

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

Council District: Adjacent to Council District 5

36. Property Transactions - North Bridge over I-85, Parcel # 6

Action: Approve the following Acquisition: North Bridge over I-85, Parcel # 6

This property is acquired in accordance with Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for North Carolina Department of Transportation reimbursement and Federal Transit Administration reimbursement.

Project: North Bridge over I-85, Parcel # 6

Program: North Bridge over I-85

Owner(s): Sam's Real Estate Business Trust

Property Address: 8909 JW Clay Boulevard and 605 Doug Mayes Place

Total Parcel Area: 518,882 sq. ft. (11.91 ac.)

Property to be acquired by Fee Simple: 23,381 sq. ft. (0.54 ac.) Fee Simple

Property to be acquired by Easements: 13,003 sq. ft. (0.30 ac.) Post Construction Controls Easement, 902 sq. ft. (0.02 ac.) Retaining Wall Easement, 2,597 sq. ft. (0.06 ac.) Sanitary Sewer Easement, 6,349 sq. ft. 0.15 ac.) Sidewalk Utility Easement, 2,965 sq. ft. (0.07 ac.) Storm Drainage Easement, 13,195 sq. ft. (0.30 ac.) Temporary Construction Easement, 12,094 sq. ft. (0.28 ac.) Utility Easement, 1,243 sq. ft. (0.03 ac.) Waterline Easement

Structures/Improvements to be impacted: Fence and streetlights

Landscaping to be impacted: Trees and various plantings

Zoned: CC

Use: Commercial Center

Parcel Identification Number(s): 047-201-39

<https://polaris3g.mecklenburgcountync.gov/#mat=210522&pid=04720139&qsid=04720139>

Purchase Price: \$617,700

Council District: 4

37. Property Transactions - Shamrock Drive Improvements, Parcel # 31

Action: Approve the following Acquisition: Shamrock Drive Improvements, Parcel # 31

Project: Shamrock Drive Improvements, Parcel # 31

Program: Shamrock Drive Improvements

Owner(s): Property Engine, LLC

Property Address: 1923 and 1925 Shamrock Drive

Total Parcel Area: 7,532 sq. ft. (0.17 ac.)

Property to be acquired by Easements: 1,015 sq. ft. (0.023 ac.) Storm Drainage Easement, 105 sq. ft. (0.0024 ac.) Utility Easement, 198 sq. ft. (0.0045 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Driveway

Landscaping to be impacted: Trees

Zoned: R-22MF

Use: Multi-family Residential

Parcel Identification Number(s): 093-062-56

<https://polaris3g.mecklenburgcountync.gov/#mat=66247&pid=09306256&qisid=09306256>

Purchase Price: \$14,482

Council District: 1

38. Property Transactions - Shamrock Drive Improvements, Parcel # 45

Action: Approve the following Acquisition: Shamrock Drive Improvements, Parcel # 45

Project: Shamrock Drive Improvements, Parcel # 45

Program: Shamrock Drive Improvements

Owner(s): Erika Funk

Property Address: 2201 Shamrock Drive

Total Parcel Area: 12,532 sq. ft. (0.29 ac.)

Property to be acquired by Easements: 984 sq. ft. (0.023 ac.) Sidewalk Utility Easement, 24 sq. ft. (0.001 ac.) Utility Easement, 1,135 sq. ft. (0.026 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Fence

Landscaping to be impacted: Various plantings

Zoned: R-4

Use: Single-family Residential

Parcel Identification Number(s): 093-073-03
<https://polaris3g.mecklenburgcountync.gov/#mat=75442&pid=09307303&qisid=09307303>

Purchase Price: \$11,000

Council District: 1

39. Property Transactions - Shamrock Drive Improvements, Parcel # 65

Action: Approve the following Acquisition: Shamrock Drive Improvements, Parcel # 65

Project: Shamrock Drive Improvements, Parcel # 65

Program: Shamrock Drive Improvements

Owner(s): Addams, LLC

Property Address: 2323 Shamrock Drive

Total Parcel Area: 13,666 sq. ft. (0.31 ac.)

Property to be acquired by Fee Simple: 140 sq. ft. (0.0032 ac.) Fee Simple

Property to be acquired by Easements: 493 sq. ft. (0.011 ac.) Utility Easement, 816 sq. ft. (0.019 ac.) Sidewalk Utility Easement, 918 sq. ft. (0.021 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R-4

Use: Single-family Residential

Parcel Identification Number(s): 093-072-15

<https://polaris3g.mecklenburgcountync.gov/#mat=80597&pid=09307215&qisid=09307215>

Purchase Price: \$12,000

Council District: 1

40. Property Transactions - Shamrock Drive Improvements, Parcel # 70

Action: Approve the following Acquisition: Shamrock Drive Improvements, Parcel # 70

Project: Shamrock Drive Improvements, Parcel # 70

Program: Shamrock Drive Improvements

Owner(s): Joseph Michael Lavalliere

Property Address: 2405 Shamrock Drive

Total Parcel Area: 12,007 sq. ft. (0.28 ac.)

Property to be acquired by Fee Simple: 128 sq. ft. (0.003 ac.) Fee Simple

Property to be acquired by Easements: 965 sq. ft. (0.023 ac.) Utility Easement, 841 sq. ft. (0.020 ac.) Sidewalk Utility Easement, 52 sq. ft. (0.002 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Driveway

Landscaping to be impacted: Trees

Zoned: R-4

Use: Single-family Residential

Parcel Identification Number(s): 093-071-02

<https://polaris3g.mecklenburgcountync.gov/#mat=82389&pid=09307102&qisid=09307102>

Purchase Price: \$10,000

Council District: 1

41. Property Transactions - XCLT Tryon to Orr, Parcel # 4, 5, and 7

Action: Approve the following Condemnation: XCLT Tryon to Orr, Parcel # 4, 5, and 7

Project: XCLT Tryon to Orr, Parcel # 4, 5, and 7

Program: XCLT Tryon to Orr

Owner(s): Victor Murrillo

Property Address: 124 and 128 Mellow Drive and 221 Burroughs Street

Total Parcel Area: 79,227 sq. ft. (1.82 ac.)

Property to be acquired by Fee Simple: 9,958 sq. ft. (0.229 ac.) Fee Simple

Property to be acquired by Easements: 5,342 sq. ft. (0.123 ac.) Permanent Greenway Easement, 9,514 sq. ft. (0.219 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-12MF

Use: Multi-family Residential

Parcel Identification Number(s): 089-021-04, 089-021-03, 089-021-07

<https://polaris3g.mecklenburgcountync.gov/#mat=28347&pid=08902104&qisid=08902104>

<https://polaris3g.mecklenburgcountync.gov/#mat=49473&pid=08902103&qisid=08902103>

<https://polaris3g.mecklenburgcountync.gov/#mat=75916&pid=08902107&qisid=08902107>

Appraised Value: \$160,000

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

City's Response to Property Owner's Concerns: The city explained the rationale of the design and how it meets the objectives for the project and 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

42. Property Transactions - XCLT Tryon to Orr, Parcel # 6

Action: Approve the following Condemnation: XCLT Tryon to Orr, Parcel # 6

Project: XCLT Tryon to Orr, Parcel # 6

Program: XCLT Tryon to Orr

Owner(s): Victor Murrillo

Property Address: 4725 and 4727 North Tryon Street

Total Parcel Area: 81,780 sq. ft. (1.88 ac.)

Property to be acquired by Easements: 332 sq. ft. (0.008 ac.) Permanent Greenway Easement, 1,612 sq. ft. (0.037 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: B-2

Use: Business

Parcel Identification Number(s): 089-021-06

<https://polaris3g.mecklenburgcountync.gov/#mat=462367&pid=08902106&gisid=08902106>

Appraised Value: \$8,300

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

City's Response to Property Owner's Concerns: The city explained the rationale of the design and how it meets the objectives for the project and 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

43. Property Transactions - XCLT Tryon to Orr, Parcel # 8

Action: Approve the following Condemnation: XCLT Tryon to Orr, Parcel # 8

Project: XCLT Tryon to Orr, Parcel # 8

Program: XCLT Tryon to Orr

Owner(s): Victor Murillo

Property Address: 224 Burroughs Street

Total Parcel Area: 79,174 sq. ft. (1.82 ac.)

Property to be acquired by Easements: 8,736 sq. ft. (0.20 ac.) Permanent Greenway Easement, 7,292 sq ft (0.167 ac.) Post Construction Control Easement, 7,640 sq. ft. (0.175 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-12MF

Use: Multi-family Residential

Parcel Identification Number(s): 089-023-03

<https://polaris3g.mecklenburgcountync.gov/#mat=77854&pid=08902303&qisid=08902303>

Appraised Value: \$100,575

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

City's Response to Property Owner's Concerns: The city explained the rationale of the design and how it meets the objectives for the project and 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

44. Property Transactions - XCLT Tryon to Orr, Parcel # 36

Action: Approve the following Condemnation: XCLT Tryon to Orr, Parcel # 36

Project: XCLT Tryon to Orr, Parcel # 36

Program: XCLT Tryon to Orr

Owner(s): Victor Murrillo

Property Address: Burroughs Street

Total Parcel Area: 29,659 sq. ft. (0.68 ac.)

Property to be acquired by Easements: 3,723 sq. ft. (0.086 ac.) Post Construction Controls Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: B-2

Use: Business

Parcel Identification Number(s): 089-023-20
<https://polaris3g.mecklenburgcountync.gov/#pid=08902320&gisid=08902320>

Appraised Value: \$15,625

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

City's Response to Property Owner's Concerns: The city explained the rationale of the design and how it meets the objectives for the project and 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

Adjournment

REFERENCES

45. 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.

46. 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.

47. 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.