

City of Charlotte

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



Meeting Agenda

Monday, February 27, 2023

Council Chamber

City Council Business Meeting

Mayor Vi Lyles

Mayor Pro Tem Braxton Winston II

Council Member Dimple Ajmera

Council Member Danté Anderson

Council Member Tariq Scott Bokhari

Council Member Ed Driggs

Council Member Malcolm Graham

Council Member Reneé Johnson

Council Member LaWana Mayfield

Council Member James Mitchell

Council Member Marjorie Molina

Council Member Victoria Watlington

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

1. Mayor and Council Consent Item Questions and Answers

Staff Resource(s):

Marie Harris, Strategy and Budget

Time: 5 minutes

Synopsis

Mayor and Council may ask questions about Consent agenda items.

[2023-02-27 Council Agenda QA](#)

2. Consent agenda items 32 through 58 may be considered in one motion except for those items removed by a Council member. Items are removed by notifying the City Clerk.

Time: 5 minutes

Consideration of Consent Items shall occur in the following order:

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

3. Action Review Agenda Overview

Staff Resource(s):

Marcus Jones, City Manager

4. Action Review Items

Digital Inclusion Plan Update

Staff Resource(s):

Reenie Askew, City Manager's Office
Rachel Stark, Innovation and Technology

Time: Presentation - 10 minutes; Discussion - 30 minutes

Explanation

- Receive an update on the Digital Inclusion Plan.

[Action Review - Smart Charlotte - Digital Inclusion Update](#)

5. Closed Session (as necessary)

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

Call to Order

Introductions

Invocation

Pledge of Allegiance

PUBLIC FORUM

6. Public Forum

PUBLIC HEARING

7. Public Hearing and Decision on Avery Place Area Voluntary Annexation

Action:

- A. Conduct a public hearing for Avery Place Area voluntary annexation, and
- B. Adopt an annexation ordinance with an effective date of February 27, 2023, to extend the corporate limits to include this property and assign it to the adjacent City Council District 3.

Staff Resource(s):

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

Explanation

- Public hearings to obtain community input are required prior to City Council taking action on annexation requests.
- A petition has been received from the owners of this 7.24-acre property located east of Interstate 485, along the north side of Shopton Road, and the east side of Steele Creek Road in southwest Mecklenburg County.
- The property is owned by Avery Owner LP.
- The site is currently vacant and is zoned B-1, which allows for neighborhood business uses as well as various non-commercial uses such as residential developments.
- The petitioned area consists of one parcel; parcel identification number: 141-101-24.
- The property is located within Charlotte's extraterritorial jurisdiction and shares boundaries with current city limits.
- The intent of the annexation is to enable the development of 58 single family attached homes on the site.

Consistent with City Council Policies

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

Attachment(s)

Map (GIS)
Map (Survey)
Annexation Ordinance

[Avery Place Area Annexation Map](#)

[Avery Place Area Annexation Survey 8.5X11](#)

[Avery Place Area Annexation Ordinance](#)

8. Public Hearing and Decision on Evolve Northlake Area Voluntary Annexation

Action:

- A. Conduct a public hearing for Evolve Northlake Area voluntary annexation, and
- B. Adopt an annexation ordinance with an effective date of February 27, 2023, to extend the corporate limits to include this property and assign it to the adjacent City Council District 4.

Staff Resource(s):

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

Explanation

- Public hearings to obtain community input are required prior to City Council taking action on annexation requests.
- A petition has been received from the owners of this 17.56-acre property located south of Interstate 485 and east of Northlake Centre Parkway in northern Mecklenburg County.
- The property is owned by Northlake Housing, LLC.
- The site is currently vacant and is zoned UR-2 (CD), which allows for urban residential uses.
- The petitioned area consists of one parcel; parcel identification number: 025-081-29.
- The property is located within Charlotte's extraterritorial jurisdiction and shares boundaries with current city limits.
- The intent of the annexation is to enable the development of 336 multi-family units on the site.

Consistent with City Council Policies

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

Attachment(s)

Map (GIS)

Map (Survey)

Annexation Ordinance

[Evolve Northlake Area Annexation Map](#)

[Evolve Northlake Area Annexation Survey 8.5X11](#)

[Evolve Northlake Area Annexation Ordinance](#)

9. Public Hearing and Decision on Mallard Wood Phase 4 Area Voluntary Annexation

Action:

- A. Conduct a public hearing for Mallard Wood Phase 4 Area voluntary annexation, and
- B. Adopt an annexation ordinance with an effective date of February 27, 2023, to extend the corporate limits to include this property and assign it to the adjacent City Council District 4.

Staff Resource(s):

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

Explanation

- Public hearings to obtain community input are required prior to City Council taking action on annexation requests.
- A petition has been received from the owners of this 3.32-acre property located west of Interstate 485 at the dead-end of Wilton Gate Drive in northeastern Mecklenburg County.
- The property is owned by Mahmoud Alqolaq.
- The site is currently developed with one single family home that will be removed prior to future development. The site is zoned R-3, which allows for single family residential uses up to three dwelling units per acre.
- The petitioned area consists of one parcel; parcel identification number: 029-661-95.
- The property is located within Charlotte's extraterritorial jurisdiction and shares boundaries with current city limits.
- The intent of the annexation is to enable the development of 5 single family homes on the site.

Consistent with City Council Policies

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

Attachment(s)

Map (GIS)
Map (Survey)
Annexation Ordinance

[Mallard Wood Phase 4 Area Annexation](#)

[Mallard Wood Phase 4 Area Annexation Survey](#)

[Mallard Wood Phase 4 Area Annexation Ordinance](#)

10. Public Hearing on a Resolution to Close Unopened Right-of-Way between 828 & 900 Matheson Avenue

Action:

- A. Conduct a public hearing to close Unopened Right-of-Way between 828 and 900 Matheson Avenue, and
- B. Adopt a resolution and close Unopened Right-of-Way between 828 and 900 Matheson Avenue.

Staff Resource(s):

Debbie Smith, Transportation

Anthony Mendez, Transportation

Explanation

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

Petitioner

George Herron and Edith Herron

Right-of-Way to be Abandoned

Unopened right-of-way between 828 and 900 Matheson Avenue

Reason

Per the petition submitted by George and Edith Herron, the abandonment will allow for property renovations. The city has no objections.

Notification

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

Adjoining property owner(s)

Steve Rahman and Taylor N. Watson- No objections

City Departments

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

Attachment(s)

Map

Resolution

[2021-16A Abandonment Map](#)

[2021-16A Resolution to Close 02.27.2023](#)

POLICY

11. City Manager's Report

[02.27.2023 City Manager's Memo](#)

12. Arts and Culture Council Policy Framework

Action:

Approve the Arts and Culture Policy Framework to support and sustain a vibrant arts and culture sector that is essential to a healthy community and Charlotte's future economic and social development.

Committee Chair:

Malcolm Graham, Jobs and Economic Development Committee

Staff Resource(s):

Tracy Dodson, City Manager's Office

Priya Sircar, City Manager's Office

Proposed Framework

- The Arts and Culture Policy Framework (Framework) establishes guidelines for Council decision-making, policy development, and investments as it relates to arts and culture, including FY 2024, the final year of the Infusion Fund, and beyond.
- The Framework is comprised of seven items:
 - City funding for the arts and culture will continue after the Infusion Fund expires at the end of FY 2024, subject to annual budget approvals by Council.
 - Discussions will be conducted with private funders to determine their potential continuing involvement in arts and culture funding after the Infusion Fund expires.
 - Efforts will be made to diversify funding support to new partners and revenue sources.
 - The future funding plan will ensure adequate funds are provided to programs based in city-owned facilities.
 - The Arts & Science Council (ASC) will continue to manage the city's percent-for-art program.
 - Subject to agreement with private funders, other grants shall be awarded by established organization(s)(like the ASC), identified in the Charlotte Arts and Culture Plan, that have established presence in the areas supported by the Plan.
 - The allocations to these funding organizations will reflect key Council priorities, as reflected in the January 3, 2023 Charlotte City Council Arts and Culture Policy Memorandum.
 - This grantmaking will be accompanied by an admin fee in line with those payable to other grantmaking organizations and the city does not intend to support the operations of grantmaking bodies.
- The final State of Culture Report is expected by the end of February 2023.
 - The State of Culture Report includes eight Emerging Insights that will become the foundation for the development of the Charlotte Arts and Culture Plan.
- Following the State of Culture, and simultaneous to Council's Policy development, a comprehensive community arts and culture plan, the Charlotte Arts and Culture Plan, is under development.
- This Plan, expected in Spring/Summer 2023, will set forth recommendations for consideration by Council and the community.
 - The Framework above provides a lens for Council to evaluate recommendations from the Charlotte Arts and Culture Plan. It does not preclude recommendations from the Plan from being adopted or enacted by the city.

Committee Discussion

- In Summer 2022, Council began discussion of developing a priority framework to provide to city staff and the city's arts and culture advisory board.
- In September 2022, the mayor referred the city's arts and culture work to the Jobs and Economic Development Committee, with the understanding that Mayor Pro Tem Winston, Councilmember Graham (committee chair) and Councilmember Driggs (committee vice chair) would lead

- development of a priority framework with input from the rest of council.
- In December 2022, Councilmember Driggs put forth a draft memorandum outlining the above, proposed policy framework for council discussion.
 - At the January 30, 2023 Annual Strategy Meeting, council agreed to revisit a proposed strategy framework to be put forth by councilmembers Winston, Graham, and Driggs.
 - During this process, Council has received regular updates on progress of the Charlotte Arts and Culture Plan process, including drafts of the State of Culture Report.

Attachment(s)

January 3, 2023 Charlotte City Council Arts and Culture Policy Memorandum

[January 3, 2023 Charlotte City Council Arts and Culture Policy Memorandum](#)

BUSINESS

13. Appropriate Private Developer Funds

Action:

Adopt a budget ordinance appropriating \$513,705 in private developer funds for infrastructure improvements to the General Capital Projects Fund from the following developers:

- EBA Crystal Real Estate, LLC
- Phillips Place Owner II, LLC

Staff Resource(s):

Phil Reiger, General Services

Jennifer Smith, General Services

Veronica Wallace, General Services

Explanation

- Private developer agreements and appropriations are needed when a developer is required through the city rezoning process to make infrastructure improvements.
- The private developers are providing funds to the city, and the city will construct the required improvements on behalf of the developers.
 - EBA Crystal Real Estate, LLC contributed \$413,705 for the JW Clay Boulevard Streetscape Project (Council District 4).
 - Phillips Place Owner II, LLC contributed \$100,000 for the South Park Comprehensive Neighborhood Improvement Project for LOOP Improvements (Council District 6).
- The developer contribution is based on agreed upon amounts during the rezoning process.

Fiscal Note

Funding: Private Developer Contributions to the General Capital Investment Plan

Attachment(s)

Map

Budget Ordinance

[Appropriate Private Developer Funds Map](#)

[Appropriate Private Developer Funds Budget Ordinance](#)

14. Municipal Agreement for the Rea Road Widening Project from I-485 Outer Loop to Williams Pond Lane

Action:

- A. Adopt a resolution authorizing the City Manager to negotiate and execute a Municipal Agreement with the North Carolina Department of Transportation to accept I-485 Express Lane Bonus Allocation funds in the amount of \$6,673,940 for the Rea Road Widening project from I-485 Outer Loop to Williams Pond Lane, and**
- B. Adopt a budget ordinance appropriating \$6,673,940 from the North Carolina Department of Transportation to the General Capital Projects Fund.**

Staff Resource(s):

Debbie Smith, Transportation
Johanna Quinn, Transportation

Explanation

- The State of North Carolina provides Bonus Allocation funds for projects in counties that implement high-occupancy managed lane projects. Bonus Allocation funding is intended to mitigate congestion.
- These funds are allocated directly to Metropolitan Planning Organizations (MPO). The local MPO, the Charlotte Regional Transportation Planning Organization, selects projects based on a competitive process.
- This project will widen and increase capacity along Rea Road from I-485 Outer Loop Ramp to Williams Pond Lane in Council District 7 by:
 - Adding additional through traffic lanes on 0.47 miles of Rea Road by reducing the center grass median, and
 - Adding additional left and right turn lanes at Piper Station and at Ballantyne Commons Parkway to increase turning capacity, and
 - Upgrading accessible ramps and pedestrian traffic signals to current standards.
- The total budget for the Rea Road Widening project from I-485 Outer Loop to Williams Pond Lane is \$13,973,940 and includes:
 - \$6,673,940 in I-485 Express Lane Bonus Allocation funds from the North Carolina Department of Transportation (NCDOT), and
 - \$7,300,000 in local funds from the 2022 Transportation Bonds.
- Rea Road is state maintained. The state will continue to maintain the improvements constructed under this project.
- This format is consistent with past Municipal Agreements between the city and NCDOT.
- Project construction is anticipated to begin in 2026.

Charlotte Business INclusion

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

Fiscal Note

Funding: NCDOT I-485 Express Lane Bonus Allocation Funding and General Capital Investment Plan

Attachment(s)

Map
Resolution
Budget Ordinance

[Rea Rd Widening Project](#)

[HL-0023 Resolution](#)

[FY 2023 Budget Ordinance - CDOT Rea Rd](#)

15. Municipal Agreement for WT Harris Overhead Streetlighting Project

Action:

- A. Adopt a resolution authorizing the City Manager to negotiate and execute a Municipal Agreement with the North Carolina Department of Transportation to accept Bonus Allocation funds in the amount of \$998,000 for the WT Harris Overhead Streetlighting project, and**
- B. Adopt a budget ordinance appropriating \$998,000 in Bonus Allocation funding from the North Carolina Department of Transportation to the General Capital Projects Fund.**

Staff Resource(s):

Debbie Smith, Transportation
David Smith, Transportation

Explanation

- This project will install overhead street lighting along WT Harris Boulevard between Mt. Holly-Huntersville Road and the I-85 North Ramp.
- The State of North Carolina provides Bonus Allocation funds for projects in counties that implement high-occupancy managed lane projects. These funds are allocated directly to Metropolitan Planning Organizations (MPOs). The local MPO, Charlotte Regional Transportation Planning Organization (CRTPO), selects projects based on a competitive process.
- The estimated total budget for the WT Harris Overhead Streetlighting is \$1,535,000 and includes:
 - \$998,000 in Bonus Allocation funds from the North Carolina Department of Transportation (NCDOT), and
 - \$537,000 in local funds from the 2022 Transportation Bonds.
- The project is currently in design and will proceed to construction upon execution of the Municipal Agreement.
- This format is consistent with past Municipal Agreements between the city and NCDOT.
- WT Harris Boulevard is state maintained.
- Duke Energy will install and maintain streetlights for this project.
- Project construction is anticipated to begin by the end of 2023.

Charlotte Business INclusion

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

Fiscal Note

Funding: CRTPO Bonus Allocation Funding and General Capital Investment Plan

Attachment(s)

Map
Resolution
Budget Ordinance

[WTHarris_Streetlighting_Map](#)

[WT Harris Streetlighting Resolution](#)

[FY 2023 Budget Ordinance - CDOT WT Harris Streetlighting](#)

16. Appropriate Funds for Displacement Support

Action:

- A. Adopt a budget ordinance appropriating \$3,910,215.97 from the Emergency Rental Assistance program provided by the American Rescue Plan Act of 2021 to the American Rescue Plan Act Fund, and**
- B. Authorize the City Manager, or his designee, to negotiate, execute, amend, and renew any documents necessary for administering the funds.**

Staff Resource(s):

Shawn Heath, Housing and Neighborhood Services

Explanation

- The Emergency Rental Assistance (ERA2) program provided by the American Rescue Plan Act of 2021 makes funding available to state and local governments to assist households at-risk of displacement with financial assistance and housing stability services.
- Eligible uses of ERA2 funds include housing stability and relocation expenses for low-income households (e.g., security deposits, application fees, rent payments, case management, legal services, etc.) and administrative costs.
- The American Rescue Plan Act of 2021 requires the recapture of excess funds not obligated by municipalities and other grantees for eligible ERA2 purposes, and reallocates those funds to grantees, such as the city, that have successfully obligated their original ERA2 allocations.
- On February 1, 2023, the U.S. Treasury awarded the city a new allocation of ERA2 funding through the recapture and reallocation process totaling \$3,910,215.97.
- This funding will be used to support housing stability for residents with an emphasis on the city's displacement event protocol for large-scale displacement events. Per ERA2 guidelines, funds must be obligated by September 30, 2025.

Background

- On August 9, 2021, City Council appropriated \$28,841,640.10 in Emergency Rental and Utility Assistance funding (ERA2) provided in the American Rescue Plan Act of 2021.
- The city utilized the ERA2 allocation to help fund the RAMP CLT rent and utility assistance program administered by DreamKey Partners. The RAMP CLT program closed on December 15, 2022, having fully obligated all rental assistance funds and a portion of the available utility assistance funds.
- On January 23, 2023, City Council re-allocated \$1,936,602.82 of remaining ERA2 funds from the RAMP CLT program to support the city's displacement event protocol for large-scale displacement events in Charlotte.

Fiscal Note

Funding: American Rescue Plan Act Fund

Attachment(s)

Budget Ordinance

[Budget Ordinance](#)

17. Memorandum of Understanding for the Charlotte Transportation Center Redevelopment

Action:

- A. Authorize the City Manager to negotiate and execute a non-binding Memorandum of Understanding for the redevelopment of the Charlotte Transportation Center project with Master Developer, WPTP Brevard Holdings LLC, and**

- B. Approve the use of public funding including the City of Charlotte's Capital Investment Plan, Tax Increment Grant, Certificate of Participation, Land Value, and RAISE Grant dollars as a source of funding to be negotiated in the Memorandum of Understanding.**

Staff Resource(s):

Tracy Dodson, City Manager's Office
Brent Cagle, CATS

Background

- The Charlotte Transportation Center (CTC) located at 310 E. Trade Street was built in 1995 and is beyond its economic useful life.
- The current CTC is proposed to be redeveloped into a new multimodal facility as part of a joint development project that would include high-density, mixed-use development located in Council District 1.
- The proposed private development will be a mixed-use facility and may include office, hotel, residential and retail.
- The proposed transit project includes both a permanent multimodal facility on the current CTC site, as well as a temporary facility on the adjacent property owned by the Master Developer to maintain bus service during construction of the permanent facility.
- The Master Developer for the site is WPTP Brevard Holdings LLC.
- A Preliminary Design Reimbursement Agreement with the Master Developer was approved by City Council on August 22, 2022, for \$2.9M.
- On January 31, 2023, the Metropolitan Transit Commission adopted the concourse design concept as the Locally Preferred Alternative for the proposed redevelopment of the Charlotte Transportation Center.
- On February 6, 2023, the Transportation, Planning and Development council committee agreed to recommend this project to the full council in support of the manager proceeding with the memorandum of understanding. There was a yes vote to recommend to City Council by Council members Driggs, Anderson, Johnson, Mitchell, and Graham.
- On February 6, 2023, the Jobs and Economic Development council committee reviewed the project and the memorandum of understanding concept. There was no objection for this to go to full council by Council members Graham, Driggs, Molina, and Watlington.

Explanation

- The city and WPTP Brevard Holdings LLC plan to enter into a non-binding Memorandum of Understanding (MOU) to define key elements of the project and provide a roadmap for the development of a Joint Development Agreement (JDA).
- The parties will use the MOU to document consensus and key terms as the phase one transit improvements advance to 30 percent schematic design.
- After completion of preliminary design and the environmental process, the proposed JDA will be brought for future City Council action. The JDA will finalize the terms of the agreement and funding for the project.
- Key terms of the MOU are as follows:
 - Non-binding agreement
 - Tax Increment Grant (TIG) of approximately \$20M to support the overall project vision
 - City of Charlotte's Capital Investment Plan (CIP) of approximately \$5M for public

- infrastructure improvements
- Other funding sources including
 - Land Value of approximately \$27M
 - COPS Contribution of approximately \$10M
 - CATS Contribution of approximately \$12M
 - RAISE Grant of \$15M
 - Master Developer retains the right to redevelop the CTC site for an additional period to be determined

Disadvantaged Business Enterprise

The city has established a DBE goal of 11.10% for the design scope only. A DBE goal for construction will be established as part of the future Joint Development Agreement.

Attachment(s)

February 6, 2023 Transportation, Planning, and Development Committee Presentation

February 6, 2023 Jobs and Economic Development Committee Presentation

[TPD Committee - CTC Redevelopment Update Presentation](#)

[J&ED Committee - Hornets Practice Facility Update Presentation](#)

BUSINESS - NOMINATIONS

18. Nominations to the Arts and Culture Advisory Board

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term beginning upon appointment and ending September 30, 2024.
 - Tim Miner has resigned.

Attachment(s)

Arts and Culture Advisory Board Applications

19. Nominations to the Bicycle Advisory Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term beginning upon appointment and ending December 31, 2024.
 - James Lee did not meet attendance requirements.

Attachment(s)

Bicycle Advisory Committee Applications

20. Nominations to the Business Advisory Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term recommended by the Asian-American Chamber of Commerce beginning upon appointment and ending April 28, 2023, followed by a three-year term beginning April 29, 2023, and ending April 28, 2026.
 - Div Bhingradia did not meet attendance requirements.
- One appointment for a partial term recommended by the Black Chamber of Commerce beginning upon appointment and ending April 28, 2023, followed by a three-year term beginning April 29, 2023, and ending April 28, 2026.
 - Steven Lewis did not meet attendance requirements.
- One appointment for a partial term recommended by the Certified SBE-Hispanic Contractors Association beginning upon appointment and ending April 28, 2023, followed by a three-year term beginning April 29, 2023, and ending April 28, 2026.
 - Domenico Santilli is eligible but not interested in reappointment.
- One appointment for a partial term recommended by the Charlotte Regional Business Alliance beginning upon appointment and ending April 28, 2023, followed by a three-year term beginning April 29, 2023, and ending April 28, 2026.
 - Derick Davis has resigned.
- One appointment for a partial term recommended by the Charlotte Regional Business Alliance beginning upon appointment and ending April 28, 2024.
 - McClean Godley has resigned.
- One appointment for a three-year term recommended by the Charlotte Regional Business Alliance beginning April 29, 2022, and ending April 28, 2025.
 - Tonia Woodbury did not meet attendance requirements and is ineligible for reappointment.
- One appointment for a partial term recommended by the Metrolina Minority Contractors Association beginning upon appointment and ending April 28, 2023, followed by a three-year term beginning April 29, 2023, and ending April 28, 2026.
 - Darmel Lee did not meet attendance requirements.
- Two appointments for a partial term beginning upon appointment and ending April 28, 2025.
 - Dante Anderson has resigned.
 - Ashok Pratap Mora did not meet attendance requirements.

Attachment(s)

Business Advisory Committee Applications

21. Nominations to the Charlotte Business INclusion Advisory Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a two-year term recommended by the Carolinas Association of General Contractors beginning March 1, 2023, and ending February 28, 2025.
 - Sharon Walters is eligible and interested in reappointment.
- One appointment for a two-year term recommended by the Hispanic Contactors Association of the Carolinas beginning March 1, 2022, and ending February 28, 2024.
 - Sandra Velez did not meet attendance requirements.
- One appointment for a two-year term beginning March 1, 2023, and ending February 28, 2025.
 - Jamal Cook has resigned.

Attachment(s)

Charlotte Business INclusion Advisory Committee Applications

22. Nominations to the Charlotte International Cabinet

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term for an Airport Staff Member category representative beginning upon appointment and ending June 30, 2024.
 - Rikard Hinrichs has resigned.

Attachment(s)

Charlotte International Cabinet Applications

23. Nominations to the Charlotte Mecklenburg Public Access Corporation

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for partial term beginning upon appointment and ending June 30, 2025.
 - Nicole Arnold has resigned.
- One appointment for partial term beginning upon appointment and ending June 30, 2023, and a three-year term beginning July 1, 2023, and ending June 30, 2026.
 - John Tartt did not meet attendance requirements.

Attachment(s)

Charlotte Mecklenburg Public Access Corporation Applications

24. Nominations to the Community Relations Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term beginning upon appointment and ending September 30, 2023.
 - Toya Bailey did not meet attendance requirements.
- One appointment for a partial term beginning upon appointment and ending June 30, 2024.
 - Braxton Becoats did not meet attendance requirements.
- Four appointments for a partial term beginning upon appointment and ending June 30, 2025.
 - Nicole Arnold did not meet attendance requirements.
 - Evelyne Del did not meet attendance requirements.
 - Lucille Frierson has resigned.
 - Scott Gartlan has resigned.

Attachment(s)

Community Relations Committee Applications

25. Nominations to the Historic District Commission

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

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

Attachment(s)

Historic District Commission Applications

26. Nominations to the Historic Landmarks Commission

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term beginning upon appointment and ending July 16, 2024.
 - Joshua Shope did not meet attendance requirements.

Attachment(s)

Historic Landmarks Commission Applications

27. Nominations to the Keep Charlotte Beautiful Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- Two appointments for a partial term beginning upon appointment and ending June 30, 2024.
 - Lilly Taylor did not meet attendance requirements.
 - Qnubia Umazar has resigned.

Attachment(s)

Keep Charlotte Beautiful Committee Applications

28. Nominations to the Neighborhood Matching Grants Fund

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a Business Representative for a partial term beginning upon appointment and ending April 15, 2024.
 - Stephanie Al-Zubaidy did not meet attendance requirements.
- One appointment for a Business Representative for a partial term beginning upon appointment and ending April 15, 2023, and a two-year term beginning April 16, 2023, and ending April 15, 2025.
 - Jamal Cook did not meet attendance requirements.
- Two appointments for a Neighborhood Representative for a partial term beginning upon appointment and ending April 15, 2024.
 - Andwele Beatty did not meet attendance requirements.
 - Debbie Rubenstein did not meet attendance requirements.

Attachment(s)

Neighborhood Matching Grants Fund Applications

29. Nominations to the Passenger Vehicle for Hire Board

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a Hospitality / Tourism Industry category representative for a three-year term beginning July 1, 2021, and ending June 30, 2024.
 - Sheila Etheridge-Boddie has served two terms and is ineligible for reappointment.

Attachment(s)

Passenger Vehicle for Hire Board Applications

30. Nominations to the Storm Water Advisory Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

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

Attachment(s)

Storm Water Advisory Committee Applications

31. Nominations to the Transit Services Advisory Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a Vanpool Rider category representative for a three-year term beginning February 1, 2022 and ending January 31, 2025.
 - Parker Cains has resigned.
- Two appointments for a Local / Express Service Passenger category representative for a three-year term beginning February 1, 2023, and ending January 31, 2026.
 - Antonette Love is eligible and interested in reappointment.
 - Linda Webb is eligible but not interested in reappointment.

Attachment(s)

Transit Services Advisory Committee Applications

CONSENT

32. Governor's Highway Safety Program Grant for Traffic Safety - Driving While Impaired Task Force

Action:

Adopt a resolution authorizing the City Manager, or his designee, to apply for and accept a grant in an amount of up to \$187,566 from the North Carolina Governor's Highway Safety Program for the Driving While Impaired Task Force.

Staff Resource(s):

Johnny Jennings, Police
Christopher Rorie, Police
John Reibold, Police

Explanation

- The Charlotte-Mecklenburg Police Department (CMPD) has been invited to apply for a North Carolina Governor's Highway Safety Program grant for the Driving While Impaired (DWI) Task Force. This is an annual opportunity which has been granted for the past ten years.
- The terms of the grant require that City Council adopt a resolution authorizing CMPD to apply for and accept the grant funding.
- The total cost for the DWI Task Force, made up of six officers and one sergeant, is projected to be \$750,265 in FY 2024. The grant will fund 25 percent of Task Force costs (\$187,566). The city will provide at 75 percent match (\$562,699) from CMPD's operating budget.
- The grant is for a one-year term from October 1, 2023 through September 30, 2024.

Fiscal Note

Funding: General Grants Fund and Police Operating Budget

Attachment(s)

Resolution
DWI Task Force Update

[Local Government Resolution NCGHSP DWI Task Force](#)

[DWI Task Force 2020-2023](#)

33. Police Firearm Ammunition

Action:

- A. **Approve a unit price contract for the purchase of police firearm ammunition by the sole source exemption,**

- B. **Authorize the City Manager to negotiate and execute a contract with Kiesler Police Supply for the purchase of police firearm ammunition for an initial term of three years, and,**

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

Staff Resource(s):

Johnny Jennings, Police
Bradford Koch, Police
Julie Barry, Police

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 a needed product is available from only one source or supply in the State of North Carolina.
- City Council approval is required for any purchases made under the sole source exception.

Explanation

- Police firearm ammunition is required for law enforcement training and annual firearms qualifications required by the State of North Carolina.
- Ammunition is required for the current inventory of firearms, and Kiesler Police Supply is the sole provider of this ammunition in the state of North Carolina.
- Annual expenditures are estimated to be \$360,000.

Charlotte Business INclusion

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

Fiscal Note

Funding: Police Operating Budget

34. Helicopter Fuel, Maintenance, Repair, and Training Services

Action:

- A. **Approve a three-year contract with Ascent Aviation Group, Inc. by sole source exemption for helicopter fuel,**
- B. **Approve a three-year contract with Standard Aero (Alliance), Inc. for turbine engine and maintenance services,**
- C. **Approve a three-year contract with Bell Helicopter Textron, Inc. for maintenance and training services,**
- D. **Authorize the City Manager to renew the contracts with Ascent Aviation Group Inc., Standard Aero (Alliance) Inc., and Bell Helicopter Textron Inc. for up to two, one-year terms each, and**
- E. **Authorize the City Manager to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

Johnny Jennings, Police
David Johnson, Police
Brian Matthews, Police

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 standardization or compatibility is the overriding consideration.
- City Council approval is required for any purchases made under the sole source exception.

Explanation

Action A:

- Gas, Fuel and Oil Exception
 - G.S.143-129 (e) (5) authorizes informal procedures for purchase of gasoline, diesel fuel, alcohol fuel, motor oil and fuel oil. These purchases are exempt from bidding statutes.
 - This exemption is necessary to allow one supply source for quality control and accountability of product.
- Bell helicopters require Jet A fuel. The Charlotte-Mecklenburg Police Department (CMPD) has purchased fuel from Ascent Aviation Group Inc. for the past ten years due to their competitive pricing, quality, consistency, and accountability.
- The estimated annual expenditure for fuel is \$230,000.

Actions B & C:

- CMPD's Aviation Division owns three Bell helicopters which support CMPD and require periodic scheduled turbine engine general maintenance, overhaul, and repair.
- 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 company location as the manufacturer and authorized dealer to provide the services and due to the quality of pilot training, safety practice requirements, and proximity to Charlotte.
- The expenditures for the full term of the contracts are estimated to be \$1,600,000 for Bell

Helicopter Textron, Inc. and \$1,150,000 for Standard Aero, Inc. (Alliance).

Charlotte Business INclusion

Ascent Aviation Group is a sole source contract and is exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy). Standard Aero and Bell Helicopter Textron are waived competitive bidding contracts and are exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

Fiscal Note

Police Operating Budget

35. Cooperative Purchasing Contract for Speed Cushion Materials

Action:

- A. **Approve the purchase of rubber speed cushions from a cooperative contract,**
- B. **Approve a unit price contract with Traffic and Parking Control Co., Inc. for the purchase of rubber speed cushion arrays and associated installation materials for a term of three years under OMNIA Partners Master Agreement with Barron County, WI (Contract #2020-200), and**
- C. **Authorize the City Manager to extend the contract for additional terms as long as the cooperative contract is in effect, at prices and terms that are the same as or more favorable than those offered under the cooperative contract.**

Staff Resource(s):

Debbie Smith, Transportation

David Smith, Transportation

Angela Berry, Transportation

Explanation

- Speed cushions are devices installed on the street to reduce passenger car speeds without interfering with the passage of larger emergency response vehicles by including gaps for large vehicle wheel paths.
- Through the Neighborhood Traffic Calming program, the Charlotte Department of Transportation works with neighborhoods across the city to install rubber speed cushions to calm traffic on neighborhood streets per City Council adopted policy.
- NC General Statute Section 143-129(e)(3) allows local governments to purchase from formally organized cooperative purchasing contracts.
- A cooperative purchasing agreement results from the consolidation and competitive solicitation of multiple public agency requirements. By aggregating common needs, all agencies can leverage economies of scale, such as volume discounts, improved terms and conditions, reduced administrative costs, and access to professional and technical expertise.
- Annual expenditures are estimated to be \$350,000.

Charlotte Business INclusion

These are cooperative purchasing contracts and are exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Neighborhood Traffic Calming Vision Zero

36. Traffic Signal Installation and Maintenance

Action:

Approve a three-year contract in the amount of \$9,195,553.19 to the lowest responsive bidder ALS of North Carolina, Inc. for Unspecified Traffic Signal Installation and Maintenance.

Staff Resource(s):

Debbie Smith, Transportation
David Smith, Transportation
Anthony Tagliaferri, Transportation

Explanation

- The Charlotte Department of Transportation (CDOT) operates and maintains a transportation system that includes traffic signals and supporting infrastructure to manage traffic operations throughout the city.
- CDOT maintains traffic signals at over 900 intersections across the city.
- Charlotte's population growth and new development increase the demand for new and modified traffic signals and infrastructure.
- This traffic signal contract will provide resources to install and maintain traffic signals and support infrastructure citywide.
- On October 14, 2022, the city issued an Invitation to Bid (ITB); two bids were received.
 - NC 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 December 1, 2022, the ITB was re-issued; three bids were received.
- ALS of North Carolina, Inc. was selected as the lowest responsive, responsible bidder.

Charlotte Business INclusion

Established MBE Goal: 3.00%
Committed MBE Goal: 0.00%

ALS of North Carolina, Inc. failed to meet the established MBE goal; subsequently a waiver of Good Faith Efforts was granted (Part B: Section 6.2 of the Charlotte Business INclusion Policy).

Established SBE Goal: 6.00%
Committed SBE Goal: 2.78%

ALS of North Carolina, Inc. failed to meet the established SBE goal; subsequently a waiver of Good Faith Efforts was granted (Part B: Section 6.2 of the Charlotte Business INclusion Policy). However, ALS of North Carolina, Inc. has committed 2.78% (\$255,300) of the total contract amount to the following SBE certified firm(s):

- Striping Concepts, LLC (SBE) (\$255,300) (pavement markings)

Fiscal Note

Funding: General Capital Investment Plan

37. Roadway Resurfacing

Action:

Approve a contract in the amount of \$30,151,268.92 to the lowest responsive bidder Blythe Construction Inc. for the Fiscal Year 23-24 Road Resurfacing projects.

Staff Resource(s):

Debbie Smith, Transportation

Charles Jones, Transportation

Explanation

- The Charlotte Department of Transportation is responsible for the maintenance of more than 5,498 lane miles of roadway in the City of Charlotte.
- Resurfacing is the most effective treatment to preserve and maintain the condition of streets. Timely resurfacing of streets improves ride quality, reduces the occurrence of potholes, and reduces the need for more costly future repairs.
- The 2023 - 2024 Resurfacing contract will pave an estimated 257 lane miles in the city. The total mileage to be paved is dependent on asphalt price stability throughout the contract.
- Work will include traffic control, asphalt and concrete pavement milling, asphalt paving, base failure repair, asphalt surface treatment, utility adjustments, manhole frame and cover replacements, accessible ramp installation, sidewalk, curb repairs, and pavement markings.
- Streets are selected for repaving based on pavement condition ratings, field evaluations by staff, and information from a computerized pavement management system.
- Notice of resurfacing is provided to motorists through the use of highly visible signs placed on the street at least two weeks prior to the start of construction activities. Paving generally occurs between April and October due to weather and other factors.
- On December 1, 2022, the city issued an invitation to bid (ITB); two bids were received.
 - NC 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-advertisement results in fewer than three competitive bids.
- On January 12, 2023 the ITB was re-issued; two bids were received.
- Blythe Construction Inc. was the lowest responsive, responsible bidder.

Charlotte Business INclusion

Established MBE Goal: 5.00%

Committed MBE Goal: 5.31%

Blythe Construction Inc. exceeded the established subcontracting goal, and committed 5.31% (\$1,600,000) of the total contract amount to the following MBE certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Buffkin Trucking, Inc. (MBE,SBE) (\$800,000) (hauling)
- Silverback Brothers LLC (MBE,SBE) (\$800,000) (hauling)

Established SBE Goal: 12.00%

Committed SBE Goal: 12.09%

Blythe Construction Inc. met the established SBE subcontracting goal, and committed 12.09% (\$3,646,527) of the total contract amount to the following SBE certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- DOT Construction, Inc. (SBE) (\$3,266,155) (concrete work, structural adjustments)
- Glaze Independent Trucking L.L.C. (MBE,SBE) (\$100,000) (hauling)
- Striping Concepts, LLC (SBE) (\$280,372) (pavement markings)

Fiscal Note

Funding: Powell Bill Fund

Attachment(s)

Street list

[2023 Resurfacing by Council District](#)**38. Architectural Services for Firehouse #11 Replacement****Action:**

- A. Approve a contract in the amount of \$534,140 with Boomerang Design, PA for architectural services for the Firehouse #11 Replacement project, 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
Jennifer Smith, General Services
Kathleen Cishek, General Services
Reginald Johnson, Fire

Explanation

- Firehouse #11 was one of three firehouses identified in the Construct Fire Facilities Program approved in the FY 2022 budget. The existing firehouse was built in 1958.
- The replacement project will be constructed on the existing site, 620 West 28th Street, in Council District 1. The project includes demolition of the existing facility.
- The new firehouse will include two stories, four bays and approximately 17,000 square feet. The facility will include an additional bay for Fire's Technical Rescue Company.
- On September 18, 2019, the city issued a Request for Qualifications (RFQ); 22 submissions across four categories of work were received. Boomerang Design, PA is one of four firms selected for new firehouses.
- Boomerang Design, PA 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 for this firehouse.
- City Council will be asked to approve a separate construction contract at a future meeting.

Charlotte Business INCLUSION

The city negotiated subcontracting participation after the proposal selection process (Part C: 2.1 (h) of the Charlotte Business INCLUSION Policy). Boomerang Design, PA has committed 23.66% (\$126,395) of the total contract amount to the following certified firms:

- Stewart Engineering, Inc. (MBE) (civil and structural engineering)
- Paraclete, Inc. (MBE, SBE) (estimating)

Fiscal Note

Funding: General Capital Investment Plan

Attachment(s)

Map

[Map Architectural Services for Firehouse #11 Replacement.pdf](#)

39. Easement Clearing Services

Action:

- A. Approve a unit price contract with NGE Services, Inc. for sanitary sewer easement clearing services for an initial term of one year, and**

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

Staff Resource(s):

Angela Charles, Charlotte Water
Jackie Jarrell, Charlotte Water
Marion Sanders, Charlotte Water

Explanation

- This contract will provide scheduled and on-call sanitary sewer easement clearing services for approximately 100 miles of easements annually, to allow for maintenance and repair access.
- On January 5, 2023, the city issued a Request for Proposals (RFP); 15 responses were received.
- NGE Services, Inc. best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$850,000.

Charlotte Business INclusion

Per Charlotte INclusion Policy: Part C: Section 2.1(a) The city shall not establish Subcontracting Goals for Contracts where (a) there are no subcontracting opportunities identified for the Contract; or (b) there are no SBEs, MBEs, or WBEs certified to perform the scopes of work that the city regards as realistic opportunities for subcontracting.

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

Fiscal Note

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

40. Stowe Regional Water Resource Recovery Facility Construction

Action:

Approve a guaranteed maximum price of \$102,796,122.00 to The Haskell Company for Design-Build construction services for the Stowe Regional Water Resource Recovery Facility Influent Pump Station and Headworks project.

Staff Resource(s):

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

Explanation

- The Haskell Company has developed a guaranteed maximum price (GMP) for the construction of the final phase of the influent pump station and headworks infrastructure for the future Stowe Regional Water Resource Recovery Facility (SRWRRF) (adjacent to Council Districts 2 and 3).
- On July 8, 2019, City Council approved a contract for \$8,848,918 with The Haskell Company for Design-Build design services for the Mount Holly Pump Station and Forcemain project and SRWRRF Influent Pump Station and Headworks project.
- On March 28, 2022, City Council approved a GMP for \$61,150,733 for Design-Build construction services for the initial phase of the SRWRRF Influent Pump Station and Headworks project.
- The project is anticipated to be complete by first quarter 2026.

Charlotte Business INCLUSION

The city negotiates participation for Design-Build contracts after the firm is selected and scopes of work are defined for design and construction services (Part G: Section 2.4 of the Charlotte Business INCLUSION Policy). The Haskell Company has committed \$7,694,020 or approximately 7.48% of the total contract for construction services to the following certified firms:

- AMP Utility Distribution (WBE, SBE) (\$5,797,541) (supply of valves, bolt and gasket sets, and low and medium voltage electrical equipment)
- CITI, Inc. (MBE) (\$841,045) (instrumentation and controls)
- Pentacle Inc. (WBE, SBE) (\$692,326) (fencing)
- Diamond Trucking of NC Inc. (MBE, SBE) (\$196,535) (hauling)
- 24K Hauling Inc. (MBE, SBE) (\$75,000) (material hauling)
- RRC Concrete Inc. (MBE) (\$54,443) (concrete flatwork)
- Collins Reinforcing, Inc. (WBE) (\$37,130) (concrete reinforcement)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Map

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

41. Water Main Replacement Construction

Action:

Approve a guaranteed maximum price of \$8,634,241.80 to R.H. Price Inc. for Design-Build construction services for first phase of the Zone 2 Water Replacement Package 1 project.

Staff Resource(s):

Angela Charles, Charlotte Water
Jackie Jarrell, Charlotte Water
Marion Sanders, Charlotte Water

Explanation

- R.H. Price Inc. has developed a guaranteed maximum price for construction of 32,000 linear feet of water mains to replace old infrastructure that has reached the end of its useful life in northeast Charlotte (Council Districts 1 and 5).
- This project is within the city's Sugar Creek Road/I-85 Corridor of Opportunity.
- On October 24, 2022, City Council approved a contract for \$2,801,194 with R.H. Price Inc. for Design-Build design services.
- The project is anticipated to be complete by second quarter 2025.

Charlotte Business INclusion

The city negotiates participation for Design-Build contracts after the firm is selected and scopes of work are defined for design and construction services. R.H. Price Inc. has committed \$950,000 or approximately 11.00% of the contract for construction services to the following certified firms (Part G: Section 2.7 of the Charlotte Business INclusion Policy):

- C and D Utility (SBE) (\$475,000) (water main installation)
- Uniforce Construction Corporation (MBE, SBE) (\$475,000) (water main installation)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Map

[Map-Water Main Replacement Construction](#)

42. Bond Issuance Approval for Galloway Crossing Apartments

Action:

Adopt a resolution granting INLIVIAN's request to issue multi-family housing revenue bonds, in an amount not to exceed \$9,860,000, to finance the development of an affordable housing development known as Galloway Crossing Apartments.

Staff Resource(s):

Shawn Heath, 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 multi-family housing revenue bonds for Galloway Crossing Apartments, a 78-unit new construction affordable housing development to be developed, owned, and operated by Galloway Crossing Limited Partnership, a North Carolina limited partnership, or an affiliated or related entity.
- The development will be located on approximately 6.86 acres at 8300 E. WT Harris Boulevard (parcel identification numbers: 103-25-107, 103-25-106, 103-251-104, 103-241-01) in Council District 5 and will serve households earning up to 80 percent of the Area Median Income (AMI) with income averaging 60 percent of AMI for the entire development. Of the 78 new units, 16 will serve households that earn 30 percent of AMI or less.
- The INLIVIAN bonds, not to exceed \$9,860,000, will be used to finance land acquisition and construction of the development.
- This action further supports the city's \$3,496,000 Housing Trust Fund allocations for the development.
- The developer anticipates closing the financing for this development by the end of March 2023 and beginning construction in second quarter 2023.

Background

- On September 27, 2021, City Council approved a \$2,496,000 Housing Trust Fund allocation for the Galloway Crossing Apartments development, and on November 28, 2022 approved an additional \$1,000,000 Housing Trust Fund allocation in response to the unprecedented changes in market conditions that have resulted in cost escalations.
- In conjunction with the city Housing Trust Fund support, 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 a bond allocation capacity totaling \$9,860,000 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 a direct interest.

Attachment(s)

Map
City of Charlotte Resolution for Galloway Crossing Apartments

[MAP Galloway Crossing Apartments](#)

[City Resolution Galloway](#)

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

Action:

Adopt a resolution setting a public hearing for March 13, 2023, for the Garrison Road Industrial Phase 1 Area voluntary annexation petition.

Staff Resource(s):

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

Explanation

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

Consistency with City Council Policies

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

Attachment(s)

Map
Resolution

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

[Resolution for Garrison Road Industrial Phase 1 Area Annexation rev 23 2 2](#)

44. Set a Public Hearing on River District Preserve East Area Voluntary Annexation

Action:

Adopt a resolution setting a public hearing for March 13, 2023, for River District Preserve East Area voluntary annexation petition.

Staff Resource(s):

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

Explanation

- The city has received a petition for voluntary annexation of private property.
- Public hearings are required prior to City Council action on annexation requests.
- This property is located within Charlotte's extraterritorial jurisdiction.
- The area proposed for annexation shares boundaries with current city limits.
- Annexation of this area will allow for more orderly development review, extension of city services, capital investments, and future annexation processes.
- The 70.96-acre "River District Preserve East" site is in southwestern Mecklenburg County, south of Sadler Road and west of Dixie River Road.
 - The site is currently vacant.
 - The petitioner has plans to develop 125 single family residential homes on the site.
 - The property is zoned currently zoned MX-2, which allows for residential mixed-use development.
 - The property is located immediately adjacent to City Council District 3.
 - The petitioned area consists of one parcel; parcel identification number: 113-281-49.

Consistency with City Council Policies

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

Attachment(s)

Map

Resolution

[River District Preserve East Area Annexation Map](#)

[Resolution for River District Preserve East_Rev2_23_2_2](#)

45. Resolution of Intent to Abandon an Alleyway off Buchanan Street

Action:

- A. Adopt a Resolution of Intent to abandon an Alleyway off Buchanan Street, and
- B. Set a public hearing for April 10, 2023.

Staff Resource(s):

Debbie Smith, Transportation
Anthony Mendez, Transportation

Explanation

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

Petitioner

Hector MacDonald

Attachment(s)

Map
Resolution

[Alleyway off BuchananSt Abandonment Map](#)

[2023-000048A Resolution of Intent 02.27.2023](#)

46. Resolution of Intent to Abandon a Portion of Unopened First Street and a Portion of Unopened Verndale Road

Action:

- A. Adopt a Resolution of Intent to abandon a Portion of Unopened First Street and a Portion of Unopened Verndale Road, and**
- B. Set a public hearing for April 10, 2023**

Staff Resource(s):

Debbie Smith, Transportation

Anthony Mendez, Transportation

Explanation

- NC General Statute Section 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The Portions of Unopened First Street and a Portion of Unopened Verndale Road are located in Council District 5.

Petitioner

Smith Douglas Homes

Attachment(s)

Map

Resolution

[Portion of First St & Verndale Rd Abandonment Map](#)

[2022-003487A Resolution of Intent 02.27.2023](#)

CONSENT - PROPERTY TRANSACTIONS

47. Charlotte Water Property Transactions - Clarke Creek Basin PS and FM Project, Parcel #20

Action: Approve the following Condemnation: Clarke Creek Basin PS and FM Project, Parcel #20

Project: Clarke Creek Basin PS and FM, Parcel #20

Owner(s): Homeowners Association of Mirabella, Inc.

Property Address: Monocacy Boulevard, Huntersville

Total Parcel Area: 701,417 sq. ft. (16.10 ac.)

Property to be acquired by Easements: 38,843 sq. ft. (0.89 ac.) in Permanent Sewer Easement, 1,996 sq. ft. (0.05 ac.) in Permanent Access Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: TR

Use: Single Family Residential-Acreage

Parcel Identification Number(s): 019-225-02
<https://polaris3g.mecklenburgcountync.gov/#pid=01922502&gisid=01922502>

Appraised Value: \$12,125.00

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

City's Response to Property Owner's Concerns: The city 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: Town of Huntersville, adjacent to Council District 4

48. Charlotte Water Property Transactions - Clarke Creek Basin PS and FM Project, Parcel #21

Action: Approve the following Condemnation: Clarke Creek Basin PS and FM Project, Parcel #21

Project: Clarke Creek Basin PS and FM, Parcel #21

Owner(s): MMB Development Eleven, L.P.

Property Address: 17344 Monocacy Boulevard, Huntersville

Total Parcel Area: 18,137 sq. ft. (0.42 ac.)

Property to be acquired by Easements: 1,985 sq. ft. (0.05 ac.) in Permanent Sewer Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: TR

Use: Single Family Residential-Acreage

Parcel Identification Number(s): 019-224-23
<https://polaris3g.mecklenburgcountync.gov/#mat=529303&pid=01922423&qsid=01922423>

Appraised Value: \$7,550.00

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

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

Recommendation:

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

Council District: Town of Huntersville, adjacent to Council District 4

49. Charlotte Water Property Transactions - Clarke Creek Basin PS and FM Project, Parcel #22

Action: Approve the following Condemnation: Clarke Creek Basin PS and FM Project, Parcel #22

Project: Clarke Creek Basin PS and FM, Parcel #22

Owner(s): Eastwood Construction Partners, LLC

Property Address: 17340 Monocacy Boulevard, Huntersville

Total Parcel Area: 18,039 sq. ft. (0.41 ac.)

Property to be acquired by Easements: 2,266 sq. ft. (0.05 ac.) in Permanent Sewer Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: TR

Use: Single Family Residential

Parcel Identification Number(s): 019-224-24
<https://polaris3g.mecklenburgcountync.gov/#mat=529302&pid=01922424&qsid=01922424>

Appraised Value: \$8,675.00

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

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

Recommendation:

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

Council District: Town of Huntersville, adjacent to Council District 4

50. Charlotte Water Property Transactions - Clarke Creek Basin PS and FM Project, Parcel #24

Action: Approve the following Condemnation: Clarke Creek Basin PS and FM Project, Parcel #24

Project: Clarke Creek Basin PS and FM, Parcel #24

Owner(s): John Kirk and Margaret Kirk

Property Address: Wildlife Lane, Mecklenburg County-unincorporated

Total Parcel Area: 314,924 sq. ft. (7.23 ac.)

Property to be acquired by Easements: 2,520 sq. ft. (0.06 ac.) in Permanent Sewer Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: TR

Use: Forest-Commercial Production

Parcel Identification Number(s): 019-381-25
<https://polaris3g.mecklenburgcountync.gov/#pid=01938125&qisid=01938125>

Appraised Value: \$1,225.00

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

City's Response to Property Owner's Concerns: Property owner is unresponsive.

Recommendation:

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

Council District: Adjacent to Council District 4

51. Property Transactions - 4035 Rutgers Ave, Parcel # 1

Action: Approve the following Condemnation: 4035 Rutgers Ave, Parcel # 1

Project: 4035 Rutgers Ave, Parcel # 1

Program: 4035 Rutgers Ave

Owner(s): Angel Jose Uresti Jasso and Adriana Guadalupe Gonzalez Posadas

Property Address: 4034 Rutgers Avenue

Total Parcel Area: 35,505 sq. ft. (0.815 ac.)

Property to be acquired by Easements: 778 sq. ft. (0.018 ac.) Storm Drainage Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-4

Use: Single-family Residential

Parcel Identification Number: 087-052-09

<https://polaris3g.mecklenburgcountync.gov/#mat=121426&pid=08705209&qisid=08705209>

Appraised Value: \$1,350

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

City's Response to Property Owner's Concerns: Property owner is unresponsive.

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

Council District: 1

52. Property Transactions - Hamilton Rd 13115 13119 13123, Parcel # 1

Action: Approve the following Acquisition: Hamilton Rd 13115 13119 13123, Parcel # 1

Project: Hamilton Rd 13115, 13119, and 13123, Parcel # 1

Program: Hamilton Rd 13115 13119 13123

Owner(s): Steele Creek Landing Homeowners Association

Property Address: Mallard Landing Road

Total Parcel Area: 20,577 sq. ft. (0.472 ac.)

Property to be acquired by Easements: 3,004 sq. ft. (0.069 ac.) Sanitary Sewer Easement

Structures/Improvements to be impacted: Light pole

Landscaping to be impacted: Trees and various plantings

Zoned: R-3

Use: Single-family Residential

Parcel Identification Number: 219-093-23

<https://polaris3g.mecklenburgcountync.gov/#mat=470333&pid=21909323&qisid=21909323>

Purchase Price: \$11,925

Council District: 3

53. Property Transactions - Prosperity Church Road (Old Ridge to Benfield), Parcel # 7

Action: Approve the following Condemnation: Prosperity Church Road (Old Ridge to Benfield), Parcel # 7

Project: Prosperity Church Road (Old Ridge to Benfield), Parcel # 7

Program: Prosperity Church Road (Old Ridge to Benfield)

Owner(s): Lola I. Henry

Property Address: 6192 Prosperity Church Road

Total Parcel Area: 4,015 sq. ft. (0.092 ac.)

Property to be acquired by Easements: 135 sq. ft. (0.003 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Various plantings

Zoned: MX-2

Use: Mixed use district

Parcel Identification Number: 029-413-23

<https://polaris3g.mecklenburgcountync.gov/#mat=376402&pid=02941323&qisid=02941323>

Appraised Value: \$1,525

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

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

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

Council District: 4

54. Property Transactions - Prosperity Church Road (Old Ridge to Benfield), Parcel # 25

Action: Approve the following Condemnation: Prosperity Church Road (Old Ridge to Benfield), Parcel # 25

Project: Prosperity Church Road (Old Ridge to Benfield), Parcel # 25

Program: Prosperity Church Road (Old Ridge to Benfield)

Owner(s): Nisbet Oil Company f/k/a E.P. Nisbet Company

Property Address: 6135 Prosperity Church Road

Total Parcel Area: 887,063 sq. ft. (20.364 ac.)

Property to be acquired by Fee Simple: 22,110 sq. ft. (0.508 ac.) Fee Simple

Property to be acquired by Easements: 11,316 sq. ft. (0.260 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-3

Use: Single-family Residential

Parcel Identification Number: 027-561-08

<https://polaris3g.mecklenburgcountync.gov/#mat=551639&pid=02756108&qsid=02756108>

Appraised Value: \$96,100

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

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

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

Council District: 4

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

Action: Approve the following Acquisition: Shamrock Drive Improvements, Parcel # 47

Project: Shamrock Drive Improvements, Parcel # 47

Program: Shamrock Drive Improvements

Owner(s): Base Capital, LLC

Property Address: 2213 Shamrock Drive

Total Parcel Area: 8,618 sq. ft. (0.198 ac.)

Property to be acquired by Easements: 519 sq. ft. (0.012 ac.) Sidewalk Utility Easement and 788 sq. ft. (0.018 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Driveway

Landscaping to be impacted: Tree

Zoned: R-4

Use: Single-family Residential

Parcel Identification Number: 093-073-04

<https://polaris3g.mecklenburgcountync.gov/#mat=76256&pid=09307304&gisid=09307304>

Purchase Price: \$14,175

Council District: 1

56. Property Transactions - Six Mile Creek Tributary Wastewater Project, Parcels # 2 & 6

Action: Approve the following Condemnation: Six Mile Creek Tributary Wastewater Project, Parcels # 2 & 6

Project: Six Mile Creek Tributary Wastewater Project, Parcels # 2 & 6

Program: Six Mile Creek Tributary Wastewater Project

Owner(s): Ardrey Crest Homeowners Association, Inc.

Property Address: Wade Ardrey Road & Ardrey Crest Drive

Total Parcel Area: 779,769 sq. ft. (17.901 ac.)

Property to be acquired by Easements: 53,902 sq. ft. (1.237 ac.) Permanent Sanitary Sewer Easement and 31,588 sq. ft. (0.725 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: MX-2(INNOV)

Use: Mixed use district

Parcel Identification Number: 229-031-04 & 229-032-80
<https://polaris3g.mecklenburgcountync.gov/#pid=22903104&qisid=22903104>
<<https://polaris3g.mecklenburgcountync.gov/>>
<https://polaris3g.mecklenburgcountync.gov/#pid=22903280&qisid=22903280>

Appraised Value: \$20,775

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

City's Response to Property Owner's Concerns: The city was able to redesign to accommodate some of the property owner's design requests and informed the property owner they could obtain their own appraisal in order to justify a counteroffer.

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

Council District: 7

57. Property Transactions - Six Mile Creek Tributary Wastewater Project, Parcels # 3, 4, & 5

Action: Approve the following Acquisition: Six Mile Creek Tributary Wastewater Project, Parcels # 3, 4, & 5

Project: Six Mile Creek Tributary Wastewater Project, Parcels # 3, 4, & 5

Program: Six Mile Creek Tributary Wastewater Project

Owner(s): Ardrey Chase Homeowners Association, Inc.

Property Address: Marvin Road, 10405 Paxton Run Road & Chamberlin Road

Total Parcel Area: 1,631,763 sq. ft. (37.460 ac.)

Property to be acquired by Easements: 22,979 sq. ft. (0.527 ac.) Permanent Sanitary Sewer Easement and 33,456 sq. ft. (0.768 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: R-3

Use: Single-family Residential

Parcel Identification Number: 229-034-87, 229-034-88 & 229-034-90
<https://polaris3g.mecklenburgcountync.gov/#pid=22903487&qsid=22903487>
<<https://polaris3g.mecklenburgcountync.gov/>>
<https://polaris3g.mecklenburgcountync.gov/#mat=489529&pid=22903488&qsid=22903488>
<<https://polaris3g.mecklenburgcountync.gov/>>
<https://polaris3g.mecklenburgcountync.gov/#pid=22903490&qsid=22903490>

Purchase Price: \$10,900

Council District: 7

58. Property Transactions - Six Mile Creek Tributary Wastewater Project, Parcel # 7

Action: Approve the following Condemnation: Six Mile Creek Tributary Wastewater Project, Parcel # 7

Project: Six Mile Creek Tributary Wastewater Project, Parcel # 7

Program: Six Mile Creek Tributary Wastewater Project

Owner(s): Oxford/Cambridge Homeowners Association, Inc.

Property Address: 9801 Southampton Commons Drive

Total Parcel Area: 220,415 sq. ft. (5.060 ac.)

Property to be acquired by Easements: 26,817 sq. ft. (0.616 ac.) Permanent Sanitary Sewer Easement and 24,808 sq. ft. (0.569 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: MX-2

Use: Mixed use district

Parcel Identification Number: 229-025-01
<https://polaris3g.mecklenburgcountync.gov/#pid=22902501&gisid=22902501>

Appraised Value: \$25,825

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

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

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

Council District: 7

Adjournment

REFERENCES

59. Reference - Charlotte Business INclusion Policy

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

Part A: Administration and Enforcement

Part A: Section 2.3: Targeted Outreach and Designated Contracts for Small Business Enterprises (SBEs). When feasible, the Charlotte Business INclusion (CBI) Office may designate certain Contracts or categories of Contracts in which solicitation efforts will be directed only to SBEs. In designating Contracts for targeted outreach or SBE participation, the CBI Office takes into account the size and scope of the Contract and the availability of SBEs to provide the applicable services or products.

Part A: Section 3.1: Subcontracting Goals. The city shall establish one or more Subcontracting Goals for all Construction Contracts of 200,000 or more and for all Architecture, Engineering, and Surveying Contracts of \$100,000 or more. Contracts estimated to be less than these thresholds are exempt from the goal setting process.

Appendix Section 20: Contract: For the purposes of establishing a (Minority, Women, and Small Business Enterprise (MWSBE) subcontracting goal on a Contract, the following are examples of contract types:

- Any agreement through which the city procures services from a Business Enterprise, other than Exempt Contracts.
- Contracts include agreements and purchase orders for (a) construction, re-construction, alteration, and remodeling; (b) architectural work, engineering, surveying, testing, construction management, and other professional services related to construction; and (c) services of any nature (including but not limited to general consulting and technology-related services), and (d) apparatus, supplies, goods, or equipment.
- The term "Contract" shall also include Exempt Contracts for which an SBE, Minority Business Enterprise (MBE), or Women Business Enterprise (WBE) Goal has been set.
- Financial Partner Agreements, Development Agreements, Infrastructure Improvement Agreements, Design-Build, and Construction Manager-at-Risk Agreements shall also be deemed "Contracts," but shall be subject to the provisions referenced in the respective Parts of the Charlotte Business INclusion Program Policy.

Appendix Section 27: Exempt Contracts: Contracts that fall within one or more of the following categories are "Exempt Contracts" and shall be exempt from all aspects of the Charlotte Business INclusion Policy:

No Competitive Process Contracts: Contracts or purchase orders that are entered into without a competitive process, or entered into based on a competitive process administered by an entity other than the city, including but not limited to contracts that are entered into by sole sourcing, piggybacking, buying off the North Carolina State contract, buying from a competitive bidding group purchasing program as allowed under G.S. 143-129(e)(3), or using the emergency procurement procedures established by the North Carolina General Statutes.

Managed Competition Contracts: Managed competition contracts pursuant to which a city department or division competes with Business Enterprises to perform a city function.

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

Federal Contracts Subject to Disadvantaged Business Enterprise (DBE) Requirements: Contracts that are subject to the U.S. Department of Transportation Disadvantaged Business Enterprise Program as

set forth in 49 CFR Part 26 or any successor legislation.

State Funded Contracts Subject to the State's MWBE Requirements: Contracts that are subject to an MWBE Goal set by the State of North Carolina pursuant to N.C. Gen. Stat. 143-128.2.

Financial Partner Agreements with DBE or MWBE Requirements: Contracts that are subject to a DBE program or minority and women business development program maintained by a Financial Partner.

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

Contracts for Legal Services: Contracts for legal services, unless otherwise indicated by the City Attorney.

Contracts with Waivers: Contracts for which the City Manager or CBI Program Manager waives the CBI Program requirements (such as when there are no MWSBE subcontracting opportunities on a Contract).

Special Exemptions: Contracts where the department and the CBI Program Manager agree that the department had no discretion to hire an MWSBE (e.g., emergency contracts or contracts for banking or insurance services) shall be Exempt Contracts.

Appendix Section 35: Informal Contracts: Contracts that are estimated to be less than the following dollar thresholds prior to issuance of the City Solicitation Documents:

- Construction Contracts: \$500,000, and
- Service Contracts and Commodities Contracts: \$100,000.

Part B: Construction and Commodities Contracts

Part B: Section 2.1: When the city sets a Subcontracting Goal, each Bidder must either: (a) meet each Subcontracting Goal; or (b) comply with the Good Faith Negotiation and Good Faith Efforts requirements for each unmet Subcontracting Goal. Failure to comply constitutes grounds for rejection of the Bid. The City Solicitation Documents will contain certain forms that Bidders must complete to document having met these requirements.

Part B: Section 2.3: No Goals When There Are No Subcontracting Opportunities. The city shall not establish Subcontracting Goals for Contracts where: a) there are no subcontracting opportunities identified for the Contract; or b) there are no MBEs, WBEs, or SBEs (as applicable) to perform scopes of work or provide products or services that the city regards as realistic opportunities for subcontracting.

Part C: Service Contracts

Part C: Section 2.1(a) Subcontracting Goals: No Goal When There Are No MWSBE Subcontracting Opportunities. The city shall not establish Subcontracting Goals for Service Contracts where (a) there are no subcontracting opportunities identified for the Contract; or (b) there are no MWBEs or SBEs certified to perform the scopes of work that the city regards as realistic opportunities for subcontracting.

Part C: Section 2.1(b) and 2.1(c): The city may require each Proposer to submit with its Proposal one or more of the following: (a) a Participation Plan describing how Proposer intends to solicit MWSBE participation; (b) the Proposer's Committed Subcontracting Goals; and (c) an affidavit listing the MWBEs or SBEs it intends to use on the Contract.

Part C: Section 2.1(h) Negotiated Goals: The city may seek to negotiate Subcontracting Goals after Proposals have been submitted.

Part D: Post Contract Award Requirements

Part D: Section 6: New Subcontractor Opportunities/Additions to Scope/Contract Amendments

If a Contractor elects to subcontract any portion of a Contract that the Contractor did not previously identify to the city as a subcontracting opportunity, or if the scope of work on a Contract increases for any reason in a manner that creates a new MWSBE subcontracting opportunity, the city shall either (a) notify the Contractor that there will be no Supplemental MWSBE Goal for the new work; or (b) establish and notify the Contractor of a Supplemental MWSBE Goal for the new work.

Part F: Financial Partners

Part F: Section 4: Financial Partners shall undertake the following outreach efforts with respect to MWBEs and SBEs:

- 4.1 Notify MWBEs and SBEs of any contracting or procurement opportunities that may exist in the Financial Partner's business for which there are MWBEs and SBEs listed in the city's database; and
- 4.2 Request advice and assistance from the CBI Office as to what additional SBE measures might be helpful if and when it becomes apparent that outreach alone will be insufficient to meet the Financial Partner's MWBE and SBE Goal; and
- 4.3 Follow such additional measures as the CBI Office reasonably recommends.

Part G: Alternative Construction Agreements

Part G: Section 2.7: Prior to City Council's vote to award the Alternative Construction Agreement, the Program Manager and the Company shall negotiate and agree on proposed MWSBE Goals for the Project and on a Participation Plan that describes the outreach and efforts the Company will be required to undertake to meet the MWSBE subcontracting goals.

60. 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.

61. 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.