

City of Charlotte

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



Meeting Agenda

Monday, April 10, 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.

[2023-04-10 Council Agenda QA](#)

2. Consent agenda items 37 through 56 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

CBI Bonding Program

Staff Resource(s):

Reenie Askew, City Manager's Office
Steven Coker, Charlotte Business Inclusion Office

Time: Presentation - 10 minutes; Discussion - 25 minutes

Explanation

- Receive an overview of the new CBI Bonding Program.

Housing Trust Fund Recommendations

Staff Resource(s):

Shawn Heath, Housing & Neighborhood Services

Time: Presentation - 15 minutes; Discussion - 30 minutes

Explanation

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

[Action Review Presentation - CBI Bonding Program](#)

[Action Review Presentation - Housing Trust Fund Recommendation](#)

5. Closed Session (as necessary)

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

Call to Order

Introductions

Invocation

Pledge of Allegiance

AWARDS AND RECOGNITIONS

6. Reentry Month Proclamation

Action:

Mayor Lyles will read a proclamation recognizing April 2023 as Reentry Month.

PUBLIC HEARING

7. Public Hearing on the Charlotte Business Inclusion Policy

Action:

- A. **Conduct a public hearing on the proposed revisions to the Charlotte Business Inclusion Policy, and**
- B. **Approve the Jobs and Economic Development Committee's recommendation to adopt a resolution for the revised Charlotte Business Inclusion Policy.**

Committee Chair:

Malcom Graham, Jobs and Economic Development Committee

Staff Resource(s):

Reenie Askew, City Manager's Office
Steven Coker, Charlotte Business Inclusion Office
Patrick Baker, City Attorney
Thomas Powers III, City Attorney's Office

Explanation

- On September 26, 2022, the Council accepted and adopted findings and the analyses of the 2022 City of Charlotte Minority and Women Business Enterprise (MWBE) Disparity Study Report conducted by Colette Holt & Associates. Council also extended race-conscious measures and/or gender-conscious measures through January 1, 2028.
- The current Charlotte Business Inclusion Policy includes a mixture of policy statements and operational procedures.
- The procedural components have been separated into a separate document to allow for quicker responses to issues affecting certified business enterprises. The new Administrative Procedures Manual will be signed by the City Manager.
- The new Charlotte Business Inclusion Policy will be limited to Council's policy statement and will be adopted by resolution.
- The effective date for both documents will be July 1, 2023.

Committee Discussion

- On April 3, 2023, staff presented a proposed Charlotte Business Inclusion Policy and an Administrative Procedures Manual to the Jobs and Economic Development Committee.
- The Committee voted to recommend adoption of the revised Charlotte Business Inclusion Policy by resolution and for the City Manager to implement an Administrative Manual (Approved - 4:1. Yes: Graham, Watlington, Molina, Ajmera; No, Driggs).
- On April 3, 2023, the Jobs & Economic Development Committee and staff presented proposed changes to the full Council and answered any questions.

Attachment(s)

Revised Charlotte Business Inclusion Policy
Resolution for Adopting the Charlotte Business Inclusion Policy

[Resolution - CBI Policy](#)

[Proposed CBI Policy v.2023-04-10](#)

8. Public Hearing on the Proposed Fiscal Year 2024 Annual Action Plan for Housing and Community Development

Action:

Conduct a public hearing on the proposed Fiscal Year 2024 Annual Action Plan for Housing and Community Development.

Staff Resource(s):

Shawn Heath, Housing and Neighborhood Services
Warren Wooten, Housing and Neighborhood Services

Explanation

- The U.S. Department of Housing and Urban Development (HUD) mandates the development of an Annual Action Plan (Plan) to receive federal funding for housing and community development activities.
- In fiscal year 2024, the city expects to receive the following federal funding allocations, totaling \$13,242,584:
 - Community Development Block Grant: \$5,618,194,
 - HOME Investment Partnerships: \$3,463,178,
 - Emergency Solution Grants: \$494,529, and
 - Housing Opportunity for Persons with AIDS: \$3,666,683.
- The Plan describes the city's use of HUD funding during fiscal year 2024 and is consistent with the city's Housing Charlotte Framework to preserve existing housing, expand the supply of low- and moderate-income housing, and support family self-sufficiency.
- Community engagement on the Plan included:
 - Publishing a draft copy of the Plan to the city's website with paper copies available by request in English and Spanish.
 - Holding a virtual public forum on February 16, 2023, and an in-person public forum on February 22, 2023. During the forums, staff provided an overview of the Action Plan, answered participants' questions, and provided residents with opportunities to make comments.
- The Plan includes housing and community development needs and resources for the city and the Regional Housing Consortium.
- The Regional Housing Consortium is a partnership among the City of Charlotte; Mecklenburg County; and the towns of Cornelius, Pineville, Matthews, Mint Hill, Huntersville, and Davidson.
- City Council will be asked to vote on adoption of the Plan at its May 8, 2023 Business Meeting.

Attachment(s)

Proposed FY 2024 Annual Action Plan for Housing and Community Development - Executive Summary

[FY24 CharMeck AAP Executive Summary](#)

9. Public Hearing on a Resolution to Close a Portion of Unopened First Street and a Portion of Unopened Vernedale Road

Action:

A. Conduct a public hearing to close a Portion of Unopened First Street and a Portion of Unopened Vernedale Road, and

B. Adopt a resolution and close a Portion of Unopened First Street and a Portion of Unopened Vernedale Road.

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 rights-of-way to be closed are located in Council District 5.

Petitioner

Smith Douglas Homes

Right-of-Way to be Abandoned

A Portion of Unopened First Street and a Portion of Unopened Vernedale Road

Reason

Per the petition submitted by Smith Douglas Homes, Petitioner plans to redevelop their parcels and construct a mixed-use future development that abut the portions of the unopened right-of-way. 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)

Jennifer Taylor - No objections

Roy Clegg - No objections

FN Encore Charlotte LLC - No objections

Gwen Reynolds - No objections

Harry Hoover - No objections

Jennifer Minges - No objections

Kevin Taylor - No objections

ARC Wilora Assisted Living LLC - No objections

City Departments

- Review by City departments identified no apparent reason this closing would:
 - Be contrary to the public interest;

- Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to their property as outlined in the statutes; and
- Be contrary to the adopted policy to preserve existing rights-of-way for connectivity.

Attachment(s)

Map

Resolution

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

[2022-0003487A Resolution to Close 04.10.2023](#)

10. Public Hearing on a Resolution to Close an Alleyway off Buchanan Street

Action:

- A. Conduct a public hearing to close an Alleyway off Buchanan Street, and
- B. Adopt a resolution and close an Alleyway off Buchanan Street

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 Alleyway to be closed is located in Council District 1.

Petitioner

Hector MacDonald

Alleyway to be Abandoned

An Alleyway off Buchanan Street

Reason

Per the petition submitted by Hector MacDonald, the alleyway is currently driveway access for 1316 Buchanan Street. 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)

Randolph Kepting- 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

[2023-000048A Resolution to Close 04.10.2023](#)

[2023-000048A Abandonment Map](#)

POLICY

11. City Manager's Report

[04.10.2023 City Manager's Memo](#)

BUSINESS

12. Eastland Public Private Partnership

Action:

- A. Adopt a resolution approving an interlocal agreement between the City of Charlotte and Mecklenburg County for the Eastland Redevelopment Infrastructure Reimbursement Agreement funded through incremental City and County property taxes, and**
- B. Authorize the City Manager, or his designee, to negotiate and execute all documents necessary to complete the interlocal agreement.**

Staff Resource(s):

Tracy Dodson, City Manager's Office
Todd DeLong, Economic Development

Explanation

- The city purchased approximately 80.4 acres of the former Eastland Mall property in August 2012 as an opportunity to aid economic development and neighborhood revitalization in the area. Eastland Mall was demolished in 2013.
- The redevelopment principles created by the Eastland Area Strategies Team help guide the redevelopment of the site:
 - Enhance the perceptions of the Eastland area and East Charlotte,
 - Unify local communities,
 - Create connectivity and walkability for surrounding neighborhoods,
 - Take advantage of natural features,
 - Create opportunity for civic development, and
 - Increase equitable economic development opportunities.
- From 2017 to 2018, the Economic Development Committee, now known as the Jobs and Economic Development Committee (Committee), reviewed proposals from four development teams and voted unanimously to engage exclusively with the development team led by Crosland Southeast (Developer).
- Throughout 2019, the city partnered with the Developer to lead a robust and broad outreach effort for more inclusive community engagement.
- In September 2020, City Council approved the purchase of an about 7.96 acres adjacent to the mall site and located at 5745 Central Avenue to support sports and recreation uses for the property.
- On November 9, 2020, City Council authorized the City Manager to negotiate and execute a Master Development Agreement and other necessary agreements for the reimbursement of costs for public infrastructure, public parking, and other public improvements.
- On August 3, 2022, the city and the Developer held a groundbreaking ceremony on the site to initiate site work and infrastructure construction.
- August 22, 2022, City Council authorized the City Manager to negotiate and execute an amendment to the contract with the Developer to increase the city's investment in public infrastructure by \$6,000,000 of CIP funds to reduce overall time and cost as well as better position the city to work with a new partner for the approximate 28-acre site targeted for sports and recreation uses.

Actions A and B

- As part of the redevelopment the city and Mecklenburg County will reimburse Crosland Southeast and/or its related entities up to \$11,000,000 through a tax increment reimbursement arrangement.
- The interlocal agreement is necessary to formalize the county's contribution to the construction of the public infrastructure improvements.
- The Mecklenburg County Board of County Commissioners approved the interlocal agreement at its August 4, 2021 meeting. In March 2023, the County's Economic Development Committee reaffirmed moving forward with executing the Interlocal.

Charlotte Business INclusion

The city negotiates subcontracting participation for Public Private Partnerships (P3) after the scopes of

work are defined. (Part G: Section 2.5 of the Charlotte Business INClusion Policy).

Fiscal Note

Funding: Tax Increment Grant and General Capital Investment Plan

Attachment(s)

Interlocal Agreement Resolution

Interlocal Agreement

[Eastland TIG Resolution](#)

[Eastland Interlocal Agreement](#)

13. Low-Income Energy Efficiency Home Rehabilitation Pilot Program

Action:

- A. **Approve the use of up to \$1,000,000 from the Coronavirus State and Local Fiscal Recovery Fund for home rehabilitation services in support of a low-income energy efficiency home rehabilitation pilot program in partnership with Duke Energy, and**
- B. **Authorize the City Manager or his designee to execute, amend and renew contracts and other documents as needed to complete this transaction.**

Staff Resource(s):

Sarah Hazel, General Services

Shawn Heath, Housing and Neighborhood Services

Explanation

- Duke Energy is piloting a Residential Income-Qualified High-Energy Use Program.
- Through this pilot, Duke Energy will invest approximately \$7.5 million in three North Carolina geographies to complete energy efficiency retrofits to low-income, high-energy use customers at no cost to the customer. Charlotte has been selected as one of the geographies for their pilot program.
- Duke Energy plans to invest approximately \$4,000,000 in the Charlotte area for deep energy efficiency retrofits. Upgrades may include:
 - HVAC replacement
 - Comprehensive air sealing, insulation, and duct sealing
 - Heat pump water heater
 - ENERGY STAR appliances
 - LED bulbs and electric hot water measures
- Staff proposes to partner with Duke Energy to ensure that this program maximizes its reach with up to \$1,000,000 in Coronavirus State and Local Fiscal Recovery Fund support. These funds will be used to complete critical home repairs that are not a part of the energy efficiency scope of work, but are required for energy efficiency work to be completed. These critical home repairs may include work such as:
 - Window repair/replacement
 - Roof and chimney/flue repair
 - Plumbing repair
 - Water heater repair/replacement
 - Pressure relief valve installation
 - Mechanical ventilation
 - Lead based paint hazard control
- The city's partnership with Duke Energy will provide several benefits including:
 - Helping low-income homeowners reduce their energy burden, save money, and stay in place
 - Leveraging partner investment to scale the impact of the city's home rehabilitation work
 - Supporting the city's Strategic Energy Action Plan Goals to become a low carbon city by 2050

Background

- On August 27, 2018, City Council adopted the Housing Charlotte Framework, which recommends supporting family self-sufficiency by expanding home repair/rehabilitation programs to include more energy efficiency improvements to lower ongoing utility costs for vulnerable homeowners.
- On March 11, 2021, in response to the COVID-19 public health emergency, President Biden signed the American Rescue Plan Act of 2021 (ARPA), which included the Coronavirus State and Local Fiscal Recovery Fund. Charlotte was one of almost 1,000 cities across the nation that received these funds.

Fiscal Note

Funding: American Rescue Plan Act (ARPA) Funds

14. Recommended Uses for American Rescue Plan Act Funds

Action:

- A. Approve the use of up to \$1,550,000 from the Coronavirus State and Local Fiscal Recovery Fund for small business and entrepreneurship support, as follows:**
- Up to \$750,000 for a Diversity, Equity, and Inclusion-focused early-stage entrepreneurship accelerator,
 - Up to \$800,000 for small business ecosystem strategy, and
- B. Approve the use of up to \$1,700,000 from the Coronavirus State and Local Fiscal Recovery Fund for Corridors of Opportunity programming, as follows:**
- Up to \$1,000,000 for commercial district organizational support,
 - Up to \$200,000 for a mobile symphony project by the Charlotte Symphony Orchestra,
 - Up to \$500,000 to support permanent workspaces for local creatives, and
- C. Authorize the City Manager, or his designee, to negotiate and execute any necessary contracts and agreements related to these recommendations.**

Staff Resource(s):

Tracy Dodson, City Manager's Office
Holly Eskridge, Economic Development
Erin Gillespie, Economic Development

Explanation

- These actions authorize the City Manager to negotiate and execute any necessary contracts or agreements for the following recommended allocations of SLFRF funding provided by the American Rescue Plan Act of 2021:
 - Up to \$750,000 for DEI-focused early-stage accelerator
 - Pilot a nationally recognized early-stage accelerator with a track record of DEI-focused programming for two years. The accelerator is planned to help develop 25-40 local innovation-driven companies per year.
 - Up to \$800,000 to create a small business ecosystem strategy
 - Complete comprehensive assessment of small business ecosystem to help increase equitable opportunities and address challenges and gaps in resources.
 - Up to \$1 million for commercial district organizational support
 - Grant program that supports corridor-based organizations that support small businesses and promote growth in the Corridors and/or provide workforce development services.
 - Up to \$200,000 for mobile symphony project,
 - Support 10 Corridors of Opportunity co-sponsored concerts with a mobile stage in partnership with local organizations.
 - Up to \$500,000 to support permanent workspaces for creatives
 - Support the development of studio/workspace for local creatives. Funds may be used to supplement rents and upfit costs for creative entrepreneur studio space.
- The proposed uses in this Request for Council Action are to respond to the negative economic impacts of the COVID-19 public health emergency and have been reviewed for compliance with the U.S. Treasury Department's Interim Final Rule regulating allowable uses of SLFRF funds.

Background

- On March 11, 2021, in response to the COVID-19 public health emergency, President Biden signed the American Rescue Plan Act of 2021 (ARPA).
- ARPA included the Coronavirus State and Local Fiscal Recovery Fund (SLFRF), which provided \$130 billion in direct assistance for local governments to be used to mitigate the fiscal effects stemming from the COVID-19 public health emergency.

- The SLFRF provides direct payments to metropolitan cities and counties. Charlotte was one of the 990 cities across the nation that met the criteria.
- The U.S. Treasury Department is releasing SLFRF funding to local governments in two equal installments. Charlotte received its first installment of approximately \$71 million in May 2021 and the second installment in May 2022.
- Funds from the SLFRF may only be used to cover costs incurred by December 31, 2024, for the following purposes:
 - To respond to the COVID-19 public health emergency or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;
 - To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible city employees who are performing such essential work or by providing grants to eligible employers that have eligible workers who perform essential work;
 - For the provision of government services to the extent of the reduction in revenue in the city's budget due to the COVID-19 public health emergency relative to revenues collected in Fiscal Year 2019; and
 - To make necessary investments in water, sewer, or broadband infrastructure.

City Council Discussion

- At the February 6, 2023 Jobs and Economic Develop (J&ED) Council Committee meeting the committee received a presentation and discussed this funding request.
- The committee voted unanimously to support moving the request forward for consideration by Council action (Ajmera absent).
- City Council was briefed on the request from the J&ED chair at the February 6, 2023 Council Committee Discussions meeting.

Fiscal Note

Funding: American Rescue Plan Act (ARPA) Funds

Attachment(s)

February 6, 2023, Jobs and Economic Development Committee Presentation

[February 6, 2023, Jobs and Economic Development Council Committee Presentation](#)

15. Recommended Uses for American Rescue Plan Act Funds - HIRE Charlotte

Action:

- A. Approve the use of up to \$9,100,000 from the Coronavirus State and Local Fiscal Recovery Fund for HIRE Charlotte implementation recommendations, as follows:**
- Up to \$1,500,000 for HIRE Charlotte employer/job seeker connect platform and career navigators program,
 - Up to \$4,600,000 for technical skills training,
 - Up to \$1,000,000 for essential skills modular curriculum,
 - Up to \$2,000,000 for reskilling opportunities, and
- B. Authorize the City Manager, or his designee, to negotiate and execute any necessary contracts and agreements related to these recommendations.**

Staff Resource(s):

Tracy Dodson, City Manager's Office

Explanation

- These actions authorize the City Manager to negotiate and execute any necessary contracts or agreements for the following recommended allocations of SLFRF funding provided by the American Rescue Plan Act of 2021:
 - Up to \$1,500,000 for HIRE Charlotte employer/job seeker connect platform and career navigators program,
 - Support the development of an employer/job seeker connect community website and hubs, including career navigators in the Corridors of Opportunity, providing job opportunities, training, and resources to residents.
 - Up to \$4,600,000 for technical skills training,
 - Fund target industry training & development, apprenticeships, RENEW expansion, and housing/workforce grant opportunity.
 - Up to \$1,000,000 for essential skills modular curriculum,
 - Support universal certification including communication, employability, and digital skills.
 - Up to \$2,000,000 for reskilling opportunities,
 - Fund efforts to partner with employers to provide training for future jobs.
- The proposed uses in this Request for Council Action are to respond to the negative economic impacts of the COVID-19 public health emergency and have been reviewed for compliance with the U.S. Treasury Department's Interim Final Rule regulating allowable uses of SLFRF funds.

Background

- On March 11, 2021, in response to the COVID-19 public health emergency, President Biden signed the American Rescue Plan Act of 2021 (ARPA).
- ARPA included the Coronavirus State and Local Fiscal Recovery Fund (SLFRF), which provided \$130 billion in direct assistance for local governments to be used to mitigate the fiscal effects stemming from the COVID-19 public health emergency.
- The SLFRF provides direct payments to metropolitan cities and counties; Charlotte was one of the 990 cities across the nation that met the criteria.
- The U.S. Treasury Department is releasing SLFRF funding to local governments in two equal installments. Charlotte received its first installment of approximately \$71 million in May 2021 and the second installment in May 2022.
- Funds from the SLFRF may only be used to cover costs incurred by December 31, 2024, for the following purposes:
 - To respond to the COVID-19 public health emergency or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;

- To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible city employees who are performing such essential work or by providing grants to eligible employers that have eligible workers who perform essential work;
- For the provision of government services to the extent of the reduction in revenue in the city's budget due to the COVID-19 public health emergency relative to revenues collected in Fiscal Year 2019; and
- To make necessary investments in water, sewer, or broadband infrastructure.

Fiscal Note

Funding: American Rescue Plan Act (ARPA) Funds

Attachment(s)

February 6, 2023, Jobs and Economic Development Committee Presentation

[February 6, 2023 Jobs & Economic Development Council Committee Presentation](#)

16. Land Acquisition for Corridors of Opportunity Redevelopment

Action:

- A. **Approve the purchase of up to 4.5 acres (parcel identification numbers 08906447 and 08906431) at 5342 Reagan Drive and 5350 Reagan Drive, the Economy and Budget Inn Motel sites in the amount of \$4,200,000 from Rising Tides, LLC and Mara Enterprise, LLC for the redevelopment of the property,**
- B. **Authorize the City Manager to accept funds from the Foundation for the Carolinas in the amount of \$1,000,000 toward this initiative,**
- C. **Authorize the City Manager to negotiate and execute any documents necessary to complete this transaction, and**
- D. **Adopt a budget ordinance appropriating \$1,000,000 from the Foundation for the Carolina in the General Capital Projects Fund.**

Staff Resource(s):

Tracy Dodson, City Manager's Office
Erin Gillespie, Economic Development

Explanation

- The Spring 2020 Sugar Creek/85 Design Sprint and 2022 Sugar Creek Playbook recommended reducing the number of motel rooms at the interchange of Sugar Creek and I-85 from over 1,200 hotel rooms to reduce violent transactional crime in the area.
- This property proposed for purchase has four buildings, three of which are used for the current hotel.
- The property is zoned B-1 (business-1) and is in City Council District 1 on the southeastern corner of the interchange, adjacent to the Hidden Valley Neighborhood.
- This purchase will allow for a reduction in the number of motel rooms at the interchange and redevelopment of the site.
- The Mayor's Racial Equity Initiative is contributing \$1,000,000 towards demolition of the existing buildings, relocation costs of current residents, and fencing/security associated with site preparation for redevelopment.
- Economic Development and Housing & Neighborhood Services are working with the hotel management group and Crisis Assistance Ministries to inform any long-term residents of the motel purchase. Crisis Assistance Ministries will work with any people currently living in the hotel to find them new housing and provide additional support services during this time of transition.
- The terms of the transaction are:
 - Purchase Price: \$4,200,000
 - Earnest Money Deposit: \$10,000
 - Due Diligence: 60 days
 - Closing: 30 days from the end of the Due Diligence period
- This transaction is consistent with City Council's adopted City-Owned Real Estate and Facilities Policy.

Fiscal Note

Funding: General Capital Investment Plan

Charlotte Business INclusion

This is a real estate leasing and acquisition contract and is exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

Attachment(s)

Property Map

Budget Ordinance

[Property Summary Map](#)

[Map Land Acquisition for Corridors of Opportunity Redevelopment.pdf](#)

[Budget Ordinance - Foundation for the Carolinas](#)

17. Conveyance of Right of First Refusal to Hornets

Action:

- A. Adopt a resolution approving the conveyance of a Right of First Refusal for the real property located at 501 E. Trade Street (Parcel Identification Number 08005401) to Charlotte Arena Operations, LLC (Hornets); and**
- B. Authorize the City Manager or his designee to negotiate and execute all documents necessary to complete the transaction.**

Staff Resource(s):

Tracy Dodson, City Manager's Office

Explanation

- On June 13, 2022, the City Council approved the request for the City Manager to negotiate and execute an agreement for arena improvements and a new Performance Enhancement Center (PEC). This Right of First Refusal (ROFR) agreement would be incorporated into the Amended and Restated Arena Use and Operating Agreement.
- The City of Charlotte proposes to convey to Charlotte Arena Operations, LLC, a Delaware limited liability company (Hornets), ROFR to purchase the real property located at 501 E. Trade Street and identified as Tax Parcel ID# 08005401(Gravel Lot).
- These rights were negotiated with the Hornets and are consistent with historical partnerships and efforts with them to ensure the long-term efficient operations of Spectrum Center, and to develop the PEC and as part of negotiations with the Hornets to extend their presence in Charlotte through 2045.
- The material terms of the ROFR are as follows:
 - Prior to the city entering into any agreement for the sale of Gravel Lot during the ROFR Term, the city shall first offer to sell the Gravel Lot to the Hornets upon the same material terms, provisions, and conditions, that would otherwise be acceptable to it in a transaction for the sale of the Gravel Lot with a third party. The ROFR will allow the Hornets to elect to purchase the Gravel Lot on the same material terms, provisions, and conditions as that third-party offer so long as the Hornets' proposed development purpose will attain substantially the same assessed value, destiny, and overall economic impact and equivalent value to and objectives of the city; and
 - The term of the ROFR, that is anticipated to expire in 2030, shall be for three years commencing on the date a temporary certificate of occupancy is issued for the Performance Enhancement Center planned in connection with the city's Arena Renovation Project.
 - The ROFR does not obligate the city to sell or redevelop the Gravel Lot, but under the Amended and Restated Arena Use and Operating Agreement, the city shall not develop the Gravel Lot prior to the date a temporary certificate of occupancy is issued for the PEC and the city is required to continue its reasonable efforts to continue to make the Gravel Lot or nearby streets available for use by the Hornets consistent with current practices, and upon sale or redevelopment of the Gravel Lot, subject to the ROFR, to make commercially reasonable efforts to provide substitute parking spaces in other city owned parking spaces, consistent with current practices and subject to any parking charges and rules and regulations imposed by the city or third-party operator for such city-owned parking facilities, and further subject to availability.

Attachment(s)

Property Map
Resolution

[Map](#)

[Resolution - ROFR](#)

18. Sullenberger Aviation Museum Support

Action:

- A. Authorize the City Manager, or his designee, to negotiate and execute agreements with the Sullenberger Aviation Museum, formally known as the Carolinas Aviation Museum, to support the re-opening of the museum in amounts not to exceed \$2,000,000 in total from the city's Tourism Fund.**
- B. Adopt a budget ordinance appropriating \$2,000,000 from the Tourism Fund for support for the Sullenberger Aviation Museum.**

Staff Resource(s):

Tracy Dodson, City Manager's Office
Teresa Smith, Finance

Background

- The Carolinas Aviation Museum (CAM) has operated at Charlotte Douglas International Airport for more than 30 years.
- The museum's Lift Off Capital Campaign is working to raise \$31.0 million to support the redesign of a new state-of-the-art facility to house the new Sullenberger Aviation Museum (SAM), formerly the CAM.
- The SAM is named after Captain C. B. "Sully" Sullenberger who landed US Airways Flight 1549, en route to Charlotte, safely in New York's Hudson River.
- Public commitments to the SAM include:
 - \$10.0 million from the State of North Carolina
 - \$5.0 million from the Airport Cannon Fund
 - \$3.0 million from Mecklenburg County
- Upon completion, the SAM plans to serve more than 100,000 visitors annually and connect more than 15,000 students to STEM programming and career development labs.
- Workforce development efforts include:
 - Aligning with HIRE Charlotte to provide pathways to employment in transportation through aviation and aerospace opportunities
 - Accelerating aviation and STEM workforce pipeline by providing direct programming and serving as a convener for aviation workforce partners
 - Supporting local high schools through work-based learning and career readiness programs using hands-on job experience
 - Convening area aviation partners to align efforts and grow aviation workforce pipeline
- The SAM is expected to open in late 2023.

City Council Discussion

- At the April 3, 2023 Jobs and Economic Develop (J&ED) Council Committee meeting the committee received a presentation and discussed this funding request.
- The committee voted unanimously to support moving the request forward for consideration by Council action.
- City Council was briefed on the request from the J&ED chair at the April 3, 2023 Council Committee Discussions meeting.

Fiscal Note

Funding: Tourism Fund

Attachment(s)

Budget Ordinance

[Sullenberger Budget Ordinance](#)

19. Accept Grant for Heavy-Duty Electric Vehicle Purchase

Action:

- A. **Accept a grant in the amount of \$485,045 from the North Carolina Department of Environmental Quality for purchasing a Heavy-Duty Class 8 Electric Truck, and**
- B. **Adopt a budget ordinance appropriating \$485,045 from the North Carolina Department of Environmental Quality to the General Capital Projects Fund.**

Staff Resource(s):

Phil Reiger, General Services
Chris Trull, General Services
Debbie Smith, Transportation

Explanation

- The city plans to purchase an all-electric, heavy-duty class 8 truck with partial funding from the North Carolina Department of Environmental Quality Volkswagen Mitigation Grant.
- Heavy-duty class 8 trucks have a gross vehicle weight rating exceeding 33,000 pounds and are used by the city to transport heavy equipment for street maintenance operations including milling and paving and transporting bulk materials like cement.
- This will be the first non-transit Class 8 heavy-duty city vehicle to be replaced with an electric version.
- This vehicle and associated charging infrastructure will be stored at the Northwest Facility of Street Maintenance, 4411 Northpointe Industrial Boulevard, and will service primarily Council Districts 2 and 3.
- The vehicle purchase will reduce airborne particulate matter and greenhouse gas emissions in support of the Strategic Energy Action plan and its goal to strive towards 100 percent zero-carbon fuel sources by 2030. -
- The total cost of the vehicle and associated charging infrastructure is \$782,744. The city will fund the remaining \$297,699 from the General Capital Projects Fund.

Fiscal Note

Funding: General Capital Investment Plan

Attachment(s)

Budget Ordinance

[Budget Ordinance - NCDEQ](#)

20. Land Acquisition for Charlotte-Mecklenburg Police Department

Action:

- A. **Approve the purchase of 2.27 acres of property located on Beam Road (parcel identification number 143-211-34) in the amount of \$415,000 from the heirs of Diane Faust, for expansion of CMPD training facilities, and**

- B. **Authorize the City Manager or his designee to negotiate and execute any documents necessary to complete this transaction.**

Staff Resource(s):

Phil Reiger, General Services
Gregory Crawford, General Services
Johnny Jennings, Police

Explanation

- The CMPD Facilities Strategic Plan outlines facility goals through 2025. This purchase is consistent with the goal to expand the current footprint of the Police and Fire Training Academy for the K-9 and Civil Emergency Unit and future expansion needs of the De-Escalation Training Facility.
- This property is close to other operational facilities including the Police and Fire Training Academy.
- The property is zoned B-2 CD (business, conditional) and is located on the northeast side of Beam Road in Council District 3.
- As part of the mandatory referral process, the proposed acquisition has been referred to the Planning Commission for its review prior to the completion of the acquisition of the Property.
- The terms of the transaction are:
 - Purchase Price: \$415,000 purchase price with a five percent earnest money deposit, and
 - 60-day due diligence period with 30 days to close
- This transaction is consistent with City Council's adopted City-Owned Real Estate and Facilities Policy.

Fiscal Note

Funding: General Capital Investment Plan

Attachment(s)

Map

[Map Land Acquisition for Charlotte-Mecklenburg Police Department.pdf](#)

21. Municipal Agreement for the I-277 Rail Trail Bridge Project

Action:

- A. Adopt a Resolution authorizing the City Manager to execute a Municipal Agreement with the North Carolina Department of Transportation to accept Surface Transportation Block Grant funds in the amount of \$1,903,000 for the I-277 Rail Trail Bridge project, and**
- B. Adopt a budget ordinance appropriating \$1,903,000 in Surface Transportation Block Grant funds from NCDOT for construction to be used on the I-277 Rail Trail Bridge project.**

Staff Resource(s):

Debbie Smith, Transportation
Johanna Quinn, Transportation

Explanation

- The Rail Trail Bridge is a 280-foot-long pedestrian and bicycle bridge over I-277.
- The project is in the Real Estate phase.
- The project aims to enhance safety and improve pedestrian/bicycle connectivity between South End and Uptown in District 1.
 - The project will connect the existing Charlotte Rail Trail that terminates just north of Morehead Street and the existing station platform at the LYNX Brooklyn Village Avenue light rail station.
 - Once completed, the project will create 2.9 miles of continuous Rail Trail and will connect directly to the expanding Uptown CycleLink network of separated bike lanes and cycle tracks.
- Council approved \$11,000,000 of project funding on June 11, 2018.
- The total budget for the I-277 Rail Trail Bridge project is \$13,788,600 and is broken down as follows:
 - \$1,903,000: Surface Transportation Block Grant
 - \$8,396,047: Public and private partnerships
 - \$3,489,553: City funding
- There will be a future request for Council action to approve an agreement to appropriate private partnership dollars.
- This format is consistent with past municipal agreements between the city and NCDOT.

Fiscal Note

Funding: NCDOT

Attachment(s)

Map
Resolution
Budget Ordinance

[RailTrailBridgeProject_12142022](#)

[I-277 Rail Trail Bridge - Resolution](#)

[FY 2023 Budget Ordinance - I-277 Rail Trail Bridge Project](#)

22. Municipal Agreement for Lancaster Highway and Providence Road West Intersection Improvements

Action:

Adopt a resolution authorizing the City Manager to execute a Municipal Agreement with the North Carolina Department of Transportation in the amount of \$2,500,000 for infrastructure upgrades associated with the Lancaster Highway and Providence Road West Intersection Improvements.

Staff Resource(s):

Debbie Smith, Transportation
Johanna Quinn, Transportation

Explanation

- This is a partnership between the North Carolina Department of Transportation (NCDOT) and the city to construct improvements that mitigate congestion at the intersection of Lancaster Highway and Providence Road West.
 - Improvements include the construction of a second left-turn lane on Providence Road West and a right-turn lane on Lancaster Highway.
- The project is within the city (Council District 7) and Mecklenburg County Extraterritorial Jurisdiction.
- The NCDOT's estimated total cost for this project is \$4,193,300.
- The city is contributing \$2,500,000 toward the cost of this project.
 - \$1,000,000 from Mitigate Congestion
 - \$1,500,000 from Support Ballantyne Reimagined Infrastructure
- The NCDOT will design and construct the project.
- This format is consistent with past municipal agreements between the city and NCDOT.

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: Ballantyne Reimagined Bonds and Short-Term Road Congestion Improvement Funds

Attachments

Map
Resolution

[Map - Lancaster Hwy and Providence Rd W Improvements](#)

[Resolution](#)

23. Municipal Agreement for Relocation of Water and Sanitary Sewer Infrastructure

Action:

- A. **Adopt a resolution authorizing the City Manager to negotiate and execute a municipal agreement with the North Carolina Department of Transportation for construction of water and sanitary sewer line relocations, adjustments, and improvements, and**
- B. **Authorize the City Manager to approve the reimbursement request for the actual cost of the utility construction.**

Staff Resource(s):

Angela Charles, Charlotte Water

David Czerr, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- This municipal agreement is for the relocation and replacement of water and sanitary sewer infrastructure located within the North Carolina Department of Transportation's (NCDOT) highway improvements project (Project C-5621), located along US 21 and Catawba Avenue in the Town of Cornelius (adjacent to Council District 4).
- As required by the NCDOT's encroachment agreements, the city is financially responsible for the cost to relocate city-owned water and sanitary sewer lines within the state-maintained right-of-way.
- The city will reimburse the NCDOT for actual construction costs at the conclusion of the project.
- The total estimated city cost of this construction is \$1,521,489.

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Map

Resolution

[Map-Municipal Agreement for Relocation of Water and Sanitary Sewer Infrastructure](#)

[Resolution-Municipal Agreement for Relocation of Water and Sanitary Sewer Infrastructure](#)

BUSINESS - NOMINATIONS

24. Nominations to the Bicycle Advisory 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 December 31, 2024.
 - Dustin Branham has resigned.
 - Paula Kranz has resigned.

Attachment(s)

Bicycle Advisory Committee Applications

25. Nominations to the Business Advisory Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a three-year term recommended by the Asian-American Chamber of Commerce beginning April 29, 2023, and ending April 28, 2026.
 - Div Bhingradia did not meet attendance requirements.
- One appointment for a three-year term recommended by the Black Chamber of Commerce beginning April 29, 2023, and ending April 28, 2026.
 - Steven Lewis did not meet attendance requirements.
- One appointment for a three-year term recommended by the Certified SBE-Hispanic Contractors Association beginning April 29, 2023, and ending April 28, 2026.
 - Domenico Santilli is eligible but not interested in reappointment.
- One appointment for a partial term recommended by the Charlotte Regional Business Alliance beginning upon appointment and ending April 28, 2024.
 - McClean Godley has resigned.
- One appointment for a three-year term recommended by the Charlotte Regional Business Alliance beginning April 29, 2022, and ending April 28, 2025.
 - Tonia Woodbury did not meet attendance requirements and is ineligible for reappointment.
- Two appointments for a three-year term recommended by the Charlotte Regional Business Alliance beginning April 29, 2023, and ending April 28, 2026.
 - Derick Davis has resigned.
 - Christopher Moxley is eligible and interested in reappointment.
- One appointment for a three-year term recommended by the Latin American Chamber of Commerce beginning April 29, 2023, and ending April 28, 2026.
 - Richard Cuebas is eligible and interested in reappointment.
- One appointment for a three-year term recommended by the Metrolina Native American Association beginning April 29, 2023, and ending April 28, 2026.
 - Rebecca LaClaire has served two terms and is ineligible for reappointment.
- One appointment for a three-year term recommended by the National Association of Women Business Owners beginning April 29, 2023, and ending April 28, 2026.
 - Marise Fernandes Kumar is eligible and interested in reappointment.
- One appointment for a three-year term beginning April 29, 2023, and ending April 28, 2026.
 - Shenequa Thomas is eligible and interested in reappointment.

Attachment(s)

Business Advisory Committee Applications

26. Nominations to the Charlotte Business INClusion Advisory Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

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

Attachment(s)

Charlotte Business INClusion Advisory Committee Applications

27. 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.
- One appointment for a partial term for an International Business category representative beginning upon appointment and ending June 30, 2024.
 - Vanessa Matthews has resigned.

Attachment(s)

Charlotte International Cabinet Applications

28. Nominations to the Citizens Review 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 July 31, 2024.
 - Sa'idah Sudan did not meet attendance requirements.

Attachment(s)

Citizens Review Board Applications

29. Nominations to the Civil Service Board

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a three-year term beginning May 16, 2023, and ending May 15, 2026.
 - Nicholas Peach is eligible and interested in reappointment.

Attachment(s)

Civil Service Board Applications

30. 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 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

31. 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 three-year term for Neighborhood Representative beginning April 16, 2023, and ending April 15, 2026.
 - Diane Langevin has served two terms and is ineligible for reappointment.

Attachment(s)

Neighborhood Matching Grants Fund Applications

32. Nominations to the Passenger Vehicle for Hire Board

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

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

Attachment(s)

Passenger Vehicle for Hire Board Applications

33. Nominations to the Planning 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 June 30, 2025.
 - Erin Barbee did not meet attendance requirements.

Attachment(s)

Planning Commission Applications

34. 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

35. Nominations to the Transit Services Advisory Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a Vanpool Rider category representative for a three-year term beginning February 1, 2022, and ending January 31, 2025.
 - Parker Cains has resigned.

Attachment(s)

Transit Services Advisory Committee Applications

36. Nominations to the Waste Management Advisory Board

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One recommendation to the Mecklenburg Board of County Commissioners to be appointed for a three-year term beginning April 1, 2023, and ending February 28, 2026.
 - Martin Doss has served two terms and is ineligible for reappointment. However, the board would like to extend the member's term for one year. See memo for details.
- One recommendation to the Mecklenburg Board of County Commissioners to be appointed for a partial term beginning upon appointment and ending March 31, 2025.
 - Laura Nkuepo has resigned.

Attachment(s)

Waste Management Advisory Board Applications

CONSENT

37. Stowe Regional Water Resource Recovery Facility Construction Phase 2

Action:

Approve a guaranteed maximum price of \$57,985,658 to Crowder/Garney JV for Design-Build construction services for the Stowe Regional Water Resource Recovery Facility project.

Staff Resource(s):

Angela Charles, Charlotte Water

David Czerr, Charlotte Water

Ron Hargrove, Charlotte Water

Explanation

- Crowder/Garney JV has developed a guaranteed maximum price (GMP) for major treatment process components to be constructed as part of the Stowe Regional Water Resource Recovery Facility (SRWRRF) project (adjacent to Council Districts 2 and 3).
- The SRWRRF will treat wastewater flows from the existing Long Creek basin and flows from the cities of Mount Holly and Belmont.
- On April 27, 2020, and January 25, 2021, City Council approved contracts totaling \$31,416,107 with Crowder/Garney JV for design services.
- On February 14, 2022, May 31, 2022, September 12, 2022, and December 12, 2022, City Council approved GMPs totaling \$153,695,529 with Crowder/Garney JV for the procurement of equipment, construction infrastructure, and associated site work.
- City Council will receive a future request for the approval of an additional construction phase.
- The SRWRRF is estimated to be in operation by second quarter 2026.

Charlotte Business INclusion

The city negotiates subcontracting participation for Design-Build contracts after the firm is selected and scopes of work are defined for design and construction services. Crowder/Garney JV has committed \$6,410,849 or approximately 11.06% of the contract for construction services, design build design services or approved tasks, etc. to the following certified firms (Part G: Section 2.4 of the Charlotte Business INclusion Policy):

- McFarland Building Group LLC (MBE) (\$2,412,000) (maintenance building package)
- Pedulla Trucking Excavating & Paving, Inc. (WBE) (\$1,513,358) (sitework)
- CITI, LLC (MBE) (\$828,689) (instrumentation and controls)
- HG Global Services, Inc. (SBE) (\$565,000) (miscellaneous metals)
- Presa Construction, LLC (MBE, SBE) (\$423,300) (roofing)
- Diamond Trucking of NC, Inc. (MBE, SBE) (\$178,299) (trucking and aggregate hauling)
- Kingdom Trucking, LLC (MBE, SBE) (\$178,299) (trucking and aggregate hauling)
- Redstone Materials, Inc. (MBE, SBE) (\$178,299) (trucking and aggregate hauling)
- Diva Dumps, LLC dba Diva Dumps (MBE, SBE) (\$77,520) (toilets and dumpsters)
- Harrisburg Security, Inc. (SBE) (\$41,866) (site security)
- The Survey Company (SBE) (\$9,185) (surveying)
- Gentry Cleaners, Inc. (MBE, SBE) (\$5,034) (janitorial services)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Map

[Map-Stowe Regional Water Resource Recovery Facility Construction Phase 2](#)

38. Vest Water Treatment Plant Concrete Repairs Change Order

Action:

Approve change order #1 for \$789,672.27 to CROM, LLC for the Vest Water Treatment Plant Concrete Repairs project.

Staff Resource(s):

Angela Charles, Charlotte Water

David Czerr, Charlotte Water

John Huber, Charlotte Water

Explanation

- This project provides for flow control and concrete restorative repairs to multiple areas of the Vest Water Treatment Plant (Council District 1).
- During construction, inspection of the infrastructure revealed the concrete walls and joints were leaking. This change order will provide for additional required restorative concrete and concrete joint repairs.
- On January 24, 2022, City Council approved the construction contract with CROM, LLC for this project.
- The new total value of the contract is \$2,116,335.27.

Charlotte Business INClusion

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

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

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

39. CATS Bus Shelter

Action:

- A. Approve the purchase of bus shelters and related amenities by the sole source exemption,
- B. Approve a contract with Tolar Manufacturing Company for the purchase of bus shelters and related amenities for a term of five year, and
- C. Authorize the City Manager to renew the contract for up to one, five-year term with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.

Staff Resource(s):

Brent Cagle, CATS

Jason Lawrence, CATS

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

- Tolar Manufacturing is the only vendor capable of creating parts for ~~this product~~ the bus shelters currently in use on CATS' Sprinter bus line, at Blue Line bus stops, the CityLYNX Gold Line, the Beatties Ford Rd Corridor, and multiple other bus stop locations.
- The Tolar products will fulfill efforts to purchase and install new bus shelters as well as maintain and replace approximately 300 existing bus stop shelters and amenities systemwide.
- Annual expenditures are estimated to be \$500,000.

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: CATS Capital Investment Plan

40. CATS Facilities Security Camera Maintenance Contract

Action:

- A. **Approve a contract with A3 Communications, Inc. for cameras, blue light phones, and video maintenance on all CATS fixed cameras for a three-year term, and**

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

Staff Resource(s):

Brent Cagle, CATS

David Moskowitz, CATS

Explanation

- Facility video surveillance systems on CATS facilities are critical for the safety and security of our customers, staff, and city assets. Facility video is a key part of insurance subrogation and resolving legal claims levied against the city.
- CATS currently contracts with A3 Communications, Inc. to maintain and upgrade the facility video systems.
- The current contract is the result of an RFP process conducted in 2017. This request is to enter into a new contract with the existing vendor for a three-year term.
- Waiver of a competitive solicitation process for services may be granted on a limited basis when deemed appropriate and in the city's best interest. A waiver has been approved for these services based on continuity of service, security, and location requirements.
- Annual expenditures are estimated to be \$131,720 in year one and \$263,433 in years two and three.

Charlotte Business INclusion

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

Fiscal Note

Funding: CATS Operating Budget

41. CATS Light Rail Vehicle Cleaning Service

Action:

- A. Approve a unit price contract with Golden Cleaning Service LLC for light rail vehicle cleaning 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):

Brent Cagle, CATS

Deltrin Harris, CATS

Explanation

- The Charlotte Area Transit System (CATS) LYNX Light Rail Vehicle Maintenance Department is in need of a qualified company to augment their cleaning capabilities of the light rail vehicles by the cleaning of vehicles during the day, between rush-hour schedules, and at night.
- Cleaning of light rail vehicles may include cleaning of unexpected spills resulting from CATS passengers and all vehicle seating.
- On November 1, 2022, the city issued a Request for Proposals (RFP); nine responses were received.
- Golden Cleaning Service LLC best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$180,000.

Disadvantaged Business Enterprise (DBE)

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

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

Fiscal Note

Funding: CATS Operating Budget

42. CATS Light Rail Vehicle Maintenance Services, and Dollies

Action:

- A. **Approve the purchase of Light Rail Vehicle dollies by the sole source exemption,**
- B. **Approve the purchase of Light Rail Vehicle dollies from Siemens Mobility, Inc. for a term of five years,**
- C. **Approve an amendment to an existing contract with Siemens for S-70 Rail Car Truck Overhaul Services to add the provision of overhaul services on additional vehicles, and**
- D. **Authorize the City Manager to renew the contracts for up to two, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

Brent Cagle, CATS

Sole Source Exemption

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

Explanation

Action B

- A Light Rail Vehicle (LRV) dolly custom-made by Siemens is required to securely store the LRV's passenger cab while the LRV's wheels and truck set are removed and overhauled.
- Purchasing additional dollies will allow CATS to increase the number of LRVs that can be overhauled simultaneously.
 - Under applicable FTA rules, CATS may make a sole source award when it requires supplies or services available from only one responsible source, and no other supplies or services will satisfy its requirements.
- Sole sourcing is necessary for this contract because the dollies for the LRVs are custom-made and available only from Siemens.
- Expenditures are estimated to be \$900,000.

Action C

- CATS's current contract with Siemens for S-70 Rail Car Truck Overhaul Services was the result of a Request for Proposals (RFP) process and was approved by City Council on June 6, 2020 for a Not to Exceed Amount of \$12,923,365. The current contract covers the 600,000-mile truck overhauls for Siemens LRVs purchased in 2006 and 2010.
- The proposed amendment to the contract is to add truck overhauls for Siemens LRVs purchased between 2015-2017.
- Until the LRV truck overhauls are completed, CATS will be limited to the current service levels that are in place.
- 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 because the original contract was awarded through an RFP process and the amendment is consistent with the purpose for which the original contract was approved.
- The amendment will be executed in compliance with applicable FTA rules.
- Total initial estimated contract expenditures including this amendment are \$30,000,000, and may increase based on actual needs and services.

Charlotte Business INclusionAction B:

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

Action C:

No subcontracting goal was established for this Amendment because there are no subcontracting opportunities (Part D: Section 6 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: CATS operating budget

43. CATS Paratransit Route Planning SoftwareAction:

- A. Authorize the City Manager to negotiate and approve a contract with Via to provide SaaS solutions for Paratransit Computer Aided Dispatch/Automated Vehicle Location and Route Planning for a term of five years,**
- B. Authorize the City Manager to amend the contract consistent with the purpose for which the contract was awarded, and**
- C. Authorize the City Manager to purchase such additional software licenses, services, hardware, maintenance and support, and system upgrades/expansions as required to maintain the system for as long as the city uses the system.**

Staff Resource(s):

Brent Cagle, CATS

Randy Moulton, Innovation & Technology

Explanation

- In late 2021 CATS' previous Paratransit CAD/AVL software used by Special Transportation Services (STS) was failing and the provider communicated to CATS their intent to terminate service on the SaaS platform.
- STS provides critical FTA mandated ADA transit services for the CATS service area and must ensure service continuation without interruption.
- CATS piloted the two industry leading SaaS solutions and chose Via as they met the city's needs in terms of qualifications, experience, cost, and practical performance; one year's service was purchased on a Citywide Cooperative Purchasing contract.
- The Via solution has increased STS' on-time performance by 7 percent in the first quarter of the pilot.
- 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 Paratransit services based on continuity of service, limited vendors who provide the SaaS service, and FTA service requirements.
- Five years of annual expenditures for both SaaS platforms is expected to cost \$1,825,410.

Charlotte Business INclusion

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

Fiscal Note

Funding: CATS Operating Budget

44. CATS Transit Security Services

Action:

- A. Authorize the City Manager to negotiate and execute unit price contracts with the following companies for transit security services for an initial term of three years:**
- Strategic Security Corp,
 - Professional Security Services (MBE), and
- B. Authorize the City Manager to renew the contracts for up to two, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

Brent Cagle, CATS

David Moskowitz, CATS

Explanation

- The city contracts with private security companies to provide security services for CATS' transit facilities and fleet. As the primary security force, CATS will receive additional support from the Charlotte-Mecklenburg Police Department (CMPD) where needed when contracted security services are unable to respond or need additional assistance beyond their resources.
- Contracted private security is a cost-effective solution to ensuring a safe and secure environment at CATS' properties.
- The contract scope allows for additional future security services to be provided for expanding security needs, future transit line expansions, and special events.
- On July 19, 2022, the city issued a Request for Proposals (RFP); eight responses were received.
- The companies selected best meet the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Both companies will work in tangent with each other and ensure all staff are supported by the resources, requirements, rules, regulations, and laws to ensure proper police and security services are available to support the needs of CATS and the City of Charlotte.
- Strategic Security Corp will be awarded the company police contract and Professional Security Services (MBE) will be awarded the unarmed guard contract.
- Increasing the number of unarmed guards provides a shift in security posture by increasing uniformed guards for a more visible preference on the transit system.
- Estimated aggregated expenses for the initial three-year term are \$40.3 million.

Charlotte Business INclusion

Professional Security Services is a city certified MBE.

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

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

Fiscal Note

Funding: CATS Operating Budget

45. Public Auction for Disposal of Surplus Equipment

Action:

- A. Adopt a resolution declaring specific vehicles, equipment, and other miscellaneous items as surplus,**
- B. Authorize said items for sale by public auction on April 22, 2023, and**
- C. Authorize the City Manager to approve certain administrative and storage fees as may be required for auction events.**

Staff Resource(s):

Phil Reiger, General Services

Marcy Mars, General Services

Explanation

- General Services provides asset recovery and disposal services to city departments, Mecklenburg County, Emergency Management Services, and INLIVIAN.
- Periodic auctions of surplus items are regularly conducted at the city's Asset Recovery and Disposal facility located at 5550 Wilkinson Boulevard in Council District 3.
- Pursuant to North Carolina General Statute 160A-270(b), approval is requested for a public auction to be held on April 22, 2023, at 9:00 am to dispose of city-owned property declared as surplus.
- The auction will be virtual with a live simulcast and electronic bidding.
- The auction company will be compensated 8.5 percent of the total gross sale price of rolling stock and miscellaneous items.
- Proceeds from the auction will be distributed to the city's General fund and Enterprise funds (including but not limited to Aviation, Charlotte Water, and Charlotte Area Transit System), and other agencies based on asset ownership.

Attachment(s):

Property List

Delegation of Authority

Resolution

Virtual auction information

[20230410 - 01 Rolling Stock auction \(Exhibit - A\)](#)

[20230410 - 02 Rolling stock auction - Resolution](#)

[20230410 - 03 Rolling stock auction - Delegation of Authority](#)

[20230410 - 04 Virtual Rolling Stock Auction](#)

46. Set a Public Hearing on Mt. Holly Riverside Area Voluntary Annexation

Action:

Adopt a resolution setting a public hearing for April 24, 2023, for Mt. Holly Riverside 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 does not share 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 100.547-acre "Mt. Holly Riverside" site is located along the north side of Mount Holly Road in western Mecklenburg County.
 - The site is currently vacant aside from an existing regional lift station that will stay in place and in use as future development occurs.
 - The petitioner has plans to develop 258 single family attached units, 159 single family detached units, and 336 multi-family units on the site.
 - The property is zoned MX-2, which allows for residential mixed-use development.
 - The property is located near City Council District 2.
 - The petitioned area consists of one parcel; parcel identification number: 031-441-01.

Consistency with City Council Policies

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

Attachment(s)

Map
Resolution

[Mt. Holly Riverside Area Annexation Map](#)

[Resolution for Mt Holly Riverside Annexation](#)

47. Resolution of Intent to Abandon a Portion of Dupree Street Right-of-Way

Action:

- A. Adopt a Resolution of Intent to abandon a Portion of Dupree Street Right-of-Way, and**
- B. Set a Public Hearing for May 8, 2023.**

Staff Resource(s):

Debbie Smith, Transportation

Anthony Mendez, Transportation

Explanation

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The right-of-way is located in Council District 2.

Petitioners

Grady Norton

Attachment(s)

Map

Resolution

[Portion of Dupree Abandonment Map](#)

[2022-003334A Resolution of Intent 04.10.2023](#)

48. Resolution of Intent to Abandon a Portion of Greensboro Street and a Portion of Raleigh Street Right-of-Way

Action:

- A. Adopt a Resolution of Intent to abandon a Portion of Greensboro Street and a Portion of Raleigh Street Right-of-Way, and**
- B. Set a Public Hearing for May 8, 2023.**

Staff Resource(s):

Debbie Smith, Transportation

Anthony Mendez, Transportation

Explanation

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

Petitioners

Anthony Kuhn

Attachment(s)

Map

Resolution

[2022-23A Resolution of Intent 04.10.2023](#)

[2021-23A Portion of Greensboro & Raleigh Abandonment Map](#)

49. Refund of Property Taxes

Action:

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$168,558.61.

Staff Resource(s):

Teresa Smith, Finance

Explanation

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

Attachment(s)

Taxpayers and Refunds Requested

Resolution Property Tax Refunds

[List of Taxpayers](#)

[Resolution April 10th](#)

50. Meeting Minutes

Action:

Approve the titles, motions, and votes reflected in the Clerk's record as the minutes of:

- February 21, 2022 Zoning Meeting,
- February 28, 2022 Business Meeting,
- March 07, 2022 Strategy Session, and
- March 09, 2022 Budget Workshop.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- City Council meeting minutes can be accessed at:
<https://charlottenc.gov/CityClerk/Pages/Minutes.aspx>.

CONSENT - PROPERTY TRANSACTIONS

51. In Rem Remedy: 10912 Tradewinds Lane

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

Public Purpose:

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

Policy:

- Housing and Neighborhood Development and Community Safety

In Rem Remedy items are initiated from 3 categories:

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

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

Public Safety: 10912 Tradewinds Lane, Council District 7

Action:

Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 10912 Tradewinds Lane (Neighborhood Profile Area 368).

Attachment(s)

In Rem Packet for 10912 Tradewinds Lane (Council District 7)

[10912 Tradewinds Ln - In Rem](#)

52. Charlotte Water Property Transactions - Clarke Creek Basin PS and FM Project, Parcel #31

Action: Approve the following Condemnation: Clarke Creek Basin PS and FM Project, Parcel #31

Project: Clarke Creek Basin PS and FM, Parcel #31

Owner(s): Michael L. Tinsley and spouse, Tracy W. Tinsley

Property Address: 11737 Trails End Lane, Unincorporated Area of Mecklenburg County

Total Parcel Area: 363,437 sq. ft. (8.34 ac.)

Property to be acquired by Easements: 622 sq. ft. (0.01 ac.) in Permanent Sewer Easement and 118 sq. ft. (0.00 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: TR

Use: Single Family Residential-Acreage

Parcel Identification Number(s): 019-341-05
<https://polaris3g.mecklenburgcountync.gov/#mat=20897&pid=01934105&gisid=01934105>

Appraised Value: \$5,625

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: Adjacent to Council District 4

53. Charlotte Water Property Transactions - Clarke Creek Basin PS and FM Project, Parcels #32 and 35

Action: Approve the following Condemnation: Clarke Creek Basin PS and FM Project, Parcels #32 and 35

Project: Clarke Creek Basin PS and FM, Parcels #32 and 35

Owner(s): Robert Gene Baucom and Gail B. Long

Property Address: 11731 and 11735 Trails End Lane, Huntersville

Total Parcel Area: 1,723,982 sq. ft. (39.58 ac.)

Property to be acquired by Easements: 45,739 sq. ft. (1.05 ac.) in Permanent Sewer Easement and 29,072 sq. ft. (0.67 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: TR

Use: Single Family Residential-Acreage

Parcel Identification Number(s): 019-341-03 and 019-341-04

<https://polaris3g.mecklenburgcountync.gov/#mat=20852&pid=01934103&gisid=01934103>

<https://polaris3g.mecklenburgcountync.gov/#mat=20885&pid=01934104&gisid=01934104>

Appraised Value: \$40,250

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

54. Charlotte Water Property Transactions - Clarke Creek Basin PS and FM Project, Parcel #36

Action: Approve the following Condemnation: Clarke Creek Basin PS and FM Project, Parcel #36

Project: Clarke Creek Basin PS and FM, Parcel #36

Owner(s): Gloria E. Johnston and Judith Johnston

Property Address: 12240 Old Statesville Road, Huntersville

Total Parcel Area: 2,600,553 sq. ft. (59.70 ac.)

Property to be acquired by Easements: 34,423 sq. ft. (0.79 ac.) in Permanent Sewer Easement and 22,027 sq. ft. (0.51 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: CB

Use: Forest-Commercial Production

Parcel Identification Number(s): 019-111-07
<https://polaris3g.mecklenburgcountync.gov/#mat=462161&pid=01911107&gisid=01911107>

Appraised Value: \$43,775

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

City's Response to Property Owner's Concerns: The city 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

55. Property Transactions - 5531 West Sugar Creek Road, Parcel # 1

Action: Approve the following Acquisition: 5531 West Sugar Creek Road, Parcel # 1

Project: 5531 West Sugar Creek Road, Parcel # 1

Program: 5531 West Sugar Creek Road

Owner(s): SFR JV-1 2021-1 Borrower LLC

Property Address: 5524 Chasewind Drive

Total Parcel Area: 13,050 sq. ft. (0.300 ac.)

Property to be acquired by Easements: 2,081 sq. ft. (0.047 ac.) Permanent Sewer Easement and 1,850 sq. ft. (0.042 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: R-4

Use: Single-family Residential

Parcel Identification Number: 043-073-01

<https://polaris3g.mecklenburgcountync.gov/#mat=151591&pid=04307301&qisid=04307301>

Purchase Price: \$14,350

Council District: 2

56. Property Transactions - Prosperity Church Road (Old Ridge to Benfield), Parcel # 24

Action: Approve the following Condemnation: Prosperity Church Road (Old Ridge to Benfield) Parcel # 24

Project: Prosperity Church Road (Old Ridge to Benfield), Parcel # 24

Program: Prosperity Church Road (Old Ridge to Benfield)

Owner(s): RK Pointe at Prosperity Village DST

Property Address: 5124 Ridge Road

Total Parcel Area: 489,420 sq. ft. (11.236 ac.)

Property to be acquired by Fee Simple: 268 sq. ft. (0.006 ac.) Fee Simple

Property to be acquired by Easements: 359 sq. ft. (0.008 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: CC

Use: Commercial Center

Parcel Identification Number: 027-561-04

<https://polaris3g.mecklenburgcountync.gov/#mat=562307&pid=02756104&qisid=02756104>

Appraised Value: \$1,650

Property Owner's Concerns: None.

City's Response to Property Owner's Concerns: N/A

Recommendation: The city is currently waiting on signed documents, but to avoid delay in the project schedule, the recommendation is to proceed to condemnation.

Council District: 4

Adjournment

REFERENCES

57. 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.

58. 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.

59. 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.