

City of Charlotte

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



Meeting Agenda

Monday, June 24, 2024

Council Chamber

City Council Business Meeting

Mayor Vi Lyles
Mayor Pro Tem Danté Anderson
Council Member Dimple Ajmera
Council Member Tariq Scott Bokhari
Council Member Tiawana Brown
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 AND CONSENT AGENDA, CHARLOTTE-MECKLENBURG GOVERNMENT CENTER, REGULAR MEETING 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.

[2024-06-24 Council Agenda QA](#)

2. Consent agenda items 17 through 50 may be considered in one motion except for those items removed by a Council member. Items are removed by notifying the City Clerk.

Time: 10 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):

Shawn Heath, Assistant City Manager

4. Action Review Items

Strategic Energy Action Plan Update

Staff Resource(s):

Sarah Hazel, Office of Sustainability and Resilience

Time: Presentation - 15 minutes; Discussion - 20 minutes

Explanation

- Council will receive an update on progress towards the goals within the Strategic Energy Action Plan and related initiatives.

[SEAP Update Action Review Presentation](#)

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

AWARDS AND RECOGNITIONS

6. LGBTQ+ Pride Month

Action:

Council member Mayfield will read a proclamation recognizing June 2024 as LGBTQ+ Pride Month.

PUBLIC FORUM

7. Public Forum

PUBLIC HEARING

8. Public Hearing on General Obligation Bond Referendum

Action:

- A. Conduct a public hearing on the bond orders which would be authorized at the General Obligation Bond Referendum to be set for November 5, 2024,
- B. Adopt Bond Orders introduced for \$238,300,000 of Street Bonds, \$61,700,000 of Neighborhood Improvement Bonds, and \$100,000,000 of Housing Bonds, and
- C. Adopt a resolution setting the General Obligation Bond Referendum for November 5, 2024.

Staff Resource(s):

Teresa Smith, Finance
Matthew Hastedt, Finance

Explanation

- On June 10, 2024, Council adopted the Fiscal Year (FY) 2025 Budget and FY 2025-2029 Capital Investment Plan, which included a \$400,000,000 bond referendum on November 5, 2024.
- At the same meeting, Council introduced the bond orders and set a public hearing on each of the bond orders for June 24, 2024.
- On May 13, 2024, Council approved resolutions authorizing staff to proceed with the actions necessary to conduct a general obligation bond referendum.
- The current action is the third of four City Council actions. This action will specifically:
 - Hold a public hearing on each bond order,
 - Adopt bond orders for \$238,300,000 of Street Bonds, \$61,700,000 of Neighborhood Improvement Bonds, and \$100,000,000 of Housing Bonds, and
 - Approve a resolution setting the bond referendum for November 5, 2024, and direct staff to publish notice of the referendum.

Next Steps

- The Local Government Commission is scheduled to consider the referendum for approval at its January 2025 meeting.
- After November 5, 2024, City Council will be asked to adopt a resolution certifying and declaring the results of the special bond referendum. This action will occur after the Mecklenburg County Board of Elections certifies the results of the vote.

Fiscal Note

Funding: Municipal Debt Service Fund

Attachment(s)

Bond Orders
Resolution setting Notice of Public Hearing

[Bond Orders - 2024 GO Referendum](#)

[Resolution Setting Special Bond Referendum - 2024 GO Referendum](#)

POLICY

9. City Manager's Report

10. Katie Blessing Center

Action:

- A. Approve a \$2,500,000 allocation from fiscal year 2025 Pay-As-You-Go in support of the Katie Blessing Center's overall capital campaign to develop a pediatric behavioral health care facility, and**
- B. Authorize the City Manager or his designee to negotiate, execute, and amend any necessary contracts and agreements to complete the transaction.**

Committee Chair:

Victoria Watlington, Housing, Safety and Community Committee

Staff Resource(s):

Shawn Heath, City Manager's Office

Explanation

- Katie Blessing Foundation, the non-profit division of StarMed Healthcare, seeks to eliminate barriers to health care access and ensure equitable access to communities with persistent health disparities.
- The Foundation has committed \$20 million to develop an approximately 70,000 square foot pediatric and behavioral health care center in east Charlotte called the Katie Blessing Center (Center) and is currently undertaking a capital campaign seeking public and private funding commitments for the remaining development costs; the estimated total project cost is \$63 million.
- The Center will be North Carolina's largest and most advanced pediatric health care facility, offering a full continuity of services on one campus. Services will focus on the whole child and include:
 - Behavioral health urgent care;
 - Acute inpatient hospital;
 - Residential treatment facility; and
 - Traditional outpatient care, including telehealth and family intervention to support thoughtful transitional care and reduce re-admissions.
- The Center will be located in the Central Avenue/Albemarle Road Corridor of Opportunity on approximately 3.89 acres at 5516 Central Avenue (parcel identification number 103-021-02) (Property) in Council District 5.
- The city's \$2.5 million funding allocation will be released contingent upon receipt of a construction permit.

Background

- On January 23, 2023, City Council approved the market-rate sale of the Property for \$2.76 million to Starmount Management, LLC to develop a pediatric and adolescent behavioral health facility. The sale included:
 - A right to re-acquire the Property for the purchase price plus three percent per year if Starmount does not begin the process to redevelop the property within three years from the closing date; and
 - A commitment from Starmount to a Training Program for paid interns within five years from the closing date, with a minimum of ten individuals hired each year for at least five years; if they are unable to fulfill the training program commitment Starmount will pay the city \$170,000.
- On May 23, 2024, the Housing, Safety & Community Committee voted unanimously to recommend to the full City Council an allocation in the amount of \$2.5 million to support the capital campaign of the Center as part of the city's fiscal year 2025 budget (Council members Watlington, Mayfield, Brown and Johnson voted in favor; Council member Ajmera was absent).
- On June 10, 2024, City Council received an overview of the project and city investment opportunity at its Action Review meeting.

Fiscal Note

Funding: General Capital Investment Plan

Attachment(s)

Map

[Map - Katie Blessing Center](#)

11. Bank of America Stadium Improvements Project

Action:

- A. Authorize the City Manager, or his designee, to negotiate and execute agreements between Panthers Football, LLC (PFL), DT Soccer, LLC (DTS), and Panthers Stadium, LLC (StadCo) (collectively referred to as Tepper Sports & Entertainment (TSE)) and the City of Charlotte in an amount not to exceed \$650,000,000 for Bank of America Stadium improvements and a new Field House to include terms listed below. The Stadium and Field House are collectively referred to as "Stadium Facilities", and**
- B. Adopt a Budget Ordinance appropriating \$650,000,000 from proceeds of debt in the Convention Center Capital Fund for Bank of America Stadium improvements and a new Field House.**

Committee Chair:

Malcolm Graham, Jobs and Economic Development Committee

Staff Resource(s):

Tracy Dodson, City Manager's Office

Explanation

- Bank of America Stadium (stadium) has been an economic and cultural anchor for nearly 30 years and has helped grow Charlotte.
- The city's investment does not require any new taxes to be collected for the contribution.
- The funding source for the project, Convention Center Fund, is derived from hospitality and tourism taxes that are legally required to be spent on projects to support the city's tourism economy, which includes funding and maintenance for the Convention Center, venues that seat 60,000 people or more, and amateur sports facilities.
- The renovation project is planned to invest in the community asset through maintaining and enhancing the stadium and building a new Field House. The project will also improve accessibility and increase sustainability.
- The renovations will help to deliver world-class entertainment and related economic impacts to our city for years to come.
- This project will require future Council actions. In order to issue debt, the Local Government Commission requires specific approvals at the time of the proposed debt issuance. Based on project timing and cash flow needs, Council will be asked to make approvals regarding debt issuance in the future. Project agreements will be made available prior to any future Council action(s).

Terms

- **Project Timing:** StadCo's goal is to commence the Stadium Work in 2025 and is expected to complete the Stadium Work in 2029, based on team schedules and seasons. Field House work commences in late 2024 and early 2025 and is expected to be completed in 2026.
- **City Funding:** The city will contribute \$650 million towards the renovation and development of certain defined areas within the Project, as an example of but not limited to, Field House construction, repair and replacement of existing mechanical, electrical and plumbing infrastructure, updates to bowl seating, vertical transportation improvements, modernization of safety and security equipment, updating of team locker rooms and operational space, addition of new spectator viewing areas, updating of restroom facilities, updates to scoreboard/videoboard, control room, and sound and associated tech, and elevated exterior façade, all of which would be owned by the city and then leased to and maintained by StadCo. The Project will be completed in several phases and draw schedule(s) for city funding will align with construction schedule(s) for each phase.
- **Source of City Funding:** The sources of the city contribution amount will be debt and/or credit facilities as determined by the city (City Debt). The city anticipates that a primary source of funds to be used to satisfy the City Debt will be revenues generated from the Mecklenburg County (County) tax on prepared food and beverages (Meals Tax) and the County tax on accommodations

(Occupancy Tax), which funds are currently specifically designated for the Convention Center, venues that seat 60,000 people or more, and amateur sports facilities.

- **Payments to Contractors/Vendors:** City funds are paid after work/specific projects are completed. City funds are paid directly to companies doing work/project.
- **TSE Funding between 2025-2029:** StadCo will contribute a minimum of \$150 million towards the renovation and development of areas of the Stadium Facility that are on either the City Mandated List, City/Owner Elected List, or Owner Elected Only List. Funding will be expended by 2029. StadCo will contribute its contribution proportionately as City funds are contributed. StadCo may use up to \$75M to fund cost overruns on City mandated and funded projects. Any of the \$75M not used for cost overruns can be applied to stadium improvements from the City Mandated, City/Owner Elected, or Owner Elected Only Lists.
- **TSE additional funding during non-relocation:** StadCo will expend no less than \$421 million on capital repairs, renewals, replacements and improvements, and on operations and maintenance expenses at the Stadium Facility relative to both teams. If at expiration or earlier termination of the non-relocation term, TSE has expended less than the \$421 million, any such shortfall shall be paid to the city. Any amount TSE spends in excess of the TSE Minimum Contribution (\$150 million), excluding cost overruns, shall be credited towards the \$421 million commitment. Such commitment is not a cap on StadCo's capital, repair and maintenance obligations under the Stadium Facility Ground Lease or StadCo's other obligations regarding the Stadium Facility.
- **Field House Construction Funding:** After execution of the Project agreements, the City agrees to pay \$15 million of its \$650 million contribution to be used for Field House construction and project costs. Funding source is consistent with previously cited city funding sources.
- **Non-Relocation:** TSE agrees to a 20-year non-relocation term for both the Carolina Panthers and Charlotte FC. Should the teams leave at any time after the 15th anniversary of the non-relocation agreement, any remaining City Debt associated with the \$650 million investment must be paid by TSE.
- **Lease Payment for City-owned Improvements:** TSE agrees to pay the city \$500,000 annually for use of city-owned improvements at the Stadium Facilities.
- **Traffic Management:** The city will pay up to \$1 million annually to assist with traffic management costs associated with year-round activities and events at the stadium and Field House. TSE will be responsible for cost in excess of \$1 million annually. A traffic management study will be completed to evaluate best strategies for traffic management at and around the stadium and study will be re-evaluated every three years. Study will be done in partnership with the city, and costs will be equally distributed between the city and TSE.
- **Access to CATS Lot:** TSE will enter into an agreement for use of the CATS lot to include uses within the rezoning approved on June 17, 2024.
- **New Stadium:** On or before April 1, 2037, the City of Charlotte and TSE will commence good faith negotiations regarding the design and construction of a new stadium to be located in the City of Charlotte that would be completed in time for the 2046 season. In furtherance of such good faith negotiations, the parties understand the need for potentially new funding sources. The parties will negotiate the use of hospitality funds for the purposes of studies and analysis regarding a new stadium.
- **Community Benefit Plan:** TSE agrees to enter into a Community Benefits Plan that sets forth commitments TSE will continue to provide to the city and surrounding communities. Full details are available in the Community Benefits Plan and are summarized below.

MWSBE Strategy

- Through a MWSBE Participation Plan, to be negotiated between the parties, the Project will have a targeted participation goal of 27% (15% MBE & 12% WSBE) of the materials and services relating to the portion of the Project funded by the city contribution that are eligible to be provided or performed by MWSBE contractors.
- The Participation Plan will also provide for TSE to use commercially reasonable efforts to utilize MWSBE firms for those portions of the Project funded by StadCo and StadCo's ongoing operating maintenance of and capital projects for Stadium Facilities, with

consideration to the impacts of costs and time constraints, market realities, available MWSBE capacities and partner relationships.

- To address market availability of certified vendors, specialized scopes of work will be developed with individual MWSBE goals set for each.
- Initiatives within the Participation Plan may include:
 - Structure bid packages to maximize MWSBE utilization and meet the goals of the MWSBE Participation Plan;
 - Work with the city to enable the expeditious payment of MWSBE subcontractors;
 - Work with the City of Charlotte to ensure its prime contractors track and report payments made to MWSBE subcontractors. This includes, TSE ensuring contractor(s) report MWSBE utilization in B2Gnow. The city will use this reporting for tracking accountability and subcontractor payment verification.
 - Consider engaging CBI in early-stage decision-making meetings related to bid packages to ensure adequate time for CBI to provide feedback, discuss package breakdowns and individual participation goals;
 - Consider the addition of an MBE joint venture partners who shares the project risks and possesses their own surety bonding;
 - Participate in state-wide MWSBE recruitment events targeting Project scopes over the life of the Project. including a commitment to host up to two of these recruitment events annually and no less than eight over the life of the Project;
 - Engage in a marketing and communications strategy with respect to the Project that targets MWSBEs and facilitates their participation, which would include the development and maintenance of a website that will host bid information that will allow MWSBEs to be well informed and advised of potential opportunities associated with the Project;
 - Support capacity-building strategies for new and existing MWSBE firms that could include, working with the Contractor Development Program and AMP UP Charlotte and the Small Business Growth Fund with MWSBEs, which programs focus on building the operational and financial capacity of MWSBEs firms to increase the number of MWSBEs for the Project; and
 - Assess areas of business and stadium operations where registered MSWBEs could be utilized.
- TSE is committing to 10 apprenticeships and working with contractors that prioritize utilizing local workforce throughout the Project.
- TSE is committed to supporting existing small business capacity-building programs such as the Contractor Development Program, AMP Up Charlotte and the Small Business Growth Fund for potential project vendors.
- TSE is committed to working with local small business partners to recruit other historically underserved small businesses (i.e. LGBTQ+-owned, veteran-owned, and disability-owned) to work on the project.

Civic Support and Community Engagement

- Seven annual city usage days of stadium and/or field house, one of which could include the HBCU Classic, as the NFL schedule, MLS schedule and any previously scheduled marquis events permit;
- Annual events that support the local hospitality industry including, by way of example, Carolina Panthers games, Charlotte FC matches, collegiate football, youth football, concerts and additional events;
- Community programs for veterans and military families, disadvantaged and at-risk youth, and low-income residents (e.g., no cost or discounted admission tickets, programs for students at Charlotte-Mecklenburg Schools, neighborhood engagement strategies for

- game day participation, and hosting annual local high school games, as the NFL schedule, MLS schedule and any previously scheduled marquis events permit);
- Programs at local schools that are designed to encourage students to sharpen their skills both on the field and in the classroom, such as the Greater Goals program, Play60 events, NFL Character Playbook program, and 3rd grade literacy programs (such as 3rd & Goal program), which TSE participates in currently;
- Increased engagement with Historically Black Colleges and Universities (HBCU), such as:
 - Developing sports management seminar;
 - Hosting the Black Sport Business Academy for HCBU students, which includes:
 - Job shadowing during a Carolina Panthers game with our major departments (Community Service, Ticketing, Partnerships)
 - Networking event with senior leaders of the Charlotte community.
 - Sales & account management workshop.
 - Cancer awareness programs and initiatives and related fundraising;
 - Local food drives, such as providing holiday meals to disadvantaged members of the community;
 - Visits to the stadium by the Make-A-Wish Foundation and/or similar charitable organizations that provide children in need the opportunity to spend time with players or other team personnel;
 - Player safety clinics for area youth football coaches; and
 - Charitable donations to organizations including local scholarship funds, holiday programs, and youth and veterans organizations.

The civic support and engagement initiatives listed above are designed to provide guidance for TSE's continued commitment to support both the local Charlotte community and communities across the Carolinas, similar to the civic support and engagement initiatives it currently participates in:

- Supporting no less than 15 non-profits working locally in Charlotte;
- Carolina Panthers programming serving thousands of CMS and other youth across the Carolinas;
- Charlotte FC programming serving thousands of youth across the Carolinas (7,000 were served in 2023);
- Utilizing local artists in artist initiatives and activations; and
- No less than 15,000 tickets distributed to various non-profits and community organizations for team associated events, whether occurring at Bank of America Stadium, the team practice facilities or elsewhere (i.e., Charlotte FC distributes no less than 5,000 tickets for matches at Bank of America Stadium alone).

Council and Committee Discussion

- On June 3, 2024, Jobs and Economic Development Committee meeting, the committee received information on the Bank of America Improvements Project. Information included financial terms, city protections, stadium projects, the Community Benefit Plan, and MWSBE Strategy for the project.
- At the June 3, 2024 City Council Committee Discussions, Council received a presentation and held discussion on the proposed investments for the Bank of America Stadium.
- At the June 10, 2024 City Council Action Review, Council received a presentation and held further discussions on considerations related to the Bank of America Stadium Improvements Project. Council heard input from Inner Circle Sports, LLC on the sports/stadium industry perspective, was provide with an update on public feedback received through the website, and discussed additional project updates.
- At the June 12, 2024 JED committee meeting, the committee heard from the hospitality and tourism industry and small business owners about the economic benefits of Bank of America Stadium's activation, heard from additional contractors about their experiences working with certified MWSBEs, and held discussion with Tepper Sports and Entertainment leadership. The Committee (CM Graham, Mitchell, Bokhari, Driggs and Molina) then voted unanimously to recommend the Bank

of America Stadium improvements project and associated public investment be moved to consideration of approval by the full City Council.

- On June 17, 2024 Council held a special meeting to receive public comment about the project.

Fiscal Note

Funding: Convention Center Capital Fund

Attachment(s)

June 3rd Jobs and Economic Development Committee Presentation

June 10th City Council Action Review Presentation

June 12th Jobs and Economic Development Committee Presentation

Budget Ordinance

[JED Committee Presentation 06.03.2024](#)

[City Council Action Review Presentation 06.10.2024](#)

[JED Committee Presentation 06.12.2024](#)

[Budget Ordinance - Bank of America Stadium Improvements](#)

BUSINESS

12. Storm Water Refunding Revenue Bonds

Action:

- A. Adopt a bond order and resolutions authorizing and approving refunding of Revenue Bonds and Revenue Bond Anticipation Notes and calling for execution and delivery of various documents necessary to complete the sale,**
- B. Provide for the issuance of Storm Water Services Revenue Bonds in an amount not to exceed \$205,000,000 to refund the 2022 Bond Anticipation Note, 2012 Storm Water Revenue Bonds, and 2014 Storm Water Revenue Bonds, and**
- C. Adopt a budget ordinance appropriating \$205,000,000 to the Storm Water Debt Service Fund.**

Staff Resource(s):

Teresa Smith, Finance
Matt Hastedt, Finance
Angela Charles, Charlotte Water
Mike Davis, Storm Water Services

Explanation

- This action is replacing short-term debt, the 2022 Bond Anticipation Note (BAN) with long-term permanent debt and
 - Refunding approximately \$2 million of the 2012 Storm Water Revenue Bonds, and
 - Refunding approximately \$77 million of the 2014 Storm Water Revenue Bonds.
- In 2022, the city obtained a \$125 million BAN to fund projects on an interim basis and planned to convert it to permanent debt at the end of the 24 to 36-month construction period.
- The projects being funded by this refunding are Storm Drainage Improvement Projects.
- This action does not require any additional rate increases.

Fiscal Note

Funding: Storm Water Debt Service Fund

Attachment(s)

Bond Order
Resolution
Budget Ordinance

[Bond Order - Charlotte Storm Water Fee Revenue Bonds, Series 2024](#)

[Bond Resolution - Storm Water Fee Revenue Bonds, Series 2024](#)

[Budget Ordinance - Storm Water Refunding Revenue Bonds](#)

13. Biogas to Renewable Natural Gas Solution

Action:

Adopt a resolution authorizing the sale of unconditioned biogas recovered from the wastewater treatment process by sealed bid.

Staff Resource(s):

Angela Charles, Charlotte Water

Ron Hargrove, Charlotte Water

Joseph Lockler, Charlotte Water

Explanation

- Charlotte Water is seeking authorization to sell unconditioned biogas recovered from the wastewater treatment process by sealed bid to the highest responsive, responsible bidder to be converted to renewable natural gas (RNG), thereby reducing greenhouse gas emissions in support of the city's Strategic Energy Action Plan.
- North Carolina General Statutes §160A-268 permits the city to sell personal property by advertisement and sealed bid.
- As a part of the sale process, the highest responsive, responsible bidder will construct, finance, own, and operate a new RNG processing facility on leased property within the McAlpine Creek Wastewater Treatment Plant in the Town of Pineville (adjacent to Council District 7).
- A request for approval of the contract to the highest responsive, responsible bidder will be placed on a future council agenda.

Fiscal Note

Funding: Proceeds from the sale will be deposited in the Charlotte Water Operating Budget.

Attachment(s)

Resolution

[Resolution - Biogas to Renewable Natural Gas Solution](#)

14. Department of Energy's Energy Efficiency and Conservation Block Grant

Action:

- A. **Adopt a budget ordinance to accept and appropriate \$777,930 in grant funds awarded from the Department of Energy's Energy Efficiency and Conservation Block Grant Program for the Solarize project,**
- B. **Authorize the City Manager to negotiate and execute an agreement with Centralina Regional Council for the administration of a Solarize program with direct installation of solar on Low- and Moderate-Income homes, and**
- C. **Authorize the City Manager to amend the agreement consistent with the purpose for which the agreement was approved.**

Staff Resource(s):

Sarah Hazel, Office of Sustainability and Resilience

Explanation

- The Bipartisan Infrastructure Law appropriated \$550 million to the U.S. Department of Energy (DOE) to administer the Energy Efficiency and Conservation Block Grant (EECBG) Program.
- The City of Charlotte has received a Notice of Award for its formula funding with an allocation of \$777,930.
- Staff applied to use these funds to support a Solarize program to include direct solar installations for low- and moderate-income (LMI) households.
- Solarize programs are a DOE best practice which have proven successful at increasing solar installations both nationally and in North Carolina by reducing barriers and costs for homeowners and businesses to install solar through education and group purchasing power.
- The grant award must be accepted, and these funds must be appropriated prior to the city initiating a contract to implement the Solarize campaign.
- Modeled after the Triangle area's successful Solarize the Triangle campaigns, the city will be contracting with Centralina Regional Council to administer the Solarize campaign.
- To increase the reach and local environmental benefits of the program, the opportunity to participate has been extended to the other local governments in Mecklenburg County.
- City grant funds will only be used to cover the city's share of program administration (\$213,000), the cost of LMI solar installations (~\$545,000), and capacity building for local organizations working with LMI individuals (~\$19,000).
- Other participating local governments will pay their share of administration costs and any costs associated with LMI solar installations in their respective jurisdictions.
- This program will support the Strategic Energy Action Plan's goal of being a low-carbon community by 2050 by increasing the amount of renewable, carbon-free energy used to power homes and businesses. Specifically, this program addresses one of the Five Stages to Zero Carbon: generating energy onsite.

Fiscal Note

Funding: Department of Energy's Energy Efficiency and Conservation Block Grant Program

Attachment(s)

Budget Ordinance

[Budget Ordinance - DOE EECB Block Grant Program](#)

15. Actions Related to City-Owned Property for the Evoke Living at Ballantyne Multi-Family Affordable Housing Development

Action:

- A. **Adopt a resolution approving an option to ground lease city-owned property located on Providence Road West and Ballancroft Parkway (parcel identification numbers 223-132-40 and a portion of 223-132-39) with Truist Bank subject to certain terms and conditions,**
- B. **Adopt a resolution approving the release of a 0.617-acre portion of 15024 Ballancroft Parkway (parcel identification number 223-132-39) from the collateral for the Certificates of Participation issued in October 2021, and**
- C. **Authorize the City Manager or his designee to negotiate and execute all documents necessary to complete the above actions.**

Staff Resource(s):

Rebecca Hefner, Housing and Neighborhood Services
Phil Reiger, General Services
Teresa Smith, Finance
Matthew Hastedt, Finance

Explanation

- On June 12, 2023, City Council approved a long-term ground lease transaction to support the Evoke Living at Ballantyne multi-family affordable housing development, and granted CSE Communities, LLC (Crosland) an option to ground lease (Option) approximately 3.37 acres of city-owned property at Providence Road West and Ballancroft Parkway (parcel identification number 223-132-40 and a portion of 223-132-39) (Property) adjacent to the CMPD South Division police station in Council District 7 upon certain terms and conditions, including affordability restrictions.
- The ground lease transaction with Crosland, including the option to ground lease, is still in effect, and the affordable housing project approved by City Council remains unchanged.
- As Crosland has moved forward with finalizing its financing, two items have arisen that require further Council consideration:
 - Action A
 - Crosland's primary lender, Truist Bank (Lender), in an abundance of caution and as part of their underwriting protocol, requires an Option to Ground Lease the Property (Lender Option) under the same terms and conditions as Crosland, to serve in the unlikely event that a default occurs, such as:
 - The ground lease with the City of Charlotte is rejected or terminated through a bankruptcy action or similar proceeding;
 - The Lender exercises its right to foreclose on the leasehold in the event of a default by Crosland; or
 - The ground lease is otherwise terminated prior to the maturity of the funding loan for the development of affordable housing on the Property without the consent of the Lender.
 - In such an unlikely event, the Lender Option would allow the Lender to work with the city to move the project forward in a timely manner, thereby protecting their investment while satisfying the city's requirements for the development and operation of affordable housing on the Property.
 - Action B
 - A portion of the leased premises (Land), namely an approximately 0.617-acre portion of 15024 Ballancroft Parkway parcel (parcel identification number 223-132-39), is serving as collateral for a Certificate of Participation (COP) issued in October 2021 to help fund the construction of the CMPD South Division station and other capital

investments. COPs are a common debt financing tool used by municipal governments to help fund capital investments.

- The Land includes access and parking for the adjacent Property on which the Evoke Living at Ballantyne development will be constructed.
- The Lender requires the Land to be free from encumbrances, and to resolve this the city proposes that the Land be released from the COPs collateral to allow Crosland to finalize their project financing.
- Based on due diligence conducted by staff to ensure that the release will not in any way impair the COPs agreements, staff recommends this release to allow the Evoke project to move forward.

Background

Action A

- On February 14, 2022, in response to a competitive Request for Proposals, City Council authorized the City Manager and staff to work with Crosland to finalize a preliminary affordable housing proposal and negotiate a long-term ground lease for an affordable multi-family rental housing development known as Evoke Living at Ballantyne. Due to the unique characteristics of the Property, it took Crosland, working with staff, longer than originally anticipated to finalize the building and site plans.
- On April 24, 2023 and February 26, 2024, City Council approved a Housing Trust Fund allocation totaling \$4,100,000 for the Evoke Living at Ballantyne affordable housing development, consisting of 60 for-rent apartment units affordable to households earning 80 percent and below the area median income.
- On January 8, 2024, due to continuing uncertainty in commercial financial markets and complexities associated with federal funding requirements, City Council approved an extension to the 2023 Option to Ground Lease with Crosland as well as an extension to the Ground Lease and affordability terms from 60 years to 75 years to satisfy certain lender terms.

Action B

- On August 23, 2021, City Council held a public hearing and approved financing to complete the sale of COPs to fund capital investments, including construction of the CMPD South Division station.
- The city's obligation to repay the debt is secured by the respective real property affiliated with the COPs financing.

Attachment(s):

Map

Resolutions

[Map - Evoke Living at Ballantyne](#)

[Resolution - Action A](#)

[Resolution - Action B](#)

APPOINTMENTS

16. Appointments to the Charlotte Regional Visitors Authority

Action:

Appoint residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a three-year term beginning July 1, 2024, and ending June 30, 2027.
 - Keith Haywood, nominated by Council member Ajmera, Brown, Graham, Johnson, and Mitchell.
 - Marcus Kimbrough, nominated by Council member Driggs, Mayfield, and Molina.
 - Diane Lynn, nominated by Council member Anderson, Brown, Johnson, and Watlington.

Attachment(s)

Charlotte Regional Visitors Authority Applications

CONSENT

17. Engineering Services for Intelligent Transportation System Projects

Action:

- A. Approve contracts for engineering services for Intelligent Transportation System projects for an initial term of three years with the following:**
- **Exult Engineering, PC (SBE),**
 - **Kimley-Horn and Associates, Inc.,**
 - **STV Engineers, Inc.,**
 - **VHB Engineering NC, P.C., and**
- B. Authorize the City Manager to renew the contracts for up to two, one-year terms with possible price adjustments and amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

Debbie Smith, Transportation
Charlie Jones, Transportation
Ashley Boenisch, Transportation

Explanation

- The Strategic Mobility Plan (SMP), adopted by Council in June 2022, outlines the mobility policies to achieve a safe, connected, equitable, sustainable, prosperous, and innovative transportation network for Charlotte.
- Intelligent Transportation Systems (ITS) projects are part of the implementation of the Charlotte Department of Transportation ITS Master Plan.
- The city continues to install fiber optic cable to support its growing communications system with almost 420 miles of fiber optic cable connecting over 950 traffic signals and 550 traffic management cameras.
- Fiber optic cabling, traffic signal interconnection, and video traffic management cameras provide the ability to remotely adjust traffic signals in response to traffic flow and emergency conditions.
- These services will vary and include conceptual planning, design preparation, utility coordination services, facilitation and investigation of grants, and construction administration/inspection.
- On February 26, 2024, the city issued a Request for Qualifications (RFQ); nine proposals were received.
- Exult Engineering, PC, Kimley-Horn and Associates, Inc., STV Engineers, Inc., and VHB Engineering NC, P.C. best meet the city's needs in terms of qualifications, experience, cost, and responsiveness to the RFQ requirements.
- Total expenditures over the five-year term are estimated to be \$7,700,000, including \$1,332,038 in grant funding.

Charlotte Business INclusion

The city negotiates subcontracting participation after the proposal selection process. On these contracts, the Prime Consultants have each committed 10% of the total contract amount to the following certified firm(s): Exult Engineering, PC (SBE)

Exult Engineering, PC is a city SBE and will self-count its participation of 9.00% of the total contract amount toward the contract goal. Exult Engineering, PC has also committed 1.00% of the total contract amount to the following certified firm(s):

- John Davenport Engineering Inc. (MBE) (traffic and transportation engineering)

Kimley-Horn and Associates, Inc.

- Exult Engineering, PC (SBE) (traffic and transportation engineering)
- Hinde Engineering (SBE) (utility management)

STV Engineers, Inc

- Jarrett Engineering, PLLC (WBE, SBE) (utility management)

VHB Engineering NC, P.C.

- Exult Engineering, PC (SBE) (traffic and transportation engineering)
- Hinde Engineering (SBE) (utility management)

Small Professional Services Firm (SPSF) Opportunity

For Federal Highway Administration funded on-call contracts, NCDOT does not mandate a goal through the State's SPSF program.

Fiscal Note

Funding: General Capital Investment Plan and Carbon Reduction Program Discretionary Grant

18. Advanced Planning and Design Services**Action:**

- A. Approve a contract amendment for \$75,000 with Kimley-Horn and Associates, Inc. for advanced planning and design services, and**

- B. Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Phil Reiger, General Services
Kathleen Cishek, General Services
Keith Bryant, General Services

Explanation

- The city currently has a contract with Kimley-Horn and Associates, Inc for planning and design engineering services in the amount of \$450,000.
- This contract was the result of a competitive procurement process in June 2021.
- Tasks completed under the contract include assistance with a Corridor of Opportunity grant application, lighting design for the West Boulevard Underpass, and initial planning for the Albemarle Cultural Loop.
- The contract amendment is needed to complete additional tasks for the Corridor of Opportunity Albemarle Cultural Loop planning.
- The new estimated value of the contract \$525,000.

Charlotte Business INclusion

The city negotiated participation after the firm was selected for these services contract. Kimley-Horn and Associates, Inc. has committed 10.00% of the total contract amount to the following certified firm(s):

- Pride Communications, Inc. (MBE) (project branding)
- Amplify Consulting, L.L.C. (SBE) (community engagement)

Fiscal Note

Funding: General Capital Investment Plan

19. Cooperative Purchasing Contracts for Vehicles and Equipment

Action:

- A. Approve the purchase of vehicles and equipment from cooperative contracts,
- B. Approve unit price contracts with the following vendors for the purchase of vehicles and equipment for a term of one year under the North Carolina Sheriff's Association:
- Carswell Distributing Company (#24-08-0421R),
 - Jet-Vac Equipment Company, LLC (#25-09-0423),
 - Rodders and Jets Supply Co (#24-08-0421R),
 - Velocity Truck Centers - Wilmington (#25-09-0423),
- C. Approve unit price contracts with the following vendors for the purchase of vehicles and equipment for a term of one year under Sourcewell:
- 72 Hour LLC dba National Auto Fleet Group (#060920-NAF),
 - BOMAG Americas, Inc. (#060122-BAI),
 - Clark Equipment Company dba Bobcat Company (#020223-CEC),
 - Kubota Tractor Corporation (#031121-KBA and #122220-KBA),
 - McNeilus Financial dba McNeilus Truck & Mfg. (#110223-MCN),
 - Oshkosh Corporation (#113021-OKC),
 - Terex USA, LLC (#020923-TER), and
- D. Authorize the City Manager to extend the contracts for additional terms as long as the cooperative contracts are in effect, at prices and terms that are the same or more favorable than those offered under the cooperative contracts.

Staff Resource(s):

Phil Reiger, General Services
Shelia Anderson, General Services
Chris Trull, General Services

Explanation

- City vehicles and equipment are assessed on an annual basis to determine replacement needs based on a rating of vehicle usage, age, maintenance costs, and condition.
- Purchased vehicles and equipment include electric vehicles, light duty pickup trucks, vans, and utility vehicles.
- NC General Statute Section 143-129(e)(3) allows local governments to purchase from formally organized cooperative purchasing contracts.
- A cooperative purchasing agreement results from the consolidation and competitive solicitation of multiple public agency requirements. By aggregating common needs all agencies are able to leverage economies of scale, such as volume discounts, improved terms and conditions, reduced administrative costs, and access to professional and technical expertise.
- Annual expenditures are estimated to be \$7,445,000.

Charlotte Business INclusion

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

Fiscal Note

Funding: General and Enterprise Capital Equipment Funds

20. Lakeview Road Improvements Construction Change Order #1

Action:

Approve change order #1 for \$2,196,498.64 to Blythe Development, LLC for Lakeview Road Improvements project.

Staff Resource(s):

Phil Reiger, General Services
Kathleen Cishek, General Services
Tonia Wimberly, General Services

Explanation

- This project will widen Lakeview Road from Cushing Drive to Old Statesville Road (approximately 1.5 miles) and includes pavement upgrades, intersection modifications, additional through/turning lanes, drainage infrastructure, and pedestrian and bicycle facilities.
- On November 8, 2021, Council approved the construction contract in the amount of \$8,505,897.30 with Blythe Development Co.
- The project timeline has been extended based on unplanned delays in the utility companies' capacity to perform the relocations required for the project.
- Change order #1 will include funds for the following major items which resulted from the 20-month utility delay:
 - Material and labor costs associated with delays,
 - Costs to extend subcontracting agreements, and
 - Additional efforts to identify and clear utility conflicts.
- The new total value of the contract is \$10,702,395.94 and will be funded by the Federal Surface Transportation Block Grant Program and Direct Attributable and State Bonus Allocation.
- The project is expected to be complete in the fourth quarter of 2026.

Disadvantaged Business Enterprise

Blythe Development Co. committed (\$1,229,908) 11.49% of the total contract amount to the following certified firm:

- RRC Concrete Inc. (DBE) (\$1,229,908) (concrete)

Fiscal Note

Funding: General Capital Investment Plan

Attachment(s)

Map

[Map - Lakeview Road Improvements Construction](#)

21. Cost Estimating and Analysis Services

Action:

- A. Approve unit price contracts with Project Cost Solutions, Inc. (SBE) for cost estimating and analysis services for an initial term of three years, and**

- B. Authorize the City Manager or designee 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.**

Staff Resource(s):

Angela Charles, Charlotte Water
David Czerr, Charlotte Water
Mike Davis, Storm Water Services

Explanation

- These contracts will provide consulting services to assist Charlotte Water and Storm Water Services with cost estimating and analysis services.
- Services will include performing project cost estimates, preparing independent construction cost estimates, and assisting staff in refining and executing best practices for project cost management.
- On January 30, 2024, the city issued a Request for Qualifications (RFQ); four responses were received.
- Project Cost Solutions Inc. is the best qualified firm to meet the city's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- At renewal, potential 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 decreases, if warranted.
- Annual expenditures are estimated to be \$200,000.

Charlotte Business INclusion

The city negotiates contract participation after the proposal selection process. However, Project Cost Solutions, Inc. is a city certified SBE.

Fiscal Note

Funding: Charlotte Water Capital Investment Plan and Storm Water Services Capital Investment Plan

22. Regional Solids Conveyance Construction and Construction Administration Services

Action:

- A. Approve contract amendment for \$2,777,645 to the contract with CDM Smith, Inc. for construction administration and inspection services for the Stowe Regional Solids Conveyance Phase 1A - Solids Pump Station project and the Stowe Solids Force Main project, and**
- B. Approve a contract in the amount of \$25,538,000 to the lowest responsive bidder PC Construction Company for the Regional Solids Conveyance Package 1A - Solids Pump Station project.**

Staff Resource(s):

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

Explanation

- These projects will construct a pump station at the Stowe Regional Water Resource Recovery Facility (adjacent to Council Districts 2 and 3) and approximately 9,500 linear feet of dual force mains to convey flow to the Paw Creek Outfall.
- The construction administration services cover both the pump station and force main projects.
- Future City Council action for the construction of the pipeline is anticipated in third quarter 2024.
- These projects are part of the first phase of consolidating biosolids treatment at the McAlpine Creek Wastewater Treatment Plant, located in the Town of Pineville, adjacent to Council District 7.

Action A

- This contract amendment will provide for construction administration and inspection services.
- On July 13, 2020, City Council approved a contract with CDM Smith, Inc. for design services.
- CDM Smith Inc. was selected to perform design and construction phase services. The amendment is needed as the project is moving from design into construction phase.
- The new value of the contract is \$5,083,085.

Action B

- This contract will construct a pump station, holding tanks, and all related appurtenances.
- On April 30, 2024, the city issued an Invitation to Bid (ITB); one bid was received.
 - N.C. General Statute Section 143-132 prohibits municipalities from awarding construction contracts over \$500,000 without receiving at least three competitive bids from the initial advertisement of the contract. The city may subsequently award the contract even if re-advertisements result in fewer than three competitive bids.
- On May 30, 2024, the ITB was re-issued; one bid was received.
- PC Construction Company was selected as the lowest responsive, responsible bidder.

Charlotte Business INclusion

Action A

All additional work involved in this Amendment will be performed by CDM Smith, Inc. and their existing subconsultants. CDM Smith, Inc. has committed 3.06% (\$85,000) of the total contract Amendment amount to the following certified firm(s):

- Froehling and Robertson, Inc. (MBE) (\$84,000) (construction materials testing)
- Richa Graphics (MBE, SBE) (\$1,000) (document reproduction)

Action B

Established MWBE Goal: 7.00%

Committed MWBE Goal: 16.55%

PC Construction Company exceeded the established subcontracting goal and has committed 16.55% (\$4,226,962) of the total contract amount to the following certified firm(s):

- Smart Electric Company, Inc. (WBE) (\$3,371,677) (electrical)
- CITI, Inc. (MBE) (\$401,285) (controls)
- Cochrane Steel (SBE, WBE) (\$320,000) (rebar)
- Lopez Rebar, LLC (MBE) (\$134,000) (rebar installation)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Map

[Map - Regional Solids Conveyance Phase 1A](#)

23. Stowe Regional Water Resource Recovery Facility and Associated Regional Infrastructure Consulting Services Contract Amendment

Action:

- A. **Approve a contract amendment to extend the contract term for four years with HDR Engineering, Inc. of the Carolinas for consulting services for the Stowe Regional Water Resource Recovery Facility and Associated Regional Infrastructure project, and**
- B. **Authorize the City Manager to renew the contract for up to two, one-year terms and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

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

Explanation

- Charlotte Water uses an Owner's Advisor on the Stowe Regional Water Resource Recovery Facility project (Stowe RWRRF) (adjacent to Council Districts 2 and 3) to provide detailed design review, public communication, construction phase services, and other consulting services.
- On September 10, 2018, City Council awarded a contract with HDR Engineering, Inc. of the Carolinas for consulting services. The current contract will expire on September 10, 2024, before completion of the Stowe RWRRF and an associated regional infrastructure project in fourth quarter 2028 and the one-year warranty period in fourth quarter 2029.
- Estimated contract expenditures are \$7,000,000 in the aggregate over the possible six-year term.

Charlotte Business INclusion

All additional work involved in this Amendment will be performed by HDR Engineering, Inc. of the Carolinas and their existing subconsultants. HDR Engineering, Inc. of the Carolinas has committed 9.29% (\$650,000) of the total contract amount to the following certified firm(s):

- Froehling and Robertson, Inc. (MBE) (\$275,000) (construction material testing and special inspections)
- Southeastern Consulting Engineers, Inc. (SBE) (\$220,000) (construction material testing and special inspections)
- Yellow Duck Marketing (SBE, WBE) (\$155,000) (public relations, strategic communication support)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Map

[Map-Stowe Regional Water Resource Recovery Facility](#)

24. Water Transmission Main Improvements and Repairs

Action:

Approve a guaranteed maximum price of \$7,047,560.46 to State Utility Contractors, Inc. for Design-Build construction services for Water Transmission Main Improvements and Repairs project.

Staff Resource(s):

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

Explanation:

- State Utility Contractors, Inc. developed a guaranteed maximum price (GMP) of \$5,856,308 to construct two pump stations to support water demand and water transmission main repairs. The project includes the potable water booster pump stations and associated piping. The new pump stations will be located in north Charlotte, adjacent to Council Districts 2 and 4.
- State Utility Contractors, Inc. developed a GMP of \$1,191,252.46 to repair approximately 100 linear feet of transmission main along Old Statesville Road, adjacent to Council District 4.
- On June 8, 2020, City Council approved a contract with State Utility Contractors, Inc. for Design-Build design services.
- The project is anticipated to be complete by second quarter 2025.

Charlotte Business INclusion

The city negotiates contract participation for Design-Build contracts after scopes of work defined for construction services. State Utility Contractors, Inc. has committed (\$405,505) or 5.75% of the total contract for construction services to the following certified firm(s):

- Fuller & Co. Construction, LLC (SBE) (\$291,500) (trenchless crossing)
- Stewart Engineering, Inc. (MBE) (\$37,390) (surveying, subsurface utility engineering)
- Sanders Constructors, Inc. (SBE) (\$19,800) (tree removal)
- Pentacle, Inc. (SBE, WBE) (\$19,765) (fencing)
- Lawrence Associates, PA (SBE) (\$12,500) (surveying)
- Trull Contracting, LLC (SBE, WBE) (\$11,000) (asphalt repair)
- Froehling & Robertson, Inc. (MBE) (\$9,500) (geotechnical drilling and investigations)
- JM Custom Construction, LLC (SBE, WBE) (\$4,050) (sidewalk)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Map

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

25. Water, Wastewater, and Lift Stations Treatment Chemicals

Action:

A. Approve unit price contracts for the purchase of water, wastewater, and lift stations treatment chemicals for an initial term of one year to the following:

- Cape Fear Water Solutions, Inc.,
- Carus LLC,
- Chemtrade Chemicals Corporation,
- Donau Carbon US LLC,
- Environmental Operating Solutions, Inc.,
- JCI Jones Chemicals, Inc.,
- Lhoist North America of Virginia, Inc.,
- Pencco, Inc.,
- Polytec, Inc.,
- PVS Technologies, Inc.,
- Shannon Chemical Corporation,
- Southern Ionics, Inc.,
- Univar Solutions USA, Inc., and

B. Authorize the City Manager or designee 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.

Staff Resource(s):

Angela Charles, Charlotte Water

Ron Hargrove, Charlotte Water

Explanation

- Charlotte Water uses a variety of chemicals in the water, wastewater, and lift stations treatment process, and each chemical plays an essential role to ensure the treated water is safe for customers and the environment.
- On February 29, 2024, the city issued an Invitation to Bid (ITB) for water and wastewater chemicals; 23 bids were received.
- On April 26, 2024, the city issued an ITB for lift station chemicals; three bids were received.
- Companies selected are the lowest responsive, responsible bidder for the chemical type they are being awarded.
- At renewal, potential 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 decreases, if warranted.
- Annual expenditures are estimated to be \$10,650,000.

Charlotte Business INclusion

Contract goals were not established on these Contracts as there were no viable subcontracting opportunities.

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

26. Construct Storm Drainage Improvement Projects

Action:

- A. Approve a contract in the amount of \$2,607,923.60 to the lowest responsive bidder GreenWater Development, Inc. for the Collective Storm Drainage Improvement Project T, and**
- B. Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

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

Explanation

- The contract is part of an ongoing program to provide repairs and/or improvements to storm drainage systems.
- The contract will address storm drainage systems at:
 - 2600 Clydesdale Terrace (Council District 2)
 - 5033 and 5101 Isaac Drive (Council District 2)
 - 127 Laburn Avenue (Council District 2)
 - 8129 Renee Drive (Council District 2)
- The work includes grading, drainage, water/sanitary sewer, asphalt replacement, and curb and gutter.
- On April 25, 2024, the city issued an Invitation to Bid; seven bids were received.
- GreenWater Development, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by first quarter 2026.

Charlotte Business INclusion

Established MBE Goal: 8.00%
Committed MBE Goal: 8.00%

Greenwater Development met the established subcontracting goal and has committed 8.00% (\$208,700) of the contract amount to the following certified firm(s):

- Redstone Materials Inc. (MBE, SBE) (\$134,000) (hauling)
- RRC (MBE) (\$74,700) (concrete)

Established WBE Goal: 4.00%
Committed WBE Goal: 10.62%

Greenwater Development exceeded the established subcontracting goal and has committed 10.62% (\$277,000) of the contract amount to the following certified firm(s):

- OnTime Construction (WBE, SBE) (\$277,000) (masonry drainage structures)

Fiscal Note

Funding: Storm Water Capital Investment Plan

Attachment(s)

Map

[Map - Construct Storm Drainage Improvement Projects](#)

27. Construct Storm Water Repair and Improvements

Action:

- A. Approve a contract in the amount of \$5,867,813 to the lowest responsive bidder Onsite Development, LLC, for the Storm Water Repair and Improvement FY2024-G project, and**
- B. Authorize the City Manager to amend the contract consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

Angela Charles, Charlotte Water
Mike Davis, Storm Water Services
Logan Oliver, Storm Water Services

Explanation

- This contract is part of an ongoing program to provide repairs and/or improvements to storm drainage systems across the city.
- Approximately 25 projects may be constructed from this contract, within a contract term not to exceed 24 months. The number of projects may vary depending on the nature and extent of the repairs constructed.
- On May 1, 2024, the city issued an Invitation to Bid; three bids were received.
- Onsite Development, LLC was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by the fourth quarter of 2026.

Charlotte Business INclusion

Established MBE Goal: 7.00%
Committed MBE Goal: 7.00%

Onsite Development, LLC met the established subcontracting goal and has committed 7.00% (\$410,748) of the contract amount to the following certified firm(s):

- LJR (MBE, SBE) (\$150,000) (concrete)
- Streeter (MBE, SBE) (\$130,374) (hauling)
- Tony's Trucking (MBE, SBE) (\$130,374) (hauling)

Established WBE Goal: 4.00%
Committed WBE Goal: 4.00%

Onsite Development, LLC met the established subcontracting goal and has committed 4.00% (\$234,713) of the contract amount to the following certified firm(s):

- Birddog Traffic Control (SBE, WBE) (\$234,713) (traffic control)

Fiscal Note

Funding: Storm Water Capital Investment Plan

28. Engineering Services for Hastings/Princeton Storm Drainage Improvement Project

Action:

- A. **Approve contract amendment #2 for \$580,000 to the contract with HDR Engineering, Inc. of the Carolinas for the Hastings/Princeton Storm Drainage Improvement Project, and**
- B. **Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

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

Explanation

- On June 18, 2020, the city entered into an engineering services contract with HDR Engineering, Inc. of the Carolinas to provide planning and preliminary design services for the Hastings/Princeton Storm Drainage Improvement Project in Council District 6.
- On May 17, 2023, an administrative amendment #1 was made to modify contract term language.
- Contract amendment #2 will add design and construction phase administration services.
- Specific design and construction administration tasks include, but are not limited to:
 - Selection of project delivery method;
 - Design of repairs and/or improvements;
 - Survey and utility locate services;
 - Geotechnical subsurface investigations;
 - Preparation of construction documents; and
 - Public outreach activities.
- The new estimated value of the contract, including amendment #2 is \$1,005,000.

Charlotte Business INclusion

All additional work involved in this Amendment will be performed by HDR Engineering of the Carolinas, Inc. and their existing subconsultants. HDR Engineering of the Carolinas, Inc. has committed 9.97% (\$57,802) of the total contract Amendment to the following certified firm(s):

- CES Group Engineers, LLP (WBE) (\$30,000) (surveying, easements and plats)
- Utility Coordination Consultants (SBE) (\$15,602) (utility coordination services)
- Sweetwater Utility Exploration, LLC (SBE, WBE) (\$12,200) (SUE, soft digs)

Fiscal Note

Funding: Storm Water Capital Investment Plan

Attachment(s)

Map

[Map - Hastings SDIP](#)

29. Professional Engineering and Program Assistance Services for Ponds, Dams, and Surface Water Quality Enhancement Projects

Action:

- A. **Approve a contract with Schnabel Engineering South, P.C. for Programmatic Assistance for Ponds, Dams, and Surface Water Quality Improvement Projects for an initial term of three years and**

- B. **Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Angela Charles, Charlotte Water
Mike Davis, Storm Water Services
Robert Zink, Storm Water Services

Explanation

- Storm Water Services maintains over 90 surface water quality enhancement projects to ensure long-term functionality and regulatory compliance.
- NC Dam Safety regulations require annual inspection and maintenance, emergency action plans, and other efforts to safely manage dams.
- Storm Water Services seeks the assistance of a qualified firm to help provide programmatic services related to the management of its dam safety program.
- This contract would provide needed services for Storm Water Services' maintained pond and dam inventory to manage them in compliance with applicable regulations and standards. Services provided would vary with scope and task based on site specific design requirements and individual site conditions.
- On February 29, 2024, the city issued a Request for Qualifications (RFQ); six responses were received.
- Schnabel Engineering South, P.C. is the best qualified firm to meet the city's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- At renewal, potential 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 decreases, if warranted.
- Annual expenditures are estimated to be \$200,000.

Charlotte Business INclusion

The city negotiates contract participation after the proposal selection process. Schnabel Engineering South, P.C. has committed 10.00% of the total contract to the following certified firms:

- CriTek Engineering Group, P.C. (MBE, SBE) (engineering support and construction observation services)
- Three Oaks Engineering, Inc. (WBE) (environmental permitting)

Fiscal Note

Funding: Storm Water Services Capital Investment Plan

30. South Boulevard Light Rail Facility Roof Recovery and Replacement

Action:

Approve a contract in the amount of \$850,500 to the lowest responsive bidder Davco Roofing and Sheet Metal, LLC for the Charlotte Area Transit System Light Rail Administration Facility Roof Recovery and Replacement project.

Staff Resource(s):

Brent Cagle, CATS

Craig Fox, CATS

Explanation

- The roof at the Charlotte Area Transit System (CATS) Light Rail Administration Facility, located in Council District 2, has reached the end of its useful life and past due for replacement.
- This contract will replace/recover the roof, including removing and replacing flashings, insulation, membrane, and cover board/overlay.
- On December 1, 2023, the city issued an Invitation to Bid (ITB); six bids were received, and all were deemed nonresponsive.
- On April 11, 2024, the city reissued an ITB; three bids were received.
- Davco Roofing and Sheet Metal, LLC was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by Spring 2025.

Disadvantaged Business Enterprise

Established DBE Goal: 4.00%

Committed DBE Goal: 5.29% (Under federal DBE regulations only 60% of the \$75,000 commitment (\$45,000) may be counted toward DBE participation for a supplier)

Davco Roofing and Sheet Metal exceeded the established contract goal and has committed 8.81% (\$75,000) of the bid amount to the following certified firm(s):

- Affinity Building Supply LLC (DBE) (\$75,000) (material supplier)

Fiscal Note

Funding: CATS Capital Investment Plan

31. South End Station Pre-Construction Services

Action:

- A. Award a Construction Manager at Risk contract in an amount not to exceed \$1,322,694 with Stacy Witbeck for pre-construction services to assist with the design of a new light rail station in South End, and**
- B. Authorize the City Manager to negotiate and execute amendments to the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Brent Cagle, CATS
Kelly Goforth, CATS
Todd Thorne, CATS

Explanation

- The South End Station project will construct a new light rail station and Rail Trail improvements on the LYNX Blue Line between the New Bern and East/West Boulevard Stations, located in Council District 3.
- The city has selected the Construction Manager at Risk (CMAR) project delivery method to provide more effective coordination, better control of project costs and schedule, and to better mitigate risks during construction.
- As the CMAR, Stacy Witbeck will be responsible for pre-construction services that include:
 - Coordinating with the project team to plan construction activities in order to minimize impacts to the community, local businesses and LYNX Blue Line operations;
 - Reviewing project documents and providing expertise in regard to constructability, value engineering, procurement and construction risk;
 - Cost estimating and cost control; and
 - Construction scheduling.
- On June 14, 2023, the city issued a Request for Proposal (RFP) for a CMAR for the entire project. No proposals were received.
- CATS re-evaluated and separated the work into two separate packages, Track/Systems and Civil/Station.
- On February 23, 2024, the city issued a RFP for a Track/Systems CMAR; two responses were received.
- Stacy Witbeck is the best qualified firm to meet the city's needs based on demonstrated competence, cost, and related project experience in response to the RFP requirements.
- Council will be asked to approve future contracts related to construction, including a CMAR contract to construct the Track/Systems package based on a Guaranteed Maximum Price to be negotiated with the CMAR. The Civil/Station package will be advertised for bid separately.

Disadvantaged Business Enterprise

Because this is a Construction Manager at Risk project, the Construction Manager Stacy Witbeck has the opportunity to add Disadvantaged Business Enterprise (DBE) firms throughout the life of the Project. The city will work with the Construction Manager Stacy Witbeck to establish subcontracting goals for this Construction Manager at Risk contract once the scopes of work and bid packages are defined.

Fiscal Note

Funding: CATS Capital Investment Plan

Attachment(s)

Map

[Map - CMAR Pre-Construction Services](#)

32. Aircraft Deicing Facilities Management Services

Action:

- A. **Approve contract amendment #3 for an additional two-year term to the contract with Integrated Deicing Services, LLC for aircraft deicing facilities management services, and**
- B. **Authorize the City Manager to amend the contract consistent with the purpose for which the contract and this amendment were approved.**

Staff Resource(s):

Haley Gentry, Aviation

Jerome Woodard, Aviation

Explanation

- Integrated Deicing Services, LLC (IDS) manages all aircraft deicing at the Airport.
- To maximize efficiency and better utilize departmental resources, the Aviation Department is in consultation with the airlines regarding the establishment of an Airport Deicing Consortium, which would be managed by the aircraft operators.
- Extension of the IDS contract will allow for continuity in the deicing operation while the new deicing governing structure is established.
- The change in deicing management is being facilitated by the completion of the Airport's new deicing pad (expected October 2024), which will reduce the deicing operation's dependence on Airport assets.
- On June 24, 2017, City Council approved a five-year contract with two, one-year renewal options for these services. Both renewal options have been executed and the contract is set to expire on July 31, 2024.
- Waiver of a competitive solicitation process for services may be granted on a limited basis when deemed appropriate and in the City's best interest. A waiver has been approved for these services based on continuity of services.
- Estimated contract expenditures are \$3,391,700 per year.

Charlotte Business INclusion

All additional work involved in this amendment will be performed by Integrate Deicing Services, LLC and their existing subcontractors. Integrate Deicing Services, LLC has committed 1.02% (\$68,976) of the total amendment to the following certified firm(s):

- AC Pro Cleaning & Environmental Services, LLC (MBE, SBE) (\$68,976) (cleaning services)

Fiscal Note

Funding: Aviation Operating Budget

33. Airport Concrete Slab Replacement

Action:

Approve a unit price contract to the lowest responsive bidder Zachry Construction Corporation to provide concrete services for a term of three years.

Staff Resource(s):

Haley Gentry, Aviation

Jack Christine, Aviation

Explanation

- On January 8, 2024, City Council approved a unit price contract to Hi-Way Paving, Inc. to provide for the replacement and rehabilitation of large concrete portions of the airfield.
- This contract will provide for a secondary contractor to enhance capacity for rehabilitation and replacements utilizing selected construction materials as needed.
- Specific work includes concrete demolition, paving, and electrical work.
- On January 16, 2024, the city issued an Invitation to Bid (ITB); one bid was received.
 - NC General Statute 143-132 prohibits municipalities from awarding construction contracts over \$500,000 without receiving at least three competitive bids from the initial advertisement of the contract. The city may subsequently award the contract even if readvertisements result in fewer than three competitive bids.
- On February 6, 2024, the city re-issued an ITB; one bid was received.
- Zachry Construction Corporation was selected as the lowest responsive, responsible bidder.
- Total expenditures are estimated to be \$3,162,550.

Disadvantaged Business Enterprise

Established DBE Goal: 6.00%

Committed DBE Goal: 6.03%

Zachary Construction Corporation exceeded the established contract goal and has committed 6.03% (\$315,373) of the bid amount to the following certified firm(s):

- Bullseye Equipment and Supply LLC (DBE) (\$30,373) (rebar supplier)
- DM Conlon Inc. (DBE) (\$205,000) (cutting and saw sealing)
- Materials Managers and Engineering Inc. (DBE) (\$75,000) (quality control)
- Millennium Trucking Inc. (DBE) (\$5,000) (hauling demo concrete)

Fiscal Note

Funding: Aviation Capital Investment Plan

34. Airport Fourth Parallel Runway Roadway Relocation Construction

Action:

- A. **Approve a contract in the amount of \$23,496,264.69 to the lowest responsive bidder Blythe Development, LLC for the Fourth Parallel Runway West Boulevard Relocation construction project, and**
- B. **Approve contract amendment #1 for \$4,253,000 to the contract with STV Engineers, Inc. for construction administration services for the construction phase of the Fourth Parallel Runway West Boulevard Relocation project.**

Staff Resource(s):

Haley Gentry, Aviation
Jack Christine, Aviation

Background

- The Fourth Parallel Runway Program will enhance airfield capacity and operational efficiency and reduce the number of active runway crossings.
- A portion of the existing West Boulevard roadway conflicts with the Fourth Parallel Runway projects.
- The project includes the construction of approximately 1.2 miles of the future West Boulevard, to include new intersections of proposed West Boulevard and Byrum Drive and proposed West Boulevard and Piney Top Drive.
- The project is anticipated to be complete by fourth quarter of fiscal year 2026.

Explanation

Action A

- This contract will provide for asphalt removal and paving, excavation, grading, erosion control, traffic management, pavement marking, signing, and utility design and relocation. Existing portions of West Boulevard between Steele Creek Road and Piney Top Drive will be removed as part of a separate project.
- On April 2, 2024, the city issued an Invitation to Bid; three bids were received.
- Blythe Development, LLC was selected as the lowest responsive, responsible bidder.

Action B

- On January 23, 2023, City Council approved a contract with STV Engineers, Inc. in the amount of \$2,296,662 to provide design services for the West Boulevard Relocation project.
- Amendment #1 includes construction administration services, including submittal reviews, Requests For Information responses, as-built final drawings, and material acceptance.
- The new value of the contract is \$6,549,662.

Disadvantaged Business Enterprise

Action A

Established DBE Goal: 22.00%
Committed DBE Goal at time of Bid: 19.14%
DBE Participation to Date: 21.14%

Blythe Development, LLC failed to meet the established contract goal but earned the required minimum Good Faith Effort Points. Blythe Development, LLC committed 19.14% (\$4,497,429) of the total contract amount to the following certified firm(s) at time of Bid:

- Express Logistics, Inc. (DBE) (\$1,657,060) (hauling)
- Kingdom Trucking, LLC (DBE) (\$140,200) (hauling)
- Martin Landscaping Co. Inc. (DBE) (\$612,103) (erosion control)
- Native Transportation Supply, LLC (DBE) (\$900,000) (electric and signal materials)

- Roadmasters Traffic Control (DBE) (\$463,348) (traffic control)
- RRC Concrete (DBE) (\$551,268) (concrete)
- Silverback Brothers, Inc. (DBE) (\$140,200) (hauling)
- Willoughby Robinson Association, LLC. (DBE) (\$33,250) (scheduling)

Subsequent to Bid Opening, Blythe Development, LLC committed an additional 2.00% (\$470,468) to the following certified firm(s):

- Kingdom Trucking, LLC (DBE) (\$134,800) (hauling)
- McCain Striping Service Inc. (DBE) (\$148,430) (pavement markings)
- Reynolds Fence & Guardrail Inc (DBE) (\$52,438) (fencing and guardrail)
- Silverback Brothers, Inc. (DBE) (\$134,800) (hauling)

Action B

All additional work involved with this amendment will be performed by STV Engineers, Inc. and their existing subcontractor(s). STV Engineers, Inc. has committed 4.97% (\$325,450) of the total contract amount to the following certified firm(s):

- Bree & Associates (DBE) (\$74,000) (cost estimating)
- Jarrett Engineering (DBE) (\$58,450) (utility coordination)
- LKN Engineering and Testing (DBE) (\$88,000) (materials testing and quality assessment)
- On-Spec Engineering (DBE) (\$105,000) (materials testing and quality assessment)

Fiscal Note

Funding: Aviation Capital Investment Plan

35. Airport Fourth Parallel Runway Taxiway V and Connectors Construction

Action:

- A. **Approve a contract in the amount of \$84,279,244 to the lowest responsive bidder Ames Construction for the Fourth Parallel Runway Taxiway V and Connectors construction project, and**

- B. **Approve contract amendment #2 for \$24,202,501 to the contract with RS&H Architects-Engineers-Planners, Inc. for construction administration services for the construction phase of the Fourth Parallel Runway Taxiway V and Connectors project.**

Staff Resource(s):

Haley Gentry, Aviation
Jack Christine, Aviation

Background

- The Fourth Parallel Runway Program will enhance airfield capacity and operational efficiency and reduce the number of active runway crossings.
- The overall program consists of ten packages of work. This package includes the construction of parallel Taxiway V and associated connector taxiways in preparation for future Runway 1C-19C.
- The project is anticipated to be complete by third quarter fiscal year 2026.

Explanation

Action A

- This contract will provide for pavement demolition and replacement, excavation, hauling, stormwater drainage, erosion and sediment control, pavement markings, airfield electrical, Federal Aviation Administration power and communications, and Navigational Aid (NAVAID) relocation.
- On April 10, 2024, the city issued an Invitation to Bid (ITB); two bids were received.
 - NC General Statute 143-132 prohibits municipalities from awarding construction contracts over \$500,000 without receiving at least three competitive bids from the initial advertisement of the contract. The city may subsequently award the contract even if readvertisements result in fewer than three competitive bids.
- On May 15, 2024, the city re-issued an ITB; three bids were received.
- Ames Construction was selected as the lowest responsive, responsible bidder.

Action B

- On March 13, 2023, City Council approved a contract with RS&H Architects-Engineers-Planners, Inc. in the amount of \$25,191,290 to provide design services for the Fourth Parallel Runway Program.
- On August 31, 2023, contract amendment #1 was executed in the amount of \$1,573,928 with RS&H Architects-Engineers-Planners, Inc. for additional design services for the relocation of NAVAIDs.
- Amendment #2 includes construction administration services, including submittal reviews, RFI responses, as-built final drawings, and material acceptance.
- The new value of the contract is \$50,967,719.

Disadvantaged Business Enterprise

Action A

Established DBE Goal: 17.80%
Committed DBE Goal: 17.81%

Ames Construction exceeded the established contract goal and has committed 17.81% (\$15,011,054) of the bid amount to the following firms:

- Axios Civil Solutions LLC (DBE) (\$624,485) (dowels, cure, epoxy)

- Capstone Civil Group (DBE) (\$229,562) (quality control)
- Chambers Express Trucking (DBE) (\$143,500) (hauling asphalt)
- Empire Crushing, LLC (DBE) (\$207,000) (crushing)
- Express Logistics (DBE) (\$3,611,487) (trucking on site, trucking aggregate)
- Glaze Independent Trucking (DBE) (\$143,500) (hauling asphalt)
- Laser Bridge Industries (DBE) (\$3,582,798) (reflected ceiling plan, precast manholes)
- Martin Landscaping Co (DBE) (\$2,312,341) (erosion control and seeding)
- Millennium MISR Trucking, Inc. (DBE) (\$908,512) (wet batch trucking)
- Pozzolan Contracting & Supply (DBE) (\$2,971,829) (cement soil treatment, cement supply)
- Southeastern Public Safety Group (DBE) (\$276,040) (flagging and escorts)

Action B

All additional work involved in this amendment will be performed by RS&H Architects-Engineers-Planners, Inc. and their existing subcontractor(s). RS&H Architects-Engineers-Planners, Inc. has committed 7.15% (\$3,643,004) of the total contract amount to the following DBE-certified firms:

- 2MNEXT (DBE) (\$210,000) (testing and observation)
- CES Group, LLP (DBE) (\$218,740) (surveying)
- Connico, LLC (DBE) (\$669,943) (cost estimating)
- LKN Engineering (DBE) (\$50,000) (testing and observation)
- On-Spec Engineering, PC (DBE) (\$185,000) (testing and observation)
- Tela Vulota, PLLC (DBE) (\$398,500) (general engineering and quality control)
- Wall Engineering, PLLC (DBE) (\$1,910,821) (airfield electrical support)

Fiscal Note

Funding: Aviation Capital Investment Plan

36. Airport General Services Administration Leases

Action:

Approve two, five-year lease agreements with the Transportation Security Administration dba U.S. General Services Administration to accommodate commercial office needs at the Airport.

Staff Resource(s):

Haley Gentry, Aviation

Ted Kaplan, Aviation

Explanation

- Transportation Security Administration (TSA) leases commercial office space at the Airport to support its operation.
- The TSA locations and five-year lease values include:
 - 5601 Josh Birmingham Parkway
 - 8,934 square feet
 - \$4,881,090.90 five-year value
 - 4700 Yorkmont Road
 - 5,234 square feet
 - \$392,550 five-year value
- These facilities are currently leased by TSA.

Charlotte Business INclusion

This contract is exempt under the CBI Program.

Fiscal Note

Funding: Revenue to be deposited in Airport Operating fund.

37. Airport Passenger Boarding Bridge Parts

Action:

- A. Approve the purchase of passenger boarding bridge parts, by the sole source exemption,
- B. Approve a unit price contract with ThyssenKrupp Airport Systems for the purchase of passenger boarding bridge and baggage conveyor system 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):

Haley Gentry, Aviation
Jack Christine, Aviation

Sole Source Exemption

- NC 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 of the need for standardization and compatibility.
- City Council approval is required for any purchases made under the sole source exception.

Explanation

- Aviation requires parts to maintain the passenger boarding bridges which convey passengers from the gate into the aircraft.
- ThyssenKrupp Airport Systems is the manufacturer for 30 of the Airport's 114 passenger boarding bridges. This contract will provide for the purchase of spare parts that are compatible with these systems.
- At renewal, potential 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 decreases, if warranted.
- Annual expenditures are estimated to be \$200,000.

Charlotte Business INclusion

This is a sole source contract and is exempt from the CBI Program.

Fiscal Note

Funding: Aviation Operating Budget

38. Airport Ramp Cleaning and Pressure Washing Services

Action:

- A. Approve a contract with Sunshine Cleaning Services, LLC. for terminal ramp cleaning and pressure washing services for a term of three years, and**

- B. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Haley Gentry, Aviation

Jack Christine, Aviation

Explanation

- The Aviation department is responsible for cleaning the terminal ramp and pressure washing common use dumpsters to provide cleanliness and removal of debris for the safety of aircraft operations and the traveling public.
- This contract will provide trash collection services for specific locations, pressure washing, and sweeping inside and around the Airport's perimeter fence.
- On April 4, 2024, the city issued Request for Proposals (RFP); three responses were received.
- Sunshine Cleaning Services, LLC. best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- At renewal, potential 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 decreases, if warranted.
- Annual expenditures are estimated to be \$1,056,434.40.

Charlotte Business INclusion

The city negotiates contract participation after the proposal selection process. Sunshine Cleaning Systems has committed 20.00% (\$633,861) of the total contract amount to the following certified firm(s):

- Alexander Cleaning Services (SBE) (\$633,861) (labor)

Fiscal Note

Funding: Aviation Operating Budget

39. Airport Safety Management System On-Call Consulting Services

Action:

- A. **Approve a contract amendment #1 with Delta Airport Consultants, Inc. for \$300,000 to provide on-call consulting services,**
- B. **Approve a contract amendment #1 with Futron Aviation Corporation for \$300,000 to provide on-call consulting services, and**
- C. **Authorize the City Manager to renew the contracts up to two, one-year terms with possible prices adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

Haley Gentry, Aviation

Jerome Woodard, Aviation

Explanation

- As of February 23, 2023, the Federal Aviation Administration (FAA) requires commercial service Airports to implement a Safety Management System (SMS) program.
- In response to the FAA requirement, the city issued a Request for Qualifications (RFQ) on July 10, 2023, for on-call consulting services in support of the Airport's SMS program.
- Delta Airport Consultants Inc. and Futron Aviation Corporation were selected as successful proponents with both contracts being approved in December 2023 for a three-year period with an estimated contract amount not to exceed \$300,000 each.
- The FAA communicated an additional SMS requirement in February 2024.
- The additional SMS requirement will increase the Airport's need for on-call consulting services through Delta Airport Consultants, Inc. and Futron Aviation Corporation beyond the initially approved contract amount.
- The new estimated total contract amount with each firm will be \$600,000.

Disadvantaged Business Enterprise

The Federal DBE program does not require a DBE goal for all On-Call Contracts. DBE goals will be negotiated per task order. Aviation will monitor goal achievement throughout the life of the contracts.

Fiscal Note

Funding: Aviation Operating Budget and Aviation Capital Investment Plan

40. Airport Valet Parking Services Management Contract Amendment

Action:

- A. **Approve contract amendment #3 for an additional one-year term to the contract with AmeriPark, LLC for airport valet services management, and**

- B. **Authorize the City Manager to renew the contract for one additional, one-year term with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Haley Gentry, Aviation

Ted Kaplan, Aviation

Explanation

- AmeriPark, LLC manages the Airport's valet parking operation for Valet and Express Deck Preferred.
- Extension of the AmeriPark, LLC contract will allow Aviation to align Valet services and a separate Self Park services contract through a competitive solicitation to create streamlined and more cost-efficient operations.
- Utilizing AmeriPark, LLC will allow Aviation to maintain continuity of services during the completion of the Terminal Lobby Expansion and the new Valet construction project.
- On May 28, 2019, City Council approved a three-year contract with AmeriPark, LLC with two, one-year renewal options. Both renewal options have been executed and the contract is set to expire on June 30, 2024.
- 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 better contractual alignment and continuity of service.
- Additional time being added to the contract allows for the Airport to continue to create effective systems and processes that have produced an increase in revenue and operational efficiencies.
- At renewal, potential 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 decreases, if warranted.
- Estimated annual expenditures are \$3,730,000.

Airport Concessions Disadvantaged Business Enterprise

This management contract is subject to the Federal Airport Concessions Disadvantaged Business Enterprise (ACDBE) Program regulations. For this contract extension, AmeriPark, LLC has committed 61.55% of the total eligible projected expenses for goods and services to certified ACDBE firms.

Fiscal Note

Funding: Aviation Operating Budget

41. Airport Valet Parking Upfit

Action:

Approve a contract in the amount of \$2,099,500 to the lowest responsive bidder Keach Construction, Inc. for the Valet Parking Upfit project.

Staff Resource(s):

Haley Gentry, Aviation

Jack Christine, Aviation

Explanation

- This project will relocate the temporary valet parking operation to a new permanent location at the basement level of the Hourly Deck.
- The project includes a customer transaction counter and waiting area, key storage room with passthrough window, employee breakroom, storage closet, automatic glass sliding doors, and signage.
- On April 4, 2024, the city issued an Invitation to Bid (ITB); one bid was received.
 - NC General Statute 143-132 prohibits municipalities from awarding construction contracts over \$500,000 without receiving at least three competitive bids from the initial advertisement of the contract. The city may subsequently award the contract even if readvertisements result in fewer than three competitive bids.
- On April 25, 2024, the city re-issued an ITB; one bid was received.
- Keach Construction, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by the third quarter of fiscal year 2025.

Charlotte Business INclusion

Established MBE Goal: 8.00%

Committed MBE Goal: 17.23%

Keach Construction exceeded the established subcontracting goal and has committed 17.23% (\$360,000) of the base bid amount to the following certified firm(s):

- Besco Electrical Corporation (MBE) (\$200,000) (electrical and fire alarm)
- Superior Mechanical Systems, Inc. (MBE) (\$160,000) (HVAC and mechanical)

Established WBE Goal: 4.00%

Committed WBE Goal: 4.00%

Keach Construction met the established subcontracting goal and has committed 4.00% (\$83,600) of the base bid amount to the following certified firm(s):

- Maybury Fencing (WBE) (\$66,300) (fencing and gates)
- Pictec, Inc (WBE) (\$9,050) (scheduling)
- Sweetwater Utility Exploration (WBE) (\$8,250) (utility locates)

Fiscal Note

Funding: Aviation Capital Investment Plan

42. Bond Issuance Approval for Linden Village Apartments

Action:

Adopt a resolution granting INLIVIAN's request to issue new multi-family housing revenue bonds in an amount not to exceed \$38,500,000 to finance the development of an affordable housing development known as Linden Village Apartments.

Staff Resource(s):

Rebecca Hefner, Housing and Neighborhood Services
Warren Wooten, Housing and Neighborhood Services

Explanation

- This action will not obligate the city financially or impact the Capital Investment Plan and is requested to satisfy Section 147(f) of the Internal Revenue Code of 1986, which requires the issuance of housing bonds to be approved by the local governmental unit with jurisdiction over the area where the development is located.
- INLIVIAN is requesting that City Council adopt a resolution authorizing the issuance of new multi-family housing revenue bonds for Linden Village Apartments, an approximately 238-unit new construction affordable housing development to be developed, owned, and operated by Roers Charlotte Apartments, LLC, a Minnesota limited liability company (Developer), or an affiliated or related entity.
- The development will be located on approximately 17 acres at the intersection of Gibbon Road and Old Statesville Road (parcel identification numbers 045-451-10 and 045-451-03) in Council District 2 and will serve households earning up to 80 percent of the Area Median Income.
- The INLIVIAN bonds, not to exceed \$38,500,000, will be used to finance land acquisition and construction of the development.
- There is no Housing Trust Fund allocation or other city financial support affiliated with this development.

Background

- The Developer applied for four percent low-income housing tax credits and housing bond allocation capacity from the North Carolina Housing Finance Agency to help finance the land acquisition and construction of the development.
- The North Carolina Housing Finance Agency approved a four percent tax credit and bond allocation capacity totaling \$38,500,000 for the development. Tax credit and bond allocations are subject to federal income limits, set-aside rules, and include deed restrictions.
- INLIVIAN, as a public housing authority, is duly authorized to issue housing bonds to finance developments that serve persons of low and moderate income, including developments in which it does not have an interest. The INLIVIAN board of directors approved the issuance of the multi-family housing revenue bonds on December 20, 2022.

Attachment(s)

Map
Resolution

[Map - Linden Village Apartments](#)

[Resolution - Linden Village Apartments](#)

43. Bond Issuance Approval for The Vue at Honeywood

Action:

Adopt a resolution granting INLIVIAN's request to issue new multi-family housing revenue bonds, in an amount not to exceed \$14,600,000 to finance the development of an affordable housing development known as The Vue at Honeywood.

Staff Resource(s):

Rebecca Hefner, Housing and Neighborhood Services
Warren Wooten, Housing and Neighborhood Services

Explanation

- This action does not obligate the city financially or impact the Capital Investment Plan and is requested to satisfy Section 147(f) of the Internal Revenue Service Code of 1986, which requires the issuance of housing bonds to be approved by the local governmental unit with jurisdiction over the area where the development is located.
- INLIVIAN is requesting that City Council adopt a resolution authorizing the issuance of multi-family housing revenue bonds for Vue at Honeywood, a 108-unit new construction multi-family affordable housing development to be developed, owned, and operated by The Vue at Honeywood Avenue, LLC, a North Carolina limited liability company (Developer), or an affiliated or related entity.
- The development will be located on approximately 7 acres at Honeywood Avenue (parcel identification numbers 069-144-04, 069-144-05, 069-144-06, 069-144-07, 069-144-08, 069-144-09, 069-144-10, 069-144-11, 069-144-12, 069-144-13, and 069-144-14) in Council District 2 and will serve households earning 80 percent and below the Area Median Income.
- The INLIVIAN bonds, not to exceed \$14,600,000, will be used to finance the construction of the development.
- This action further supports City Council's April 24, 2023, approval of \$3,456,000 Housing Trust Fund support.

Background

- In conjunction with the Developer's request for Housing Trust Fund support, the developer applied for four percent low-income housing tax credits and a housing bond allocation capacity from the North Carolina Housing Finance Agency (NCHFA) to finance the development.
- The NCHFA approved the Developer's application pursuant to its Qualified Allocation Plan and awarded the requested four percent tax credits and a bond allocation capacity totaling \$14,600,000 for the development. Tax credit and bond allocations are subject to federal income limits and set-aside rules and include deed restrictions.
- INLIVIAN, as a public housing authority, is duly authorized to issue housing bonds to finance developments that serve persons of low and moderate income, including developments in which it has an indirect interest. The INLIVIAN board of directors approved the issuance of the new multi-family housing revenue bonds on March 21, 2023.

Attachment(s)

Map
Resolution

[Map - The Vue at Honeywood](#)

[Resolution - The Vue at Honeywood](#)

44. Set a Public Hearing on an Amendment of the Steele Creek Presbyterian Church and Cemetery Historic Landmark Designation

Action:

Adopt a resolution setting a public hearing for August 26, 2024, to consider an amendment to the existing ordinance granting historic landmark designation for the property known as the "Steele Creek Presbyterian Church and Cemetery" (parcel identification numbers 141-211-01A, 141-211-01B, 141-211-11, 141-211-29, 141-211-30).

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 to de-designate a portion of the property comprising the Steele Creek Presbyterian Church and Cemetery local historic landmark.
- Public hearings are required prior to City Council action on matters pertaining to landmark designation.
- The Steele Creek Presbyterian Church and Cemetery is located at 7401 and 7407 Steele Creek Road in Council District 3.
- De-designation of the recommended portion of this property could significantly contribute to long-term preservation of the historic church building and cemetery.
- The Steele Creek Presbyterian Church and Cemetery property is currently listed cumulatively under parcel identification numbers 141-211-01A, 141-211-01B, 141-211-11, 141-211-29, and 141-211-30. The recommended de-designation would leave designated as a local historic landmark approximately 14.245 acres of land consisting of parcel identification numbers 141-211-29, 141-211-30, and 141-211-01B, and an approximately 3.546-acre portion of the adjacent parcel currently listed under parcel identification number 141-211-01A, and including the interior and exterior of the one-story circa 1889 Steele Creek Presbyterian Church and Cemetery and the associated land comprising those four parcels.
- Tax Parcel Number 141-211-29 is zoned N1-A(ANDO). The remaining parcels are zoned ML-2(ANDO).
- Tax Parcel Number 141-211-29 is owned by Steele Creek Presbyterian Church. Tax Parcel Numbers 141-211-30, 141-211-01A, and 141-211-01B are owned by the City of Charlotte.
- The amount of deferrable taxes would be reduced in proportion to the approximately 23.33 acres of land recommended for de-designation from the originally designated parcel.

Attachment(s)

Information Sheet
Resolution

[Information Sheet - Steele Creek Presbyterian](#)

[Resolution - Steele Creek Presbyterian](#)

45. Set a Public Hearing on the Alexander-Howell House Historic Landmark Designation

Action:

Adopt a resolution setting a public hearing for August 26, 2024, to consider historic landmark designation for the property known as the "Alexander-Howell House" (parcel identification number 155-062-61).

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 to designate the Alexander-Howell House as a local historic landmark.
- Public hearings are required prior to City Council action on designation requests.
- The Alexander-Howell House is located at 250 Cherokee Road in Council District 6.
- Designation of this property could significantly contribute to its long-term preservation.
- The Alexander-Howell House is listed under parcel identification number 155-062-61, and the recommended designation would include the interior and exterior of the main house and the land listed under Tax Parcel Number 155-062-61.
- The property is zoned N1-A.
- The property is owned by Peter A. and Ashley Scott Larkin.
- Based on the current value, the potential amount of deferrable taxes would be approximately \$4,338.76 for the City of Charlotte taxes and \$7,882.75 for Mecklenburg County taxes.

Attachment(s)

Information Sheet
Resolution

[Information Sheet - Alexander-Howell House](#)

[Resolution - Alexander-Howell House](#)

46. Set a Public Hearing on the John Phillips Little Jr. House Historic Landmark Designation

Action:

Adopt a resolution setting a public hearing for August 26, 2024, to consider historic landmark designation for the property known as the "John Phillips Little Jr. House" (parcel identification number 153-042-20).

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 to designate the John Phillips Little Jr. House as a local historic landmark.
- Public hearings are required prior to City Council action on designation requests.
- The John Phillips Little Jr. House is located at 1136 Queens Road in Council District 6.
- Designation of this property could significantly contribute to its long-term preservation.
- The John Phillips Little Jr. House is listed under parcel identification number 153-042-20, and the recommended designation would include the interior and exterior of the main house, the exterior of the servant's quarters/guest house, and the land listed under Tax Parcel Number 153-042-20.
- The property is zoned N1-A.
- The property is owned by David and Janina Gordon.
- Based on the current value, the potential amount of deferrable taxes would be approximately \$2,189.32 for the City of Charlotte taxes and \$3,977.60 for Mecklenburg County taxes.

Attachment(s)

Information Sheet
Resolution

[Information Sheet - Little House](#)

[Resolution - Little House](#)

47. Resolution of Intent to Abandon a Portion of Alleyway off Kensington Avenue

Action:

- A. Adopt a Resolution of Intent to abandon a portion of alleyway off Kensington Avenue, and
- B. Set a Public Hearing for August 26, 2024.

Staff Resource(s):

Debbie Smith, Transportation
Charlie Jones, Transportation
Casey Mashburn, Transportation

Explanation

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

Petitioners

Pamela Grundy

Attachment(s)

Map
Resolution

[2024-001175A - Abandonment Map](#)

[2024-001175A Resolution of Intent 06.24.2024](#)

48. Refund of Property Taxes

Action:

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$488,652.35.

Staff Resource(s):

Teresa Smith, Finance

Explanation

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

Attachment(s)

Taxpayers and Refunds Requested
Resolution Property Tax Refunds

[Resolution - Property Tax Refund 6.24.2024](#)

[List of Taxpayers 6.24.24](#)

CONSENT - PROPERTY TRANSACTIONS

49. Charlotte Water Property Transactions - Sanitary Sewerage System Improvements Toby Creek Basin - Phases 2 & 3, Parcel # 4

Action: Approve the following Property Condemnation: Sanitary Sewerage System Improvements Toby Creek Basin - Phases 2 & 3, Parcel # 4

Project: Sanitary Sewerage System Improvements Toby Creek Basin - Phases 2 & 3, Parcel # 4

Owner(s): Target Corporation

Property Address: 8120 University City Blvd

Total Parcel Area: 508,667 sq. ft. (11.68 ac.)

Property to be acquired by Easements: 6,397 sq. ft. (0.15 ac.) in Permanent Easement, plus 783 sq. ft. (0.02 ac) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and Screening

Zoned: CC

Use: Commercial

Parcel Identification Number(s): 049-251-12
<https://polaris3g.mecklenburgcountync.gov/pid/04925112/>

Appraised Value: \$20,350

Property Owner's Concerns: The property owner is nonresponsive.

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.

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

Council District: 4

Attachment(s): Map

[Map - Sanitary Sewerage System Improvements Toby Creek Basin Phases 2 & 3, Parcel #4](#)

50. Property Transactions - 4017 Weddington Road Sidewalk Gap, Parcel # 1

Action: Approve the following Acquisition: 4017 Weddington Road Sidewalk Gap, Parcel # 1

Project: 4017 Weddington Road Sidewalk Gap, Parcel # 1

Program: 4017 Weddington Road Sidewalk Gap

Owner(s): Image Church

Property Address: 4017 Weddington Road

Total Parcel Area: 363,034 sq. ft. (8.334 ac)

Property to be acquired by Easements: 8,509 sq. ft. (0.195 ac.) Sidewalk Utility Easement and 2,370 sq. ft. (0.054 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Driveways

Landscaping to be impacted: Various plantings

Zoned: N1-A

Use: Neighborhood 1 Zoning District

Parcel Identification Number: 231-093-04

<https://polaris3g.mecklenburgcountync.gov/xv/1482934.3615.485597.2436>

Purchase Price: \$20,000

Council District: 7

ZONING

51. Compact Residential Development Text Amendment

Action:

Render a decision on Petition 2024-067 to amend the Unified Development Ordinance.

Staff Resource(s):

Alyson Craig, Planning, Design and Development

Dave Pettine, Planning, Design and Development

Explanation

- The public hearing on this amendment to the UDO was held on June 17, 2024.
- The purpose of the amendment is to add a new Compact Residential Development option to the Neighborhood 1 Zoning Districts.
- The Compact Residential Development option will allow smaller lot sizes and setbacks while requiring more usable common open space.
- The amendment also limits triplexes to no more than 25% of lots in developments over two acres in the N-1A and N-1B Zoning Districts, except when developed under the Voluntary Mixed-Income Residential option.
- The Zoning Committee met on June 20, 2024 to make a recommendation on this petition.
- The Zoning Committee found the proposed text amendment to be consistent with the *Charlotte Future 2040 Comprehensive Plan*. Therefore, the petition was found to be reasonable and in the public interest based on the staff analysis and the public hearing.
- The Zoning Committee voted 5-1 to recommend APPROVAL of this text amendment.
- Staff agrees with the recommendation of the Zoning Committee.

Attachment(s)

Zoning Committee Recommendation

Final Staff Analysis

Text Amendment

[Zoning Committee Recommendation](#)

[Final Staff Analysis](#)

[Text Amendment](#)

Adjournment

REFERENCES

52. Reference - Charlotte Business INclusion Program

The following excerpts from the City of Charlotte's Charlotte Business INclusion Administrative Procedures Manual are intended to provide further explanation for those agenda items that reference the Charlotte Business INclusion Program in the business meeting agenda.

Section 7.11 Small Business Market Strategy

Section 7.11: The Business Inclusion Officer may develop a market strategy for SBEs that may consist of setting aside certain classes or sizes of contracts for targeted Solicitations to SBEs.

Section 3.1 Contract Goals

Section 3.1.2: Contract Goals: One or more contract goals may be established for all Contracts of \$100,000 or more.

Section 3.1.3: Types of Contract Goals: A Contract Goal can be a (i) MWSBE Goal, (ii) MBE Goal, (iii) SBE Goal, (iv) WBE Goal, (v) MSBE Goal, (vi) WSBE Goal or (vii) MWBE Goal.

Section 3.1.4: Participation Plan for Specific City Agreements:

3.1.4.1: Participation Plans shall be used for Contracts using the Infrastructure Reimbursements Agreements, Developer Agreements, Financial Partner agreements, design-build construction delivery method, construction manager at-risk delivery method, and public-private partnership construction delivery method. The Business Inclusion Officer may require a Participation Plan for other Contracts not specified in this section.

3.1.4.2: The Business Inclusion Officer shall draft a Participation Plan describing what outreach and other efforts the Contractor will be required to undertake to meet the Contract Goals established for the Contract. Any revisions to a Participation Plan after submission shall be approved in writing by the Business Inclusion Officer.

Section 3.1.5: Negotiated Contract Goals:

3.1.5.1: The City may negotiate with a Business Enterprise regarding prospective MWSBE utilization on a Contract prior to its Solicitation. In such instances, the negotiation regarding any Contract Goals may involve scopes of work that are undefined prior to Solicitation but will consist of an overall City expenditure of funds that is known.

Section 3.1.6: No Contract Goals: Contract Goals will not be established on a Contract if (i) there are no MWSBEs to perform the work for the Contract or (ii) it is an Exempt Contract.

Section 8.0 Definitions

Section 8.15: Contract: Any written agreement between the City and Business Enterprise, or any modification thereof, obligating the Business Enterprise to furnish goods or services to the City or perform construction activities for the City. This term shall not include exempt contracts.

Section 8.21: Exempt Contracts: The following Contracts are exempt from all aspects of the CBI Program unless a Department elects otherwise:

8.21.1 Federal Funded Agreements: 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.

8.21.2 Financial Partner Agreements: Contracts with a Financial Partner that has an existing MWSBE program or DBE program that the Financial Partner uses regularly and can provide evidence thereof.

8.21.3 Interlocal Agreements: Contracts with other units of federal, state, or local government.

8.21.4 Legal Services: Contracts to provide legal services on behalf of the City or its employees or elected officials.

8.21.5 No Competitive Process: Contracts 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 agreements 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 North Carolina General Statutes § 143-129(e)(3), or using the emergency procurement procedures established by the North Carolina General Statutes.

8.21.6 Real Estate Leasing and Acquisition: Contracts for the acquisition or lease of real estate.

8.21.7 Special Exemptions: Contracts where the Department and the Business Inclusion Officer agree that there was no discretion to hire an MWSBE including, but not limited to, payments or reimbursements to City employees or the procurement of utilities.

8.21.8 State Funded Agreements. Contracts that are subject to an MWBE Goal set by the State of North Carolina pursuant to North Carolina General Statutes § 143- 128.2

Section 5.0: Responsibilities After Contract Award

Section 5.4: New Subcontracting Opportunities

5.4.1: If a Contract has a previously unidentified opportunity for MWSBE participation or if a scope of work has been enlarged or increased, then the Contractor shall notify the Department Head.

5.4.2 Notice: Contractor shall promptly notify the Department Head of the new opportunity for MWSBE participation and whether existing MWSBE Subcontractors on the Contract can and/or will perform the new work.

5.4.3 Response: Upon receipt of the notice under Section 5.4.2, the Department Head shall notify the Contractor that (i) there will be no Supplemental Goal or (ii) there will be a Supplemental Goal based on MWSBE availability.

Section 7.12: Financial Partners

7.12.1 Exemption: If a Financial Partner currently administers a program for MWSBEs, then the Financial Partner may seek an exemption from the Business Inclusion Officer by communicating an intent to use the Financial Partner's existing program in lieu of adhering to the CBI Program. Determinations are made on a case-by-case basis by Business Inclusion Officer.

7.12.2 Contract Goals: A Financial Partner shall be subject to Section 3 (Goals) and Section 4 (Good Faith Efforts) if the Financial Partner has not been exempted pursuant to Section 7.11.1.

53. 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.

54. 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.