

City of Charlotte

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



Meeting Agenda

Monday, June 12, 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.

[2023-06-12 Council Agenda QA](#)

2. Consent agenda items 29 through 54 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

Affordable Housing Support Request

Staff Resource(s):

Shawn Heath, Housing and Neighborhood Services

Time: Presentation - 10 minutes; Discussion - 30 minutes

Explanation

- Provide an overview of an affordable housing support request in the Brookhill neighborhood.

Project Break Point

Staff Resource(s):

Tracy Dodson, Economic Development

Time: Presentation - 10 minutes; Discussion - 30 minutes

Explanation

- Provide an update on a public-private partnership opportunity.

[Action Review - Affordable Housing Support Request](#)

[Action Review - Project Break Point](#)

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. Tourette Syndrome Awareness Month

Action:

Mayor Lyles will read a proclamation recognizing May 15 - June 15, 2023 as Tourette Syndrome Awareness Month.

7. Juneteenth Proclamation

Action:

Mayor Lyles will read a proclamation recognizing June 19, 2023 as Juneteenth.

8. LGBTQ+ Pride Month

Action:

Council member Anderson will read a proclamation recognizing June 2023 as LGBTQ+ Pride Month.

9. Gun Violence Awareness Month

Action:

Council member Mitchell will read a proclamation recognizing June 2023 as Gun Violence Awareness Month.

POLICY

10. City Manager's Report

[06.12.2023 City Manager's Memo](#)

11. Fiscal Year 2024 Operating Budget and Fiscal Years 2024-2028 Capital Investment Plan

Action:

Adopt the Fiscal Year (FY) 2024 Appropriations and Tax Levy Ordinance, the FY 2024 Compensation and Benefits Recommendations, and other items related to the Annual Budget Ordinance adoption:

- A. The FY 2024 Operating Appropriations and Tax Levy Ordinance,**
- B. The FY 2024 - 2028 Capital Investment Plan,**
- C. The FY 2024 General Solid Waste Fee,**
- D. The FY 2024 Storm Water Services Fees,**
- E. The FY 2024 Transit Operating Budget, FY 2024 Transit Debt Service Budget, and FY 2024 - 2028 Transit Capital Investment Plan which was approved by the Metropolitan Transit Commission on April 26, 2023,**
- F. The Charlotte Water Rate Methodology by approving revisions to the Revenue Manual,**
- G. The FY 2024 Charlotte Water Rates,**
- H. The FY 2024 Compensation and Benefits Plan and associated Human Resources contracts,**
- I. Outside Agency and Municipal Service District contracts,**
- J. American Rescue Plan Act Funding and Resolution, and**
- K. Other budget items.**

Committee Chair:

Dimple Ajmera, Budget, Governance and Intergovernmental Relations Committee

Staff Resource(s):

Marcus Jones, City Manager's Office

Ryan Bergman, Strategy & Budget

Teresa Smith, Finance

Policy

- As required by Chapter 159 of the North Carolina General Statutes, the City of Charlotte adopts annual appropriations and a tax levy ordinance and considers related actions by July 1 of each fiscal year.
- The annual budget is an instrument that establishes policy. The budget identifies and summarizes programs and services provided by the city and how they are funded. It is the annual plan that coordinates the use of revenues and associated expenditures.

Background

- The annual budget ordinance is presented in accordance with the City Manager's Proposed FY 2024 Budget presented on May 1, 2023, and subsequent City Council budget adjustments.
- The FY 2024 Budget is structurally balanced and focuses on five City Council Strategic Priorities: Well-Managed Government, focused on Equity, Engagement, and the Environment; Great

Neighborhoods; Safe Communities; Transportation and Planning; and Workforce and Business Development.

- The budget development process includes input from the community, city departments, and the Mayor and City Council. To facilitate input the city held three Budget, Governance, and Intergovernmental Relations Committee meetings on February 6, March 6, and April 3 and three Budget Workshops on February 9, March 9, and April 6. Public budget engagement occurred through two virtual budget listening sessions occurring on March 1, and March 30; an in-person listening session on March 14, 2023; and a budget public input survey that was available from February 7 through April 2, 2023. A Public Hearing on the Proposed Budget on May 8, 2023; a Budget Adjustments meeting on May 11; and a second Budget Adjustments Meeting on May 22, 2023.
- The Mayor and City Council met on May 11 and May 22, 2023, to discuss budget adjustments for consideration to the Proposed FY 2024 Budget. Four budget adjustments were approved by City Council for inclusion in the FY 2024 Budget. Additionally, City Council approved the use of \$605,000 in one-time funding from the American Rescue Plan Act to support five nonprofits.
- FY 2024 General Fund and FY 2024 General Capital Investment Plan (CIP):
 - Balances the budget without a property tax increase, making FY 2024 the fifth consecutive year with no property tax increase.
 - Maintains or enhances core services.
 - Maintains operating reserve levels with no use of one-time revenues such as the General Fund balance.
 - Protects current employees, there are no layoffs or furloughs.
 - Continues to invest in City of Charlotte employees by:
 - Providing the greater of \$3,600 or a six percent salary increase for all General Hourly Employees (greater of \$1,800 or three percent increases in both July and January),
 - Increasing minimum pay for all General Hourly Employees to \$46,200 by January,
 - Providing a four percent salary pool for salaried employees,
 - Providing at least an eight percent increase for all Police Officers and Sergeants,
 - Increasing both starting and top pay for Police Officers 10.5 percent by January,
 - Providing a 5.5 to 8.0 percent salary increase for all Public Safety Pay Plan Firefighters,
 - Increasing starting pay for Firefighters 10.5 percent by January,
 - Adding 29 apprenticeships,
 - Adding a Human Resources position dedicated to workforce development with career coaching,
 - Continuing flexible work options for feasible positions,
 - Adding 25 additional take home cars for veteran Police Officers,
 - Covering the majority of healthcare cost increases for employees, whose premiums will only go up \$3-\$5 per week, compared to an increase of \$20 per week for the city, and
 - Providing for an increase to the annual contribution to retiree health savings for sworn positions hired on or after July 1, 2009 by 25 percent to \$1,300/year beginning in January.
 - Continues to be a leader in municipal sustainability led by the Strategic Energy Action Plan through:
 - Sustainable Infrastructure by purchasing 45 electric vehicles and expanding charging infrastructure, and
 - Exploring new opportunities by adding the first net zero carbon police station and the first electric refuse truck in Solid Waste.
 - Recommends \$4.2 million in ARPA funds toward the HOMES program in partnership with the county to provide assistance that directly reduces the city tax bill by up to 25 percent for eligible applicants who are low- to moderate-income households within the city limits.
 - Invests in Fire infrastructure by programming for five stations over five years within the CIP.
 - Provides two additional fire companies and 42 fire staff.
 - Supports Corridors of Opportunities with a \$5 million dollar investment for implementation of

- playbooks, continued engagement, and partnerships.
- Includes \$250,000 to continue partnership with Atrium for Hospital-Based Violence Prevention Program.
- Adds two new sites to the Alternatives to Violence, West Boulevard and Nations Ford/Arrowood areas and one position to monitor programs related to SAFE Charlotte.
- Continues Charlotte Business Inclusion support with \$1 million and three new positions to continue implementing programs and increase vendor outreach.
- Programs funding to continue AmpUP and NXTCLT small and minority business assistance programs.
- Creates a Special Assistant to the City Manager to work on workforce development initiatives.
- Supports closing the digital divide and Smart Cities work with two additional staff resources.
- Adds 37 positions to support the Unified Development Ordinance.
- Protects quality of life for residents by adding a four-person Rapid Response code enforcement team, and an additional litter crew from the Center for Employment Opportunities.
- Supports Animal Care and Control needs with two new positions.
- Provides at least level funding for all current Financial Partners.

Recommended Changes to the Proposed FY 2024 Budget from the May 22 City Council Budget Workshop

- During the May 22 Budget Adjustments Meeting, City Council approved the following adjustments:
 - Adjustments to maintain historical pay parity of five percent between Fire and Police,
 - Adjustments to ensure all full-time hourly employees receive at least a \$3,600 increase during FY 2024 and increase the minimum pay to \$46,200 by January 2024,
 - Funds to support on-call pay in Police, and
 - Adds a research/policy position to support City Council.
- These adjustments are being funded by undesignated balance in the General Fund plus increased sales tax revenue, and funds from the Pay-As-You-Go Fund which will utilize \$400,000 in ARPA funds for maintenance activities, to allow for the transfer.
- Additionally, the following non-profit organizations will be funded through one-time ARPA funds:
 - Block Love Charlotte (\$230,000),
 - For the Struggle (\$100,000),
 - The Males Place (\$100,000),
 - Carolina Metro Reds (\$50,000), and
 - Crisis Assistance Ministry will be funded an additional \$125,000 through ARPA, bringing their total funding amount to \$550,000.

A. Adopt the FY 2024 Operating Appropriations and Tax Levy Ordinance

- The total FY 2024 budget is \$3.33 billion net of transfers, with \$1.01 billion for personnel expenditures, \$859.4 million for operating expenditures, \$1.20 billion for capital expenditures (all funds), and \$263.8 million for debt service expenditures. The General Fund operating budget totals \$769.0 million.
- The total budget includes the following key revenues:
 - A property tax rate of 26.04¢ per \$100 of assessed valuation, which is an 8.77¢ decrease from FY 2023. The FY 2024 assessed value is estimated at \$214.8 billion, with an estimated collection rate of 99 percent.
 - The FY 2024 Water and Sewer Fee is proposed to increase by 4.25 percent for the typical homeowner, which is an average increase of \$3.10 per month.
 - The FY 2024 Storm Water Services Fee is proposed to increase by 4.6 percent. The typical homeowner would experience a \$0.43 per month increase.
 - Select Aviation non-regulatory fees were adjusted to increase or decrease based on Aviation's cost-recovery model.
 - Charlotte Area Transit System (CATS) base transit fare remains flat from FY 2023 to FY

2024.

B. Adopt the FY 2024 - 2028 Capital Investment Plan

General CIP

- The General CIP is supported by a portion of the 26.04¢ property tax as follows:
 - 5.06¢ for the Municipal Debt Service Fund, and
 - 0.37¢ for the Pay-As-You-Go (PAYGO) Fund.
- The FY 2024 - 2028 five-year General CIP totals \$757.9 million and includes General Obligation Bonds, other sources, Municipal Debt Service, reappropriation of prior authorization, and PAYGO funds.

Nongeneral CIPs

- Nongeneral programs are financially self-sustaining and do not rely on property tax support.
- The FY 2024 - 2028 five-year nongeneral CIPs include:
 - Aviation totals \$2,197.6 million and is funded by \$1,491.3 million in revenue bonds, \$108.8 million in Aviation PAYGO, \$253.8 million in passenger facility charges, \$263.6 million in federal grants, \$60.0 million in state grants, and \$20.0 million in customer facility charges.
 - CATS totals \$293.1 million and is funded by \$130.5 million in federal and state grants and \$162.6 million in other sources.
 - Charlotte Water totals \$2,631.6 million and is funded by \$936.0 million in Charlotte Water PAYGO and \$1,695.6 million in water and sewer revenue bonds.
 - Storm Water totals \$470.0 million and is funded by \$255.0 million in revenue bonds and \$215.0 million in Storm Water PAYGO and program income.

C. Amend the General Solid Waste Fee

- The annual Solid Waste Fee for residential customers changes from \$86.06 to \$94.64 in FY 2024 to help support the increased cost of services.
- These changes become effective on July 1, 2023.
 - The revised fee will be included in the tax bills that will be mailed to property owners by September 2023 and are due by December 31, 2023.

D. Approve the FY 2024 Storm Water Services Fee

- In accordance with the Interlocal Agreement on Storm Water Services, this action will inform Mecklenburg County of the amount to be charged for the city's portion of the fee.
- The FY 2024 Storm Water Services Fee changes include:
 - Detached single family homes with less than 2,000 square feet (sf) of impervious area changes from \$6.27 per month to \$6.56 per month in FY 2024,
 - Detached single family homes with 2,000 to less than 3,000 sf of impervious area changes from \$9.25 per month to \$9.68 per month in FY 2024,
 - Detached single family homes with 3,000 to less than 5,000 sf of impervious area changes from \$13.67 per month to \$14.30 per month in FY 2024,
 - Detached single family homes with 5,000 sf or more of impervious area changes from \$22.61 per month to \$23.65 per month in FY 2024, and
 - Commercial and multi-family per acre of impervious area changes from \$163.20 per month to \$170.71 per month in FY 2024.

E. Adopt the FY 2024 Transit Operating Budget, FY 2024 Transit Debt Service Budget, and FY 2024 -2028 Transit Capital Investment Plan which was approved by the Metropolitan Transit Commission on April 26, 2023

Policy

- The Transit Governance Interlocal Agreement calls for the Metropolitan Transit Commission (MTC) to annually approve a Transit Operating Program and a Transit Capital Program by April 30. Following the MTC's approval, the Transit Operating and Capital Programs are forwarded to City Council for approval. Upon approval, City Council shall fund the programs through its budget process and/or project ordinances.

Budget Overview

- The FY 2024 Transit Operating and Debt Service Budgets and the FY 2024 - 2028 Transit CIP have been developed in compliance with CATS Financial Policies, including an annual contribution to the Transit Revenue Reserve Fund, year-end fund balance, debt service coverage ratios, and the transfer of balances to the capital program.
- The FY 2024 Budget includes no proposed fare increases and no proposed new fees.
- The FY 2024 Budget for CATS represents three key ideas: safety and security of riders and operators, valuing CATS employees, and maintenance and preservation of CATS facilities, buses, and rail vehicles.

F. Amend the Charlotte Water Rate Methodology by approving Revisions to the Revenue Manual

- Charlotte Water rate methodology changes with the adoption of the Fiscal Year 2024 budget.
- The schedule of water and sewer rates, fees, and charges is calculated according to the rate methodology as codified in the revenue manual and Charlotte Water's approved budget and is published annually.
- The Revenue Manual revisions include:
 - Adding a fee to capture closed-circuit television video (CCTV) inspection for post-construction services,
 - Adding a fee for revision to approved plans (RTAP) when changes are required after plans have been approved with the signature and seal of a NC registered professional engineer, and
 - Changing the language for truck fees to clarify a two-year cycle for permit renewal and the manner in which volumetric usage is calculated for tanker, sweeper, and vacuum trucks.
- A Joint Public Hearing between the City Council and the Charlotte Water Advisory Committee was held on May 8, 2023. No comments from the public were received.

G. Adopt the FY 2024 Charlotte Water Rates

- Water and sewer fees are necessary to maintain current infrastructure, accommodate growth, and respond to changing regulatory requirements.
- FY 2024 rate changes include:
 - Typical resident water and sanitary sewer availability fees at \$10.44 per month, an increase of \$0.40 from Fiscal Year 2023,
 - Typical resident water and sanitary sewer fixed fees at \$11.04 per month, an increase of \$0.44 from Fiscal Year 2023,
 - The typical monthly total water and sanitary sewer bill for residential customers is estimated to be \$75.98 in Fiscal Year 2023, an increase of \$3.10 per month, and
 - The typical bill assumes 5,236 gallons, or seven Ccf, used each month. Based on the current rate structure, users consuming more than the typical level of consumption are charged a higher rate to encourage conservation and responsible use of this resource.

H. Adopt the FY 2024 Compensation and Benefits Plan and Associated Human Resources ContractsCompensation

- This action authorizes the City Manager to implement the recommendations from the FY 2024 Compensation and Benefits Recommendations and subsequent adjustments by Council at the May 22 Budget Adjustments meeting including, but not limited to the following items:
- In the Public Safety Pay Plan:
 - All merit steps of the FY 2024 Public Safety Pay Plan to be funded.
 - Two market adjustments to the pay steps, each funded at 1.5 percent. The first adjustment effective July 1, 2023. The second adjustment effective January 6, 2024.
 - Revisions to Police steps effective July 1, 2023:
 - Eliminate Police Officer steps one and two. In FY 2024, to maintain internal equity, the eligible step date for Officers at steps 1, 2 and 3 will be adjusted.
 - Merge Police Officer steps six and seven from two 5 percent steps to a 10 percent

- step (new step four).
 - Eliminate Police Sergeant step one and increase Police Sergeant step two an additional 2.5 percent.
 - Add a five percent step to the top of Police Sergeant.
 - Revisions to Police steps effective September 2, 2023:
 - Create Senior Police Officer III with a 5 percent step above Senior Police Officer II for eligible employees. Eligible Employees must be a Senior Police Officer II for at least one year.
 - Revisions to Police steps effective January 6, 2024:
 - Create Senior Police Officer IV with a 2.5 percent above Senior Police Officer III for eligible employees. Eligible employees must have been Senior Police Officers by June 30th 2020 to qualify for the new Senior Police Officer IV step.
 - Revisions to Fire steps effective November 11, 2023:
 - Eliminate Fire Fighter I step one and two. In FY 2024, to maintain internal equity, the eligible step date for steps one, two, and three of Fire Fighter I may be adjusted.
 - Add 5 percent step to the top of Firefighter I and Fire Fighter II.
 - Eliminate Firefighter II and Firefighter Engineer step one.
 - Merge Firefighter Engineer steps six and seven from two 2.5 percent steps to one 5 percent step (new step five).
 - Increase Firefighter Engineer step eight from 2.5 percent to 5 percent (new step six).
 - Eliminate Fire Captain step one and increase Fire Captain step two an additional 2.5 percent.
 - Add a 2.5 percent step to the top of Fire Captain and Firefighter Engineer.
- In the Salaried Pay Plan:
 - Merit increase pool funded at four percent, and
 - Adjust the pay ranges up three percent effective July 1, 2023.
- In the Hourly Pay Plan:
 - Two increases each equal to the greater of 3 percent or \$1,800 for hourly employees, effective July 1, 2023 and January 2024. Total increase the greater of 6 percent of \$3,600.
 - Establish a minimum pay rate of \$46,200 per year for full-time employees.
 - A three percent market adjustment to the Hourly Pay Plan ranges effective July 1, 2023.

Benefits

- Increase employee medical plan weekly premiums by \$3 or \$5 based on plan tier.
- Increase non-Medicare-eligible medical plan monthly premium for retirees with 20 years of service by \$13 or \$22 based on plan tier.
- Increase the weekly Retiree Health Reimbursement Plan employer contribution from \$20 to \$25 for all eligible sworn public safety employees, effective January 2024.
- Amend the vacation schedule to increase accrued vacation from ten to 15 days per year for employees with three to five years of experience.
- Provide the City Manager the authority to make medical and prescription drug plan and wellness incentive changes within the overall health insurance budget.
- Provide the City Manager the authority to approve vendor, rate, plan options and plan design changes for the Medicare-eligible Retiree Health Plans.
- Provide the City Manager the authority to renegotiate the current contracts, or if the contracts are rebid, to select vendors, execute the contracts and future contract amendments and determine plan design within the selected vendors for Medical Coverage, Dental, Employee Assistance Program, Flexible Spending Accounts, Health Savings Accounts, Health Advocacy, Short-Term and Long-Term Disability, Family Medical Leave Administration, Vision, Stop Loss insurance, voluntary benefits, and wellness services.

I. Approve Outside Agency and Municipal Service District Contracts

- This action authorizes the City Manager to negotiate and execute contracts related to outside agencies and municipal service districts. The outside agency and Municipal Service District contracts are outlined below.

Arts and Culture Sector

- Foundation for The Carolinas will administer the city's FY 2024 allocation of arts and culture funding totaling \$6,000,000, which includes:
 - \$4,000,000 of General Fund funding, and
 - \$2,000,000 of American Rescue Plan Act funding.
- The city's \$6,000,000 of FY 2024 funding is anticipated to be matched by at least an additional \$6,000,000 from the private sector, which will also be administered by Foundation for the Carolinas.
- The \$12,000,000 of total arts and culture sector funding has been consistent since FY 2022, totaling \$36,000,000 over three fiscal years.

FY2024 General Fund Discretionary Financial Partners

- Alliance Center for Education (formerly Bethlehem Center) - Out of School Time Partner: \$90,000
- The Bengali Women's Forum Corp: \$10,000
- Charlotte Regional Business Alliance: \$168,341
- Community Building Initiative: \$50,000
- Greater Enrichment Program - Out of School Time Partner: \$200,000
- Race Matters for Juvenile Justice (New Financial Partner): \$51,468
- Safe Alliance: \$397,038
- Women's Business Center of Charlotte: \$50,000
- My Brother's Keeper Charlotte-Mecklenburg: \$50,000
- TreesCharlotte: \$250,000

FY2024 Dedicated Revenue Sources Financial Partners

- Municipal Service District (MSD) Contracts
 - Charlotte Center City Partners (\$6,796,745)
 - District 1: Center City
 - Tax Rate decreased, 1.28¢
 - FY 2024 Contract: \$1,863,667
 - District 2: Center City
 - Tax Rate decreased, 2.18¢
 - FY 2024 Contract: \$1,307,590
 - District 3: Center City
 - Tax Rate decreased, 3.32¢
 - FY 2024 Contract: \$2,047,288
 - District 4: South End
 - Tax Rate decreased, 2.80¢
 - FY 2024 Contract: \$1,578,200
 - University City Partners
 - District 5: University City
 - Tax Rate decreased, 2.62¢
 - FY 2024 Contract: \$1,380,857
 - South Park Community Partners
 - District 6: South Park
 - Tax Rate decreased, 3.81¢
 - FY 2024 Contract: \$1,614,682
- Charlotte Center City Partners: Additional support from Tourism Fund for special events (up to \$500,000)
- Charlotte Regional Visitors Authority (CRVA): \$21,861,227
 - CRVA - Film Commission: \$150,000

100 Percent Federal Grant Funded Financial Partners

- Carolinas Care Partnership: \$3,598,683

100 Percent PAYGO Funded Financial Partners:

- Crisis Assistance Ministry: \$425,000

PAYGO/Federal Share Funded Financial Partners

- DreamKey Partners (formerly Charlotte-Mecklenburg Housing Partnership, Inc.) - Affordable Housing: \$1,690,000

- DreamKey Partners (formerly Charlotte-Mecklenburg Housing Partnership, Inc.) - House Charlotte: \$231,000
 - In FY 2023, \$2 million in funding was dedicated to home ownership assistance for City of Charlotte employees.

FY 2024 Public Art Work Plan

- The Arts & Science Council administers the Public Art Program, which is outlined in Chapter 15 Article IX of the Charlotte City Code.
- The FY 2024 CIP Public Art allocations include:
 - General Capital Investment Plan: \$165,600, and
 - Aviation Capital Investment Plan: \$1,182,724.

School Resource Officer Program for Charlotte-Mecklenburg Schools

- The Charlotte-Mecklenburg Police Department (CMPD), through the School Resource Officer (SRO) Program, has a security presence at Charlotte-Mecklenburg Schools (CMS) middle and high schools in their jurisdiction.
- The SROs provide police services to their respective school communities as their primary assignment.
- CMPD will provide approximately 51 Police Officers and 1 Sergeant to CMS for the 2023 - 2024 school year.
- This action authorizes the City Manager to negotiate and execute the FY 2024 contract with CMS for continued funding for these SRO positions.

J. Approve American Rescue Plan Act Funding and Adopt a Resolution Ratifying an Interlocal Agreement with Mecklenburg County

- The American Rescue Plan Act of 2021 (ARPA) provided the city with \$141,618,325 through the State and Local Fiscal Recovery Fund.
- This action authorizes the use of ARPA State and Local Fiscal Recovery Funding for the following purposes:
 - \$4.2 million to partner with Mecklenburg County in the HOMES Program to provide residential property tax assistance,
 - \$2 million for the Foundation for the Carolinas for administrative services for arts and culture funding,
 - \$605,000 for the following non-profit organizations:
 - Block Love Charlotte: \$230,000,
 - Crisis Assistance Ministry: \$125,000,
 - For the Struggle: \$100,000,
 - The Males Place: \$100,000,
 - Carolina Metro Reds: \$50,000, and
 - \$0.4 million for maintenance of city facilities and buildings from previously approved internal operations ARPA appropriation.
- This action ratifies an interlocal agreement with Mecklenburg County and authorizes the City Manager to negotiate and execute the interlocal agreement with Mecklenburg County to partner in the HOMES Program.

K. Approve Other Budget Items

- Various updates to the schedule of regulatory and non-regulatory user fees.
- The budget ordinance included is the city's annual budget operating ordinance. Sections 1 through 14 of this Ordinance reflect the items included in the FY 2024 Budget and all Council adjustments.
- The remainder of the Annual Ordinance (Sections 15 through 93) serves to make budgetary corrections to the current fiscal year for technical, accounting, and other adjustments necessary prior to the fiscal year's end.

Attachment(s)

Annual Budget Ordinance

Resolution by MTC

FY 2024 Charlotte Water Revenue Manual

FY 2024 Compensation and Benefits

Resolution to Ratifying an Interlocal Agreement with Mecklenburg County to Partner in the HOMES Program

[FY2024 Annual Ordinance and Windup](#)

[MTC CATS Budget Resolution](#)

[CLTWATER Revenue Manual \(July 2023 Revision\)](#)

[FY 2024 Compensation and Benefits](#)

[HOMES Resolution](#)

BUSINESS

12. Eastland Redevelopment Reservation of Funding

Action:

Adopt a resolution to reserve up to \$20 million in Convention Center Tax Fund future Certificates of Participation for Eastland Redevelopment, to be utilized with planned Public-Private-Partnership funds in the five-year General CIP to accomplish an approximately \$30 million investment in the 29-acre Eastland site owned by the city.

Staff Resource(s):

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

Explanation

- Part of the Eastland area redevelopment includes plans for a 29-acre site owned by the city.
- Community engagement feedback identified strong support for sports facilities at this site.
- The city is currently reviewing proposals for redevelopment of the site. Further review and planning are needed prior to finalizing plans for the site.
- This action will serve to ensure funding is reserved for future redevelopment of the Eastland site.
- Future requests for Council Action will be presented once proposed plan is determined.

Background

- 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, 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 29-acre site targeted for sports and recreation uses.
- In May 2023, the city sold approximately two acres of the western portion of the property for the purposes of constructing a senior affordable housing development as described in the Master Development Agreement with the Developer. The Developer anticipates completion by the end of 2024.

Fiscal Note

Funding: Convention Center Funds

Attachment(s)

Resolution

[Eastland Resolution 6.12.2023](#)

13. Beemok Sports, LLC Agreement

Action:

- A. Authorize the City Manager, or his designee, to negotiate an agreement or agreements, between Beemok Sports, LLC and the City of Charlotte in an amount not to exceed \$65,000,000 to assist with construction costs associated with a world-class tennis campus at The River District that will house the Western & Southern Open as well as other year-round tennis and entertainment events, and**
- B. Adopt a budget ordinance appropriating \$65,000,000 in proceeds from Certificates of Participation in the Convention Center Fund for construction costs of the tennis campus at The River District.**

Staff Resource(s):

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

Explanation

- Beemok purchased the Western & Southern Open that is currently hosted at the Linder Family Tennis Center in Mason, Ohio.
- Beemok seeks to relocate the Western & Southern Open to Charlotte and design and construct a world-class tennis campus at The River District, in council district 3, that is anticipated to include:
 - Four major stadiums,
 - A 14,000-seat center court facility,
 - 40+ hard, clay, indoor and pickleball courts,
 - A 50+ acre campus with ample greenspace, integrated into the Mecklenburg County's park system and nearby greenways,
 - Vehicle parking capacity of 10,000 (necessary for the Western & Southern Open),
 - 45,000 square foot player/academy building, and
 - A world class pickleball facility.
- In addition to hosting the Western & Southern Open, the project would host a variety of other professional and amateur tennis tournaments, promote youth and adult tennis development, and serve as a major community investment catalyst.
- The total project cost for the new tennis campus at The River District is more than \$400 million. The public investment for the project is targeted at approximately one-third of the total project cost. Public investment from the city, county, and state is being requested.
- Land the airport currently owns adjacent to the project site will be negotiated for use by Beemok for additional parking for tournaments and events.
- The City of Charlotte proposes a public investment of \$65,000,000 in hospitality funds be contributed to the project. Funds will be used on amateur sports-related assets on the campus such as two stadiums, indoor and outdoor courts, and parking required for amateur sports events. These assets will be owned by the City of Charlotte. Beemok will be responsible for the operations and maintenance of the city-owned assets.
- In return for the city's investment, Beemok commits to the following:
 - Operating in Charlotte no less than 25 years,
 - Providing world-class tennis facilities available for public use on a daily basis at an affordable cost that will include indoor and clay court options not otherwise available to city/county residents,
 - Creating a regional destination for premier concerts and entertainment events that would accommodate 14,000+ attendees,
 - Entering into a CBI participation agreement,
 - Creating a unique destination for cultural and community events including festivals, community programming, holiday events, and corporate outings,
 - Operating a top tier professional tennis academy focused on youth, adult, high performance

- amateur and professional development,
- Providing high quality pickleball facilities,
- Providing a park-like experience with connectivity to local greenways,
- Hiring a dedicated professional responsible for coordinating community engagement throughout the campus including after school clinics, summer camps, scholarships awards for high performing players and securing equipment for those in need. The priority for this individual will be recruiting and retaining segments of the community that wouldn't typically engage in tennis given limited means or access and providing solutions to ensure engagement, and
- Forming a Board of Advisors that would be comprised of some combination of a community tennis expert and representatives from the west side community, Mecklenburg County Park and Recreation, Charlotte Mecklenburg Schools, and Beemok to assist in maximizing the use of the Project within the broader community.
 - In no less than one year from Western and Southern Open starting in Charlotte, the Board of Advisors will present a strategic community investment plan that will drive Beemok's local philanthropic efforts in areas such as community programming and clinics, equipment donations, and ticket donations to local organizations.
- The debt service for the Certificates of Participation issued for this project will be funded by contributions from the Convention Center Fund. Revenue in this fund is derived from prepared food & beverage and hotel sales taxes and is legally required to be spent on projects to support the city's hospitality economy, which includes funding for construction and maintenance of amateur sports facilities.
- Additional future council actions related to this project should be expected. Specifically, related to the annexation of the tennis campus as well as any transaction (sell or lease) associated with the airport land mentioned.

Fiscal Note

Funding: Convention Center Fund

Attachment(s)

May 10, 2023 Special Joint City Council and County Commission Economic Development Committee Meeting Presentation

May 22, 2023 City Council Action Review Presentation

Project Break Point Q&A

Budget Ordinance

[May 10, 2023 Joint City County ED Committee Meeting](#)

[May 22, 2023 Action Review Presentation](#)

[Project Break Point Q&A](#)

[Budget Ordinance](#)

14. Lease of City-Owned Property for Affordable Housing

Action:

- A. Adopt a resolution approving an option agreement and ground lease of city-owned property located on Providence Road West and Ballancroft Parkway (parcel identification numbers 223-132-40 and 223-132-39) with Crosland Southeast Communities, LLC, with a 60-year term for affordable housing, and**
- B. Authorize the City Manager to negotiate and execute all documents necessary to complete the option and ground lease of the property.**

Staff Resource(s):

Shawn Heath, Housing and Neighborhood Services

Phil Reiger, General Services

Gregory Crawford, General Services

Explanation

- On February 14, 2022, City Council authorized the City Manager and staff to work with Crosland Southeast (CSE Communities, LLC) to finalize a preliminary affordable housing proposal and negotiate a long-term ground lease for an affordable multi-family rental housing development known as Evoke Living at Ballantyne.
- The development will consist of 60-units and will be located on approximately 3.37 acres of city-owned property at Providence Road West and Ballancroft Parkway (parcel identification numbers 223-132-40 and 223-132-39) zoned R-22MF (multi-family) and NS (Neighborhood Service District) in Council District 7.
- On January 19, 2023, the city entered into a one-year option to ground lease (Option) with CSE Communities, LLC specifically subject to Council approval and which may only be extended upon written agreement. During this period CSE Communities, LLC will perform due diligence and secure financial commitments before exercising the Option.
- The terms of the ground lease are as follows:
 - Premise: Approximately 3.37 acres of city-owned land at 11217 Providence Road West and a portion of 15024 Ballancroft Parkway
 - Lease Term: 60 years
 - Rent: \$1.00/year
 - Housing Units: CSE Communities, LLC will be responsible for the development and operation of affordable housing consisting of approximately 60 rental housing units all of which shall adhere to Low Income Housing Tax Credit and Housing Trust Fund requirements, and include the following unit mix:
 - 12 units ≤30% AMI
 - 32 units 31%-50% AMI
 - 16 units 61%-80% AMI
- The appraised value of the property as of April 6, 2023, is \$2,350,000.
- This action further supports City Council's April 24, 2023, \$3,100,000 Housing Trust Fund allocation for the development.

Background

- On August 27, 2018, City Council adopted the Housing Charlotte Framework (Framework), which recommends expanding the supply of high-quality rental housing by using publicly owned land for housing development.
- On November 9, 2021, the city issued a Request for Proposals (RFP) seeking developers to construct affordable housing on city-owned property, including the Providence Road West/Ballancroft Parkway parcels. Council received a briefing of the recommended proposals on February 7, 2022, including Crosland Southeast's development proposal.
- This action is consistent with the Framework and Council-adopted City-Owned Real Estate and Facilities Policy and Guidelines for Evaluation and Disposition of City-Owned Land for Affordable

Housing.

Fiscal Note

Funding: Proceeds from the lease will be deposited in the General Capital Investment Plan

Attachment(s)

Map

Resolution

[Map - Lease of City-Owned Property for Affordable Housing.pdf](#)

[Resolution - Lease of City-Owned Property for Affordable Housing](#)

15. Naturally Occurring Affordable Housing Preservation and Rental Subsidy Support Request

Action:

- A. **Approve an \$8,000,000 Housing Trust Fund allocation to Woodlawn NOAH, LLC, an affiliate of Ascent Real Estate Capital, LLC, for the acquisition and rehabilitation of Charlotte Woods Apartments,**
- B. **Approve an annual reimbursement to Housing Collaborative in an amount not to exceed the development's city tax bill for a Naturally Occurring Affordable Housing Rental Subsidy Program over a 20-year period for 40 new long-term rental subsidies at Charlotte Woods Apartments for households earning 30 percent and below the area median income, and**
- C. **Authorize the City Manager to negotiate, execute, amend, and renew contracts as needed to complete these transactions.**

Staff Resource(s):

Shawn Heath, Housing and Neighborhood Services

Warren Wooten, Housing and Neighborhood Services

Explanation

- Woodlawn NOAH, LLC, an affiliate of Ascent Real Estate Capital (Owner), proposes to acquire and renovate Charlotte Woods Apartments, including creating new long-term rental subsidies for 30 percent Area Median Income (AMI) households (currently total annual household income of \$28,250 for a family of four).
- Charlotte Woods Apartments is a 266-unit existing multi-family naturally occurring affordable housing (NOAH) development on approximately 15.7 acres located at 1116 Scaleybark Road in Council District 1 (parcel identification number 149-17-106) (Property) and meets the city's NOAH criteria which include:
 - The property's age is greater than 15 years;
 - Rents are in the area median income (AMI) range that are at risk due to surrounding neighborhood dynamics;
 - The property can be rehabilitated to maintain a good quality of life for residents for the next 20 years or more;
 - The property is located in an area with close proximity to quality jobs, schools, and transportation infrastructure; and
 - The property is located in an area experiencing transformative change and property appreciation.
- The Owner is requesting the following city support for the development:
 - Acquisition and Rehabilitation:
 - A funding allocation of \$8,000,000 for the acquisition and rehabilitation of the Property.
 - The total development budget is \$44,075,000, which amounts to a 1:5 leverage ratio of city financing. The city investment will be used towards acquisition costs, and includes a 20-year deed restriction for the preservation of the 266 units at the following AMI levels:
 - 80 units at 30 percent AMI,
 - 133 units at 31 percent to 60 percent AMI, and
 - 53 units at 61 percent to 80 percent AMI.
 - A third-party inspection has been performed on the property to determine the existing property conditions.
 - The proposed rehabilitation will consist of the following:
 - HVAC system overhaul,
 - Window replacements, and

- Miscellaneous upgrades and repairs (e.g., roof, electrical system, and interior hallways).
- On June 6, 2023, the Mecklenburg County Board of County Commissioners approved the Owners request for \$4,000,000 to support the acquisition and rehabilitation of the Property.
- Rental Subsidies:
 - Of the 80 total units set aside for 30 percent AMI households, the Owner has agreed to specifically set aside 40 units for 30 percent AMI households that do not have existing vouchers or other forms of rental assistance for 20 years.
 - To create new, long-term rental subsidies for these 40 units, the city is being asked to commit to annual funding for the length of the property's 20-year deed restriction at an amount not to exceed the development's annual city property tax bill. The maximum amount of the reimbursement will be adjusted each year in correspondence with the actual amount of the current year's property taxes. In 2022, the development's city property tax bill is \$112,929.
 - The rental subsidies will pay the difference between what the resident household can afford (30 percent of their income) and the lesser of the property's asking rent or Fair Market Rent.
 - Funds will be provided to Housing Collaborative, a local non-profit organization, who will identify eligible tenants and administer the rental subsidy on behalf of the city.
 - Additionally, pursuant to the NOAH Rental Subsidy Program Guidelines, the Owner has agreed to:
 - Allocate a minimum of 80 percent of all units to residents earning 80 percent AMI (currently \$75,350/family of four) and below, with the majority of units set aside for 60 percent AMI (currently \$56,520/family of four) and below, through a 20-year long-term deed restriction,
 - Distribute rental subsidies evenly across one-bedroom and two-bedroom units as applicable, and
 - Commit to housing new residents who qualify for the rental subsidy as units come available through natural turnover to avoid displacement.
 - The city's rental subsidy is contingent on Mecklenburg County participation for the county's portion of the property taxes. On June 6, 2023, the Mecklenburg County Board of County Commissioners approved the Owner's request to provide rental subsidies for the county's portion of the property taxes for 20 years.

Background

- In August 2018, Council adopted the Housing Charlotte Framework which recommends preserving NOAH properties and aligning local resources to support opportunities to use rental subsidies to support target populations, particularly in areas with strong pathways to opportunity. Rental subsidies reduce housing instability for low-income families, improve outcomes for children, and help to reduce poverty, homelessness, and other hardships.
- In March 2019, Council adopted Guidelines for Preserving Naturally Occurring Affordable Housing (guidelines). The goals of the guidelines include:
 - Limiting displacement of current residents by preserving existing affordability;
 - Preserving quality affordable and workforce housing by increasing the number of available deed-restricted units and the physical structure of the units;
 - Providing low-interest loans so that high-performing for-profit and non-profit owner operators can purchase and/or upfit NOAH properties and preserve them as affordable;
 - Allowing existing owners to participate in return for deed restrictions and demonstrated management and maintenance history; and
 - Aligning guidelines with other city policies.
- On November 8, 2021, Council approved the Guidelines for the Naturally Occurring Affordable Housing Rental Subsidy Program to expand opportunities for low-income households to live in high-quality NOAH developments through the creation of new long-term rental subsidies.

- On May 22, 2023, Council received a presentation on the Charlotte Woods NOAH preservation and rental subsidy support request.

Fiscal Note

Funding: General Capital Investment Plan

Attachment(s)

Map

May 23, 2023 Presentation

[Map - Charlotte Woods Apartments](#)

[Presentation - May 22, 2023 Action Review](#)

16. Sale of City-Owned Property for Affordable Housing

Action:

- A. Adopt a resolution approving the sale of the following city-owned properties to West Side CLT for \$1 for the development of four affordable, for-sale housing units:**
- **0.4 acres on 801 Ambassador Street (parcel identification number 071-121-21)**
 - **0.19 acres on Ambassador Street (parcel identification number 071-121-22)**
 - **0.21 acres on 2619 Columbus Circle (parcel identification number 067-041-38)**
 - **0.27 acres on 2632 Columbus Circle (parcel identification number 067-073-26)**
- B. Authorize the City Manager, or his designee, to negotiate and execute all documents necessary to complete the sale of these properties.**

Staff Resource(s):

Shawn Heath, Housing and Neighborhood Services
Warren Wooten, Housing and Neighborhood Services
Phil Reiger, General Services
Greg Crawford, General Services

Explanation

- The West Side CLT, a North Carolina non-profit corporation (WSCLT), also known as the West Side Community Land Trust, desires to obtain vacant city-owned property in the Camp Greene and Enderly Park communities for a purchase price of \$1.00 to develop approximately four for-sale affordable housing units for low-to-moderate income households.
- The WSCLT is a 501(c)3 non-profit organization created by residents to empower the West Charlotte community to preserve and develop their neighborhoods to the benefit of low-income residents as well as the neighborhoods as a whole in the face of rapid reinvestment and subsequent displacement of long-time residents.
- After review of development proposals submitted by the WSCLT, it was determined that it is uniquely qualified to assist in meeting the city's affordable housing needs in these communities.
- Approval of this action will create approximately four newly constructed affordable homeownership opportunities near the Freedom Drive / Wilkinson Boulevard corridor, one of the city's Corridors of Opportunity.

Ambassador Street Parcels

- The city currently owns two vacant parcels in the Enderly Park community consisting of approximately 0.59 total acres and located at 801 Ambassador Street (parcel identification number 071-121-21, zoned R-5) and Ambassador Street (parcel identification number 071-121-22, zoned R-5) in Council District 2.
- An appraisal of the parcels completed in October 2022 established a fair market value of \$205,000 (801 Ambassador Street) and \$175,000 (Ambassador Street) respectively.
- The WSCLT will develop approximately two for-sale affordable housing units on the property for low- and moderate-income homebuyers eligible to participate in the HouseCharlotte down payment assistance program.
- Additionally, any Accessory Dwelling Units (ADUs) constructed on the parcels as part of the city's Accessory Dwelling Unit pilot program (pilot program) shall comply with the terms and restrictions of the pilot program.
- A deed restriction will ensure that the primary residential and accessory dwelling units remain affordable in perpetuity, as per the premise of the land trust model, to households earning 80 percent of the area median income (AMI) or below.

Columbus Circle Parcels

- The city currently owns two parcels in the Camp Greene community consisting of approximately 0.48 total acres and located at 2619 Columbus Circle (parcel identification number 067-041-38, zoned R-5) and 2632 Columbus Circle (parcel identification number 067-073-26, zoned R-8) in Council District 2.

- An appraisal of the parcels completed in October 2022 established a fair market value of \$175,000 (2619 Columbus Circle) and \$195,000 (2632 Columbus Circle) respectively.
- The WSCLT will develop approximately two for-sale affordable housing units on the properties for low- and moderate-income homebuyers eligible to participate in the HouseCharlotte down payment assistance program.
- Additionally, any Accessory Dwelling Units (ADUs) constructed on the parcels as part of the city's Accessory Dwelling Unit pilot program shall comply with the terms and restrictions of the pilot program.
- A deed restriction will ensure that the primary residential and accessory dwelling units remain affordable in perpetuity, as per the premise of the land trust model, to households earning 80 percent AMI or below.

Background

- On August 27, 2018, City Council adopted the Housing Charlotte Framework (Framework), which includes expanding the supply of high-quality homeownership opportunities.
- On September 20, 2022, the Planning Commission reviewed and supported conveyance of the properties for the purpose of creating affordable housing.
- The use of city-owned land allows for additional leveraging of both local and federal housing funds. This strategy is recognized as a best practice used across the country to assist in expanding the supply of affordable housing and is consistent with the city's Framework, City-Owned Real Estate and Facilities Policy, as well as the Guidelines for Evaluation and Disposition of City-Owned Land for Affordable Housing.
- Additionally, approval of this action supports the city's Corridors of Opportunity work in the Freedom Drive / Wilkinson Boulevard corridor including assisting with mitigating gentrification by providing new homeownership opportunities for low- and moderate-income homebuyers.

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).

Attachments

Map

Resolution

[Map - Sale of City-Owned Property for Affordable Housing](#)

[Resolution - Sale of City-Owned Property for Affordable Housing](#)

APPOINTMENTS

17. Appointments to the Charlotte Mecklenburg Public Access Corporation

Action:

Appoint 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.
 - Faye Barnette-Shell, nominated by Council member Ajmera and Mitchell.
 - Frankie Sutton, nominated by Council member Anderson, Driggs, and Graham.

Attachment(s)

Charlotte Mecklenburg Public Access Corporation Applications

NOMINATIONS

18. Nominations to the Alternative Compliance Review 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 for a Community Representative beginning July 1, 2023, and ending June 30, 2026.
 - Priscilla Ashe is eligible and interested in reappointment.
- One appointment for a three-year term for a Real Estate Development Industry Representative beginning July 1, 2023, and ending June 30, 2026.
 - Eric Zaverl is eligible and interested in reappointment.

Attachment(s)

Alternative Compliance Review Committee Applications

19. Nominations to the Bechtler Arts Foundation

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 July 1, 2023, and ending June 30, 2026.
 - Margaret Switzer is eligible and interested in reappointment.

Attachment(s)

Bechtler Arts Foundation Applications

20. Nominations to the Business Advisory Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a 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 upon 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 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 but not 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 but not 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

21. Nominations to the Charlotte Business INClusion Advisory Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a two-year term recommended by the 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

22. Nominations to the Charlotte International Cabinet

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term for an Airport category representative beginning upon appointment and ending June 30, 2024.
 - Rikard Hinrichs has resigned.
- One appointment for a three-year term beginning July 1, 2023, and ending June 30, 2026.
 - Sven Gerzer is eligible but not interested in reappointment.

Attachment(s)

Charlotte International Cabinet Applications

23. Nominations to the Charlotte Mecklenburg Public Access Corporation

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term beginning upon appointment and ending June 30, 2025.
 - Jennifer Bratyanski has resigned.
- Two appointments for a three-year term beginning July 1, 2023, and ending June 30, 2026.
 - Jakob Gattinger is eligible and interested in reappointment.
 - Pamela McCarter is eligible and interested in reappointment.

Attachment(s)

Charlotte Mecklenburg Public Access Corporation Applications

24. Nominations to the Charlotte Neighborhood Equity and Stabilization Commission

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a For-Profit Affordable Housing Developer for a partial term beginning upon appointment and ending August 31, 2024.
 - Naiyar Ghaswala did not meet attendance requirements.
- One appointment for a Market Rate Housing Developer for a partial term beginning upon appointment and ending August 31, 2024.
 - Kathleen Maloomian did not meet attendance requirements.

Attachment(s)

Charlotte Neighborhood Equity and Stabilization Commission Applications

25. Nominations to the Historic District Commission

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term for a Resident Owner of Hermitage Court beginning upon appointment and ending June 30, 2024.
 - James Jordan has resigned.
- One appointment for a three-year term beginning July 1, 2023, and ending June 30, 2026.
 - Phillip Goodwin is eligible and interested in reappointment.

Attachment(s)

Historic District Commission Applications

26. 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 three-year term for a Representative of Persons with Disabilities beginning July 1, 2023, and ending June 30, 2026.
 - Joe Gentry is eligible and interested in reappointment.
- 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

27. 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

28. Nominations to the Transit Services Advisory Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

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

Attachment(s)

Transit Services Advisory Committee Applications

CONSENT

29. Governor's Highway Safety Program Grant for Traffic Safety

Action:

Adopt a resolution authorizing the City Manager, or his designee, to apply for and accept a grant in the amount of \$25,000 from the North Carolina Governor's Highway Safety Program to conduct overtime projects focused on increased enforcement of traffic violations.

Staff Resource(s):

Johnny Jennings, Police
Christopher Rorie, Police
Justin Kupfer, Police

Explanation

- The Charlotte-Mecklenburg Police Department (CMPD) has been invited to apply for a \$25,000 grant from the NC Governor's Highway Safety Patrol.
- The terms of the grant require that City Council adopt a resolution authorizing CMPD to apply for and accept the grant funding.
- If awarded this grant will provide funding to conduct overtime projects focused on increased enforcement of traffic violations such as aggressive driving, organized street racing or takeovers, and/or special traffic operations including Vision Zero.
- Officers will work 4-to-6-hour shifts in areas of the City of Charlotte and Mecklenburg County that have been identified as having a problem with excessive speeding and/or crashes.
- If granted, this grant would run from October 1, 2023 to September 30, 2024.
- No matching funds are required from the city.

Fiscal Note

Funding: General Grants Fund

Attachment(s)

Resolution

[Resolution - Governor's Highway Safety Program Grant for Traffic Safety](#)

30. Citywide Cooperative Purchasing Contracts for Equipment

Action:

- A. Approve the purchase of equipment from cooperative contracts,
- B. Approve unit price contracts with the following for the purchase of equipment for a term of three years under the Sourcewell cooperative program:
 - The Charles Machine Works, Inc. DBA Ditch Witch (Sourcewell Contract# 110421-CMW),
 - Versalift (Sourcewell Contract# 110421-TIM), and
- C. Authorize the City Manager to extend the contracts for additional terms as long as the cooperative contracts are in effect, at prices and terms that are the same or more favorable than those offered under the cooperative contracts.

Staff Resource(s):

Phil Reiger, General Services

Marcy Mars, General Services

Explanation

- The city uses various types of equipment to maintain city fleet, landscaping, and other assets. Vehicles and equipment being purchased include but are not limited to, excavators, skid steers, heavy duty cab and chassis, aerial light truck bodies, utility vehicles, trenchless excavation equipment, and soil piercing tools.
- The city assesses vehicles and equipment on an annual basis to determine replacement needs based on a rating of usage, age, maintenance costs, and condition.
- NC General Statute Section 143-129(e)(3) allows local governments to purchase from formally organized cooperative purchasing contracts.
- A cooperative purchasing agreement results from the consolidation and competitive solicitation of multiple public agency requirements. By aggregating common needs all agencies can leverage economies of scale, such as volume discounts, improved terms and conditions, reduced administrative costs, and access to professional and technical expertise.
- Annual expenditures are estimated to be \$500,000.

Charlotte Business INclusion

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

Fiscal Note

Funding: General and Enterprise Capital Equipment Funds

31. Goose Creek Sanitary Sewer Extension to Cresthill Drive

Action:

Approve a contract in the amount of \$1,352,788.80 to the lowest responsive bidder Fuller & Co. Construction, LLC (SBE) for the Goose Creek Sanitary Sewer Extension to Cresthill Drive project.

Staff Resource(s):

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

Explanation

- This contract will provide for the installation of a sanitary sewer pipeline to serve customers located in the Stevens Creek Basin in the Town of Mint Hill (adjacent to Council District 5).
- On September 22, 2022, the city issued an Invitation to Bid; six bids were received.
- Fuller & Co. Construction, LLC was selected as the lowest responsive, responsible bidder.
- On May 22, 2023, Council approved a developer reimbursement agreement with Classic Neighborhood, LLC for \$2,400,000 in funding toward the Goose Creek Sanitary Sewer Extension to Cresthill project.
- The project is anticipated to be complete by third quarter 2023.

Charlotte Business INclusion

Fuller & Co. Construction, LLC is a city certified SBE.

Established MBE Goal: 2.00%

Committed MBE Goal: 2.10%

Fuller & Co. Construction, LLC exceeded the established subcontracting goal and has committed 2.10% (\$28,345) of the total contract amount to the following certified firm (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Buffkin Trucking, Inc. (MBE, SBE) (\$28,345) (hauling)

Established SBE Goal: 5.00%

Committed SBE Goal: 6.40%

Fuller & Co. Construction, LLC exceeded the established subcontracting goal and has committed 6.40% (\$86,534) of the total contract amount to the following certified firm (Part B: Section 3 of the Charlotte Business INclusion Policy):

- JT Wilson Hardscapes & Concrete Finishing (SBE) (\$36,034) (silt fence, concrete, fence)
- Martin Landscaping Co., Inc. (MBE, SBE) (\$23,000) (seeding and mulching)
- The Survey Company, Inc. (SBE) (\$15,000) (surveying)
- Pipe Pros, LLC (SBE) (\$12,500) (closed-circuit television, pipe cleaning)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan and Private Developer Contributions

Attachment(s)

Map

[Map - Goose Creek Sanitary Sewer Extension to Cresthill Drive](#)

32. Clarke Creek Pump Station and Forcemain Construction

Action:

Approve a guaranteed maximum price of \$5,649,894.00 to State Utility Contractors, Inc. for Design-Build construction services for the Clarke Creek Pump Station and Forcemain project.

Staff Resource(s):

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

Explanation

- State Utility Contractors, Inc. has developed a guaranteed maximum price (GMP) for design services, procurement of materials, and construction related to the proposed Clarke Creek Pump Station and associated improvements, located in the Town of Huntersville (adjacent to Council Districts 2 and 4).
- On February 14, 2022, City Council approved a contract for \$5,668,010 with State Utility Contractors, Inc. for Design-Build design services.
- City Council will receive future requests for the approval of additional GMPs for construction once established.

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 (Part G: Section 2.4 of the Charlotte Business INclusion Policy). State Utility Contractors, Inc. has committed \$610,680 or approximately 10.81% of the total contract for construction services to the following certified firms:

- Fuller and Co. Construction, LLC (SBE) (\$419,820) (bore and jack)
- Sanders Constructors (SBE) (\$61,450) (clearing)
- CES Group Engineers, LLP (SBE, WBE) (\$48,500) (site layout and benchmark staking)
- Soggy Bottom Erosion Control, LLC (SBE) (\$37,120) (erosion control)
- Smart Electric Company, Inc. (WBE) (\$28,570) (electrical construction)
- CITI, LLC (MBE) (\$15,220) (instrumentation/SCADA)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Map

[Map - Clarke Creek Pump Station and Forcemain Construction](#)

33. McAlpine Creek Wastewater Treatment Plant Nutrient Harvesting Project Equipment Purchase

Action:

Approve a guaranteed maximum price of \$11,687,921 to MEB General Contractors, Inc. for the purchase of wastewater treatment equipment needed for the McAlpine Creek Wastewater Treatment Plant Nutrient Harvesting project.

Staff Resource(s):

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

Explanation

- MEB General Contractors, Inc. has developed a guaranteed maximum price (GMP) for the purchase and installation of equipment required to complete a major component of the Nutrient Harvesting project at the McAlpine Creek Wastewater Treatment Plant (WWTP), in the Town of Pineville (adjacent to Council District 7).
- Equipment will be purchased all at once to reduce project duration and lock in costs to reduce escalation risk.
- This project will recover and reuse phosphorous for fertilizer production.
- On October 11, 2021, Council approved a contract with MEB General Contractors, Inc. for \$2,098,500 for Design-Build design services.
- The project is anticipated to be complete by fourth quarter 2024.
- Council will receive requests for the approval of remaining project GMPs once established.

Charlotte Business INclusion

The city negotiates participation for Design-Build contracts after the firm is selected and scopes of work are defined for design and construction services (Part G: Section 2.4 of the Charlotte Business INclusion Policy). This contract is solely for the purchase of equipment and therefore does not have subcontracting opportunities.

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

34. Ultrasonic Water Meters

Action:

- A. Approve a unit price contract to the lowest responsive bidder Consolidated Pipe & Supply Co. for the purchase of ultrasonic water meters for an initial term of two years, and**
- B. Authorize the City Manager to renew the contracts for up to three, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Angela Charles, Charlotte Water

Jackie Jarrell, Charlotte Water

Jon Behrendt, Charlotte Water

Explanation

- This contract will provide for ultrasonic three-inch, four-inch, six-inch and eight-inch solid-state water meters, to be used as a replacement for mechanical compound meters which are not compatible with current automated reading systems.
- On April 4, 2023, the city issued an Invitation to Bid; three bids were received.
- Consolidated Pipe & Supply Co. was selected as the lowest responsive, responsible bidder.
- Annual expenditures are estimated to be \$300,000.

Charlotte Business INClusion

Per Charlotte Business INClusion Policy: Part B: Section 2.3, The city shall not establish Subcontracting Goals for Contracts where: (a) there are not subcontracting opportunities identified for the contract; or (b) there are no SBEs or MBEs certified to perform the scope 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

35. Wastewater Treatment Polymers

Action:

- A. **Approve unit price contracts for the purchase of polymers for a term through August 31, 2024 to the following:**
- Polydyne Inc.,
 - Solenis LLC, and
- B. **Authorize the City Manager to renew the contracts for up to five, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

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

Explanation

- These contracts will provide polymers which remove solids from liquids during the treatment process at Charlotte Water's five wastewater treatment plants (WWTPs).
- On January 26, 2023, the city issued an Invitation to Bid; two bids were received.
- Polydyne Inc. and Solenis LLC were selected as the lowest responsive, responsible bidders, per WWTP and polymer type.
- Annual expenditures are estimated to be \$2,800,000.

Charlotte Business INclusion

Per Charlotte Business INclusion Policy: Part B: Section 2.3, The city shall not establish Subcontracting Goals for Contracts where: (a) there are not subcontracting opportunities identified for the contract; or (b) there are no SBEs or MBEs certified to perform the scope 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 Operating Budget

36. Water Customer Self-Service Mobile Application and Web Portal Services

Action:

- A. **Approve the purchase of a Water Customer Self-Service Mobile Application and Web Portal Solution and other related services from various contracts,**
- B. **Approve a contract with Milestone Utility Services to provide, implement, and maintain the Water Customer Self-Service Mobile Application and Web Portal for an initial term of five years,**
- C. **Approve an amendment to the existing contract with EMA, Inc. to provide Water Customer Self-Service Solution: Mobile Application and Web Portal Consulting Services for an additional term of one year,**
- D. **Authorize the City Manager to negotiate and execute other contracts or to amend existing city contracts in support of the Water Customer Self-Service Mobile Application and Web Portal Solution, to include configuration, development, other specialized implementation/integration services, maintenance, licensing, or other support services,**
- E. **Authorize the City Manager to renew the contracts for up to three one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved, and**
- F. **Authorize the City Manager to purchase such additional software licenses, services, hardware, maintenance, and support as required to maintain the system for as long as the city uses the system.**

Staff Resource(s):

Angela Charles, Charlotte Water
Markell Storay, Innovation & Technology
Teresa Smith, Finance

Explanation

Actions A-C

- Approval of contracts with Milestone Utility Services and EMA will enable staff to begin implementing a new Customer Self-Service Mobile Application and Web Portal solution, which will replace the city's existing "My Citizen Services" website, providing a centralized self-service portal for water customers that supports the following improvements, including:
 - Enhanced visibility of water consumption activity and presentation of billing information,
 - Improvements to accessibility and inclusivity,
 - Enhanced online and mobile self-service user experience,
 - Addition self-service functions, and
 - More intuitive bill payment processing.
- The Milestone solution will also provide enhanced accessibility through a number of key new customer-facing features, including the mobile application, texting capabilities, and live chat and chatbot functionality.
- On June 9, 2022, the city issued a Request for Proposals (RFP) for Customer Self-Service Mobile Application and Web Portal Solution; 12 responses were received. Milestone Utility Services was selected as the company that best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- On August 13, 2020, the city issued an RFP for Customer Self-Service Solution: Web Portal and Mobile Application Consulting Services; 15 responses were received. EMA, Inc. was selected as the company that best met the city's needs in terms of qualifications, experience, cost, and

responsiveness to RFP requirements.

- The EMA, Inc. contract was approved by the City Manager's office in June 2021 for an initial term of one year with the option to renew for up to two one-year terms. It is currently set to expire in June of 2024.

Actions D and E

- Staff are preemptively seeking authorizations for additional contracts or amendments to existing city contracts needed during implementation to enable an uninterrupted implementation process. Specific additional services include, but are not limited to:
 - Configuration services,
 - Development services,
 - Other specialized implementation services, and/or
 - Maintenance, licensing, or other support services.

All Actions Summary

- The city estimates that initial aggregate expenditures across all contracts, including contingency, for the implementation to be \$3,400,000.
- The city estimates ongoing annual aggregate expenditures across all contracts to be \$295,000.

Background

- The "My Citizen Services" portal implemented more than a decade ago to provide a simple user interface to allow water customers to make payments.
- As technology has matured, and customer expectations have increased, the number of standard features provided by current vendors has increased to meet the demand.
- Charlotte Water conducted an RFP to find a consultant who specializes in utility customer portals to help understand our needs and the expectations of our customers. They presented the state of the market and analyzed the portals of companies that are known for a high degree of customer satisfaction. This vendor, EMA, Inc., has continued to provide consultative advice during the RFP to select the Water Customer Self-Service Mobile Application and Web Portal Solution.

Charlotte Business INClusion

The city negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INClusion Policy). Milestone Utility Services has identified the following certified firm to be utilized as the project evolves:

- Miles Technology Solutions, LLC (MBE, SBE) (training)

Fiscal Note

Funding: UMS Program Fund

37. Water Treatment Plants Force Main and Pipeline

Action:

Approve a contract in the amount of \$11,207,659.07 to the lowest responsive bidder Sanders Utility Construction Co., Inc. for the Vest Water Treatment Plant to Franklin Water Treatment Plant Force Main and Lee S. Dukes High Density Polyethylene Pipeline project.

Staff Resource(s):

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

Explanation

- This project will construct a force main to transfer Vest Water Treatment Plant (WTP) (Council District 2) residuals and backwash to the Franklin WTP (Council District 2) for treatment.
- The project will also construct a high-density polyethylene pipeline, which will replace the chlorine dioxide chemical feed system and raw water sample lines at the Lee S. Dukes WTP, located in the Town of Huntersville (adjacent to Council Districts 2 and 4).
- On March 21, 2023, the city issued an Invitation to Bid; five bids were received.
- Sanders Utility Construction Co., Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by first quarter 2025.

Charlotte Business INclusion

Established MBE Goal: 2.00%

Committed MBE Goal: 2.68%

Sanders Utility Construction Co., Inc. met the established subcontracting goal and has committed \$300,000 or approximately 2.68% of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Buffkin Trucking, Inc. (MBE, SBE) (\$100,000) (hauling)
- Diamond Trucking of NC, Inc. (MBE, SBE) (\$100,000) (hauling)
- Sun King Trucking, LLC (MBE, SBE) (\$100,000) (hauling)

Established SBE Goal: 8.00%

Committed SBE Goal: 8.92%

Sanders Utility Construction Co., Inc. met the established subcontracting goal and has committed \$1,000,000 or approximately 8.92% of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Jim Bob's Grading and Paving, Inc. (SBE) (\$600,000) (asphalt paving)
- Martin Landscaping Company, Inc. (MBE, SBE) (\$100,000) (seeding/landscaping)
- Mohawk Traffic Services, LLC (SBE) (\$100,000) (traffic control)
- Tryon Services (SBE) (\$100,000) (electrical)
- R.E. Sifford Utility, Inc. (MBE, SBE) (\$75,000) (asphalt saw-cutting)
- Mid Atlantic Erosion Control (MBE, SBE) (\$25,000) (erosion control)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Map

[Map-Water Treatment Plants Force Main and Pipeline](#)

38. CATS Sponsorship and Naming Rights Program Services

Action:

- A. Approve a contract with Innovative Partnerships Group for services associated with the CATS Sponsorship and Naming Rights Program for a term of two years, and**
- B. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Brent Cagle, CATS
Brandon Hunter, CATS
Larina Green, CATS

Explanation

- CATS is seeking assistance with the negotiation of corporate sponsorship and naming rights for a certain set of intangible and tangible assets.
- This vendor will develop and execute a revenue generating corporate sponsorship and naming rights program.
- The vendor will analyze and evaluate CATS intangible and tangible assets, develop a thorough database of assets, execute a comprehensive marketing strategy, and implement a program for solicitation and brokering of extensive revenue deals.
- The vendor is required to ensure that all sponsorship and naming right deals comply with the city's Sponsorship policy and the Metropolitan Transit Commission Transit Advertising and Sponsorships policy.
- These revenues will help to offset operating costs.
- On November 15, 2022, the city issued a Request for Proposal (RFP); four responses were received.
- Innovative Partnerships Group (IPG) best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- The contract accounts for two phases of program development:
 - Phase 1 (\$90,000): asset analysis and evaluation, database development, identify opportunities, marketing strategy, and sponsorship policy assessment
 - Phase 2 (estimated \$549,450): program implementation including soliciting and closing revenue generating deals
 - Commission levels:
 - Total transaction value \$0 - \$1,000,000, 15%
 - Total transaction value \$1,000,000.01 - \$4,999,999.99, 13.75%
 - Total transaction value \$5,000,000 or more, 12.5%

Charlotte Business INclusion

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

39. CATS Transit Advertising Production and Installation

Action:

- A. Approve a contract with QC Signs & Graphics, Inc. for production, installation and removal of large format advertisements on transit fleet and light rail stations for a term of two years, and**
- B. Authorize the City Manager to renew the contract for up to three, one-years 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

Brandon Hunter, CATS

Larina Green, CATS

Explanation

- Since 2011, CATS has engaged a contractor to broker, print, install and remove advertisements on CATS assets to generate auxiliary revenue.
- In August 2022, CATS brought the sales and administrative portion of the transit advertising program in-house, but continued to use a third-party vendor to print, install, and remove advertisements.
- This contract will procure a long-term vendor to handle the production portion of the transit advertising program.
- Revenues from the transit advertising program help to offset operating costs.
- On January 24, 2023, the city issued a Request for Proposal (RFP); four proposals were received.
- QC Signs best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- The vendor will print, install, and remove advertisements on the exterior and interior of CATS advertising fleet and at light rail stations
- The vendor is required to ensure all advertisements are printed on approved materials as to not damage any city property and to proper specifications, so ads fit safely and securely on assets.
- Annual expenditures are estimated to be \$550,000.

Charlotte Business INclusion

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

40. Lease of City-Owned Property at University City Blvd Parking Deck

Action:

- A. **Adopt a resolution to approve a lease agreement with Prime Time Aesthetics LLC, d.b.a Ship Wreck Athletics and Performance Center, with an 87-month term for retail space in the University City Blvd Parking Deck,**
- B. **Adopt a resolution to approve a lease agreement with The FitFat Coach, LLC, d.b.a TFC Barbell Club, with an 87-month term for retail space in the University City Blvd Parking Deck,**
- C. **Authorize the City Manager to renew each lease for up to one, 60-month term, and**
- D. **Authorize the City Manager to negotiate and execute all documents necessary to complete the transactions.**

Staff Resource(s):

Brent Cagle, CATS
Kelly Goforth, CATS
Lori Lencheski, CATS

Explanation

- The University City Blvd. (UCB) Parking Deck on the LYNX Blue Line Extension (BLE) in Council District 4 incorporates approximately 11,495 square feet of leasable space for office and retail, per the Transit Oriented Development ordinance.
- The leasable spaces provide opportunities for retail and business firms to offer goods and services to customers using the BLE, along with walk-up customers from surrounding areas.

Action A:

- Ship Wreck Athletics and Performance Center proposes using the space as a gym.
- The lease include:
 - Premises: Approximately 2,687 square feet of retail space in the UCB Parking Deck (Suite 208);
 - Base Rent: \$4,590.29 per month (\$55,083.48 per year) for year one, escalating at a rate of 3 percent annually for each year thereafter. This rate is consistent with market rates; and
 - The tenant would pay a share of common area maintenance costs.
- Tenants are responsible for improvement costs related to upfit of the parking deck office and retail space.
- The city agrees to reimburse tenant for tenant improvement costs only if the city terminates the lease during the initial term for transit-related activity. The total amount of reimbursable expenses shall not exceed \$40 per square foot or \$107,480.

Action B:

- TFC Barbell Club proposes using the space as a gym.
- The lease terms include:
 - Premises: Approximately 4,640 square feet of retail space in the UCB Parking Deck (Suite 212 and 213); and
 - Base Rent: \$7,926.67 per month (\$95,120.04 per year) for year one, escalating at a rate of 3 percent annually for each year thereafter. This rate is consistent with market rates; and
 - The tenant would pay a share of common area maintenance costs.
- Tenants are responsible for improvement costs related to upfit of the parking deck office and retail space.
- The city agrees to reimburse tenant for tenant improvement costs only if the city terminates the lease during the initial term for transit-related activity. The total amount of Reimbursable Expenses shall not exceed \$40 per square foot or \$185,600.

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).

Fiscal Note

Funding: Revenue from the leases will be deposited in the CATS Operating Budget.

Attachment(s)

Ship Wreck Athletics and Performance Center Resolution

TFC Barbell Club Resolution

[Resolution - UCB Prime Time](#)

[Resolution - UCB The FitFat Coach](#)

41. Resolution of Intent to Abandon an Unopened Portion of E. 23rd Street

Action:

A. Adopt a Resolution of Intent to abandon an Unopened Portion of E. 23rd Street, and

B. Set a Public Hearing for July 10, 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

Perspective Capital Corporation

Attachment(s)

Map

Resolution

[Map - Portion of E 23rd St Abandonment](#)

[Resolution of Intent - Portion of E 23rd St Abandonment](#)

PROPERTY TRANSACTIONS

42. Charlotte Water Property Transactions - Little Hope Creek Sanitary Sewer Improvements, Parcel #426

Action: Approve the following Property Condemnation: Little Hope Creek Sanitary Sewer Improvements, Parcel #426

Project: Little Hope Creek Sanitary Sewer Improvements, Parcel #426

Owner(s): John Anandkumar and spouse, Vidhya Vijayanand

Property Address: 726 Rome Court

Total Parcel Area: 12,942 sq. ft. (0.30 ac.)

Property to be acquired by Easements: 1,734.00 sq. ft. (0.04 ac.) in Permanent Easement

Structures/Improvements to be impacted: Shed

Landscaping to be impacted: Trees/Ground Covering, screening

Zoned: R-4

Use: Single Family Residential

Parcel Identification Number(s): 171-011-77
<https://polaris3g.mecklenburgcountync.gov/#mat=186248&pid=17101177&gisid=17101177>

Appraised Value: \$48,500

Property Owner's Concerns: None

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

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: 6

43. Property Transactions - 16th St. Streetscape, Parcel # 1

Action: Approve the following Acquisition: 16th St. Streetscape, Parcel # 1

Project: 16th St. Streetscape, Parcel # 1

Program: 16th St. Streetscape

Owner(s): Norfolk Southern Railway Company

Property Address: 101 E 16th Street

Total Parcel Area: 11,834 sq. ft. (0.272 ac.)

Property to be acquired by Fee Simple: 2,814 sq. ft. (0.065 ac.) Fee Simple

Property to be acquired by Easements: 1,822 sq. ft. (0.042 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: I-2

Use: Industrial

Parcel Identification Number: 083-011-34

<https://polaris3g.mecklenburgcountync.gov/#mat=514790&pid=08301134&qisid=08301134>

Purchase Price: \$40,025

Council District: 1

44. Property Transactions - Beckwith Meadow SDIP, Parcel # 5

Action: Approve the following Acquisition: Beckwith Meadow SDIP, Parcel # 5

Project: Beckwith Meadow SDIP, Parcel # 5

Program: Beckwith Meadow SDIP

Owner(s): Dionne Miller Moore

Property Address: 1629 Herrin Avenue

Total Parcel Area: 6,691 sq. ft. (0.154 ac.)

Property to be acquired by Easements: 2,482 sq. ft. (0.057 ac.) Storm Drainage Easement, 564 sq. ft. (0.013 ac.) Permanent Utility Easement and 592 sq. ft. (0.014 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-22MF

Use: Multi-family

Parcel Identification Number: 093-062-84

<https://polaris3g.mecklenburgcountync.gov/#mat=234012&pid=09306284&qsid=09306C99>

Purchase Price: \$10,652

Council District: 1

45. Property Transactions - Beckwith Meadow SDIP, Parcel # 6

Action: Approve the following Acquisition: Beckwith Meadow SDIP, Parcel # 6

Project: Beckwith Meadow SDIP, Parcel # 6

Program: Beckwith Meadow SDIP

Owner(s): Bentley Webb Hamrick

Property Address: 1627 Herrin Avenue

Total Parcel Area: 7,460 sq. ft. (0.171 ac.)

Property to be acquired by Easements: 2,022 sq. ft. (0.046 ac.) Permanent Utility Easement, 1,730 sq. ft. (0.040 ac.) Storm Drainage Easement and 126 sq. ft. (0.003 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-22MF

Use: Multi-family

Parcel Identification Number: 093-062-85

<https://polaris3g.mecklenburgcountync.gov/#mat=234013&pid=09306285&qisid=09306C99>

Purchase Price: \$11,355

Council District: 1

46. Property Transactions - Beckwith Meadow SDIP, Parcel # 17

Action: Approve the following Acquisition: Beckwith Meadow SDIP, Parcel # 17

Project: Beckwith Meadow SDIP, Parcel # 17

Program: Beckwith Meadow SDIP

Owner(s): Cynthia D. Calebro

Property Address: 1654 Academy Street

Total Parcel Area: 11,801 sq. ft. (0.271 ac.)

Property to be acquired by Easements: 1,783 sq. ft. (0.041 ac.) Sanitary Sewer Easement and 632 sq. ft. (0.015 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Driveway and fence

Landscaping to be impacted: None

Zoned: R-4

Use: Single-family Residential

Parcel Identification Number: 093-062-13

<https://polaris3g.mecklenburgcountync.gov/#mat=53149&pid=09306213&qisid=09306213>

Purchase Price: \$24,000

Council District: 1

47. Property Transactions - Beckwith Meadow SDIP, Parcel # 24

Action: Approve the following Acquisition: Beckwith Meadow SDIP, Parcel # 24

Project: Beckwith Meadow SDIP, Parcel # 24

Program: Beckwith Meadow SDIP

Owner(s): Wayne G. Martin

Property Address: 1306 Meadow Lane

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

Property to be acquired by Easements: 2,047 sq. ft. (0.047 ac.) Sanitary Sewer Easement and 155 sq. ft. (0.004 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R-4

Use: Single-family Residential

Parcel Identification Number: 093-041-30

<https://polaris3g.mecklenburgcountync.gov/#mat=32985&pid=09304130&qisid=09304130>

Purchase Price: \$17,023

Council District: 1

48. Property Transactions - Beckwith Meadow SDIP, Parcel # 26

Action: Approve the following Acquisition: Beckwith Meadow SDIP, Parcel # 26

Project: Beckwith Meadow SDIP, Parcel # 26

Program: Beckwith Meadow SDIP

Owner(s): Anne M. Boyd

Property Address: 1401 Meadow Lane

Total Parcel Area: 9,600 sq. ft. (0.220 ac.)

Property to be acquired by Easements: 3,616 sq. ft. (0.083 ac.) Storm Drainage Easement and 224 sq. ft. (0.005 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R-4

Use: Single-family Residential

Parcel Identification Number: 093-023-02

<https://polaris3g.mecklenburgcountync.gov/#mat=39262&pid=09302302&qisid=09302302>

Purchase Price: \$23,533

Council District: 1

49. Property Transactions - Shamrock Drive Improvements, Parcel # 4

Action: Approve the following Condemnation: Shamrock Drive Improvements, Parcel # 4

Project: Shamrock Drive Improvements, Parcel # 4

Program: Shamrock Drive Improvements

Owner(s): Lenzi Moore and Maxwell Thorne

Property Address: 1524 Shamrock Drive

Total Parcel Area: 6,566 sq. ft. (0.151 ac.)

Property to be acquired by Easements: 1,366 sq. ft. (0.031 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: R-5

Use: Single-family Residential

Parcel Identification Number: 093-097-06

<https://polaris3g.mecklenburgcountync.gov/#mat=46962&pid=09309706&gisid=09309706>

Appraised Value: \$19,700

Property Owner's Concerns: After initially working with the city, the property owner became unresponsive.

City's Response to Property Owner's Concerns: The property owner initially expressed concerns regarding project design. City staff redesigned the project to accommodate the property owner's requests. The city will continue communication and acquisition efforts with the property owner.

Recommendation: The recommendation is to proceed to condemnation during which time negotiations can continue, mediation is available, and if necessary, just compensation can be determined by the court.

Council District: 1

50. Property Transactions - Shamrock Drive Improvements, Parcel # 9

Action: Approve the following Acquisition: Shamrock Drive Improvements, Parcel # 9

Project: Shamrock Drive Improvements, Parcel # 9

Program: Shamrock Drive Improvements

Owner(s): Thomas and Anna Jaggard

Property Address: 1446 Downs Avenue

Total Parcel Area: 8,391 sq. ft. (0.193 ac.)

Property to be acquired by Easements: 279 sq. ft. (0.006 ac.) Storm Drainage Easement, 51 sq. ft. (0.001 ac.) Utility Easement and 877 sq. ft. (0.020 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Irrigation

Zoned: R-5

Use: Single-family Residential

Parcel Identification Number: 093-098-10

<https://polaris3g.mecklenburgcountync.gov/#mat=51509&pid=09309810&gisid=09309810>

Purchase Price: \$18,999

Council District: 1

51. Property Transactions - Shamrock Drive Improvements, Parcel # 64

Action: Approve the following Condemnation: Shamrock Drive Improvements, Parcel # 64

Project: Shamrock Drive Improvements, Parcel # 64

Program: Shamrock Drive Improvements

Owner(s): CLT Home Solutions II, LLC

Property Address: 2314 Shamrock Drive

Total Parcel Area: 9,078 sq. ft. (0.208 ac.)

Property to be acquired by Easements: 1,276 sq. ft. (0.029 ac.) Utility Easement, 824 sq. ft. (0.019 ac.) Sidewalk Utility Easement and 580 sq. ft. (0.013 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: 093-074-29

<https://polaris3g.mecklenburgcountync.gov/#mat=630748&pid=09307429&qisid=09307429>

Appraised Value: \$35,675

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 or provide supporting documentation to justify their counteroffer.

Recommendation: The recommendation is to proceed to condemnation during which time negotiations can continue, mediation is available, and if necessary, just compensation can be determined by the court.

Council District: 1

52. Property Transactions - Shamrock Drive Improvements, Parcel # 86

Action: Approve the following Condemnation: Shamrock Drive Improvements, Parcel # 86

Project: Shamrock Drive Improvements, Parcel # 86

Program: Shamrock Drive Improvements

Owner(s): Christina Le Sipes and Zachary Allen Sipes

Property Address: 2553 Elkwood Circle

Total Parcel Area: 11,392 sq. ft. (0.262 ac.)

Property to be acquired by Fee Simple: 8 sq. ft. (0.000 ac.) Fee Simple

Property to be acquired by Easements: 995 sq. ft. (0.023 ac.) Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Tree

Zoned: R-4

Use: Single-family Residential

Parcel Identification Number: 093-042-52

<https://polaris3g.mecklenburgcountync.gov/#mat=581434&pid=09304252&qisid=09304252>

Appraised Value: \$12,275

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 that they could obtain their own appraisal or provide supporting documentation to justify their counteroffer. The city continues to negotiate with the property owner.

Recommendation: The recommendation is to proceed to condemnation during which time negotiations can continue, mediation is available, and if necessary, just compensation can be determined by the court.

Council District: 1

53. Property Transactions - Shamrock Drive Improvements, Parcel # 87

Action: Approve the following Condemnation: Shamrock Drive Improvements, Parcel # 87

Project: Shamrock Drive Improvements, Parcel # 87

Program: Shamrock Drive Improvements

Owner(s): Alpheus R. Clark, III

Property Address: 2557 Elkwood Circle

Total Parcel Area: 11,313 sq. ft. (0.260 ac.)

Property to be acquired by Fee Simple: 116 sq. ft. (0.003 ac) Fee Simple

Property to be acquired by Easements: 1,036 sq. ft. (0.024 ac.) Utility Easement and 185 sq. ft. (0.004 ac.) Storm Drainage Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Tree

Zoned: R-4

Use: Single-family Residential

Parcel Identification Number(s): 093-042-53

<https://polaris3g.mecklenburgcountync.gov/#mat=581435&pid=09304253&qisid=09304253>

Appraised Value: \$15,550

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

City's Response to Property Owner's Concerns: The city explained the rationale of the design and how it meets the objectives for the project. The city informed the property owner that they could obtain their own appraisal or provide supporting documentation to justify their counteroffer. The city continues to negotiate with the property owner.

Recommendation: The recommendation is to proceed to condemnation during which time negotiations can continue, mediation is available, and if necessary, just compensation can be determined by the court.

Council District: 1

54. Property Transactions - Shamrock Gardens SDIP, Parcel # 6

Action: Approve the following Acquisition: Shamrock Gardens SDIP, Parcel # 6

Project: Shamrock Gardens SDIP, Parcel # 6

Program: Shamrock Gardens SDIP

Owner(s): EMPT Properties LLC

Property Address: 2504 Finchley Street

Total Parcel Area: 12,409 sq. ft. (0.285 ac.)

Property to be acquired by Easements: 5,985 sq. ft. (0.137 ac.) Storm Drainage Easement and 431 sq. ft. (0.009 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-4

Use: Single-family Residential

Parcel Identification Number: 099-052-12

<https://polaris3g.mecklenburgcountync.gov/#mat=85085&pid=09905212&gisid=09905212>

Purchase Price: \$50,000

Council District: 1

Adjournment

REFERENCES

55. 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.

56. 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.

57. 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.