

City of Charlotte

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



Meeting Agenda

Monday, February 12, 2024

Council Chamber

City Council Business Meeting

*Mayor Vi Lyles
Mayor Pro Tem Danté Anderson
Council Member Dimple Ajmera
Council Member Tariq Scott Bokhari
Council Member Tiawana Brown
Council Member Ed Driggs
Council Member Malcolm Graham
Council Member Reneé Johnson
Council Member LaWana Mayfield
Council Member James Mitchell
Council Member Marjorie Molina
Council Member Victoria Watlington*

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

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

1. Mayor and Council Consent Item Questions and Answers

Staff Resource(s):

Marie Harris, Strategy and Budget

Time: 5 minutes

Synopsis

Mayor and Council may ask questions about Consent agenda items.

2. Consent agenda items 27 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: 10 minutes

Consideration of Consent Items shall occur in the following order:

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

3. Action Review Agenda Overview

Staff Resource(s):

Marcus Jones, City Manager

4. Action Review Items

Proposed 2024 State and Federal Legislative Agendas

Staff Resource(s):

Dana Fenton, City Manager's Office

Time: Presentation - 10 minutes; Discussion - 40 minutes

Explanation

- Provide an overview of the proposed 2024 State and Federal Legislative Agendas.

Inventory of City-Owned Property

Staff Resource(s):

Phil Reiger, General Services

Time: Presentation - 10 minutes; Discussion - 15 minutes

Explanation

- Provide an overview of the inventory and evaluation of city-owned property, including a summary of the results, and initial next steps for leveraging a new tool.

[Federal and State Legislative Agendas Presentation](#)

[Inventory of City-Owned Property Presentation](#)

5. Closed Session (as necessary)

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

Call to Order

Introductions

Invocation

Pledge of Allegiance

POLICY

6. City Manager's Report

[02.12.2024 City Manager's Memo](#)

7. City Code Update

Action:

Adopt an ordinance amending the City Code by adding language specific to criminal enforcement.

Committee Chair:

Victoria Watlington, Housing, Safety, and Community Committee

Staff Resource(s):

Shawn Heath, City Manager's Office

Jessica Battle, City Attorney's Office

David Robinson, Police

Explanation

- In September 2021, the NC General Assembly enacted Session Law 2021-138, Senate Bill 300 (SB 300) which, among other changes, made four revisions in how all cities enforce ordinances:
 - Eliminated criminal enforcement as a default option (that is, enforcement as a misdemeanor or infraction);
 - Prohibited criminal enforcement in certain areas of regulation;
 - Required introduction of proposed amendments at one meeting and Council adoption of specific criminal enforcement language at a separate meeting; and
 - Created two new defenses against criminal prosecution of ordinance violations.
- The law was effective on December 1, 2021, and applies to offenses and violations committed on or after that date.
- SB 300 did not impact the civil enforcement tools available to cities such as civil citations, civil fines/penalties, and court orders.
- At the March 28, 2022, Council Business Meeting and the April 4, 2022, Council Strategy Session, Council adopted amendments to restore criminal enforcement as an option for violation of certain city ordinances.
- On August 24, 2023, Mayor Vi Lyles issued a policy topic referral to the Housing, Safety, and Community Committee, calling for a review of the Charlotte City Code to evaluate whether the criminal enforcement option should be restored for additional ordinances, to better help our neighborhoods and businesses across the city to thrive.
- Staff evaluated current concerns associated with ordinance enforcement, and a Public Safety and Quality of Life Listening Session was held on September 27, 2023.
- Based on community feedback, revisions to criminal enforcement options for certain ordinances are being proposed.

Proposed Amendments

- Revisions to the following sections were identified to restore criminal enforcement as an option:
 - Chapter 14 - Motor Vehicles and Traffic
 - Soliciting from street or median strip (Sec. 14-282)
 - Chapter 15 - Offenses and Miscellaneous Provisions
 - Beer and wine consumption; possession of open container; disposal of containers (Sec. 15-3)
 - Unauthorized persons on parking lots (Sec. 15-7)
 - Trespassing on motor vehicles (Sec. 15-8)
 - Loitering for the purpose of engaging in drug-related activity (Sec. 15-23)
 - Masturbation in public (Sec. 15-82)
 - Urination and defecation on certain property prohibited (Sec. 15-83)
 - Behavior (Sec. 15-136)
- Proposed amendments would be effective upon Council adoption.

Committee and Council Discussion

- On October 2, 2023, the Housing, Safety, and Community (HSC) Committee reviewed the City Code

of Ordinances. The committee voted unanimously to request staff provide a comprehensive list of ordinances to consider for reinstatement of criminal enforcement with additional historical data and analysis as applicable (Council members Watlington, Mayfield, Bokhari, Johnson, and Molina).

- On January 8, 2024, the HSC Committee received and reviewed the comprehensive list of ordinances to consider for reinstatement of criminal enforcement and voted 3 to 2 to move the discussion to full Council (Council members Watlington, Mayfield, and Ajmera voted in favor; Council members Brown and Johnson voted in opposition).
- During the Council Committee Discussions on February 5, 2024, Council received a presentation on the ordinances considered for reinstatement of criminal enforcement and the HSC Chair requested Council to consider action at the next Council Business Meeting. At that meeting, Council also received information from the City Attorney's Office on legal considerations, legal challenges and litigation pending in state and federal courts around the state and country related to adoption of similar ordinances and the First Amendment and other constitutional issues associated with three of the proposed eight ordinances: panhandling/soliciting, unauthorized persons in parking lots, and loitering ordinances.

Attachment(s)

Ordinance - Blackline Draft

Proposed Ordinance

[Proposed Ordinance Blackline - City Code Update](#)

[Proposed Ordinance - City Code Update](#)

[Adopted 02.12.2024 Ordinance Blackline - City Code Update](#)

[Adopted 02.12.2024 Ordinance - City Code Update](#)

BUSINESS

8. 2024 City Bridge Inspection Contract

Action:

- A. **Approve a contract for \$1,044,756 with WSP USA, Inc. for the inspection of bridges that qualify for federal funds administered by the North Carolina Department of Transportation,**
- B. **Adopt a resolution authorizing the City Manager to execute a Municipal Agreement with the North Carolina Department of Transportation to inspect 188 city-maintained bridges and culverts in the amount of \$1,044,756, and**
- C. **Adopt a budget ordinance appropriating \$1,044,756 from the North Carolina Department of Transportation for bridge inspections.**

Staff Resource(s):

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

Explanation

- The Federal Highway Administration (FHWA) mandates that bridges and culverts be inspected every two years.
- Bridges are inspected for structural adequacy, safety, and functionality.
- Bridges that are greater than 20 feet in length qualify for federal reimbursement of 100 percent of the cost of inspections.
- The North Carolina Department of Transportation administers the reimbursement process on behalf of FHWA and requires multiple agreements and contracts that must be approved by the City Council.
- On November 9, 2023, the city issued a Request for Qualifications (RFQ); seven responses were received.
- WSP USA Inc. best meets the city's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- Over the next two years, City Council will see contracts for the design and construction of needed repairs related to these inspection contracts.
- The contract with WSP USA, Inc. is for the inspection of 188 city-maintained bridges that qualify for federal reimbursement. The total cost for inspections is \$1,044,756.
- FHWA will reimburse the city for 100 percent of the total cost of inspections.

Small Professional Services Firm (SPSF) Opportunity

For Federal Highway Administration federal projects, NCDOT does not mandate a goal through the State's SPSF program.

Fiscal Note

Funding: General Capital Investment Plan and Federal Highway Administration Funds

Attachment(s)

List of Qualifying Bridges
Resolution
Budget Ordinance

[2024 Qualifying Bridge List](#)

[Resolution - 2024 City Bridge Inspection Contracts](#)

[Budget Ordinance - 2024 City Bridge Inspection Contracts](#)

9. North Carolina 911 Board Grant

Action:

Adopt a budget ordinance appropriating \$198,769.10 from the North Carolina 911 Board to the Emergency Telephone System Fund.

Staff Resource(s):

Johnny Jennings, Police
Dave Johnson, Police
Kelly Alvarez, Police
Rafael Quintero, Innovation & Technology

Explanation

- The North Carolina 911 Board (911 Board) has awarded the city a \$198,769.10 grant toward the purchase of portable radios, chargers and other associated cost related to the radios.
- Portable radios are configured for exclusive use at the dispatcher workstation for dispatcher operation to perform dispatch function.
- The term of the grant agreement ends on June 30, 2025.
- No matching contribution from the city is required.

Fiscal Note

Funding: Emergency Telephone System Fund

Attachment(s)

Budget Ordinance

[911 Board Grant - Budget Ordinance](#)

10. Tyvola Crossing Apartments Phase I Loan Extension

Action:

- A. Approve an extension of the city's affordable housing loan to DreamKey Partners, Inc. for Tyvola Crossing Apartments Phase I, and**
- B. Authorize the City Manager to negotiate, execute, amend, and renew any documents necessary to complete the transaction.**

Staff Resource(s):

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

Explanation

- On September 24, 2003, City Council approved an interest-only affordable housing loan in the amount of \$800,000 (Loan) to Charlotte-Mecklenburg Housing Partnership, Inc., now known as DreamKey Partners, Inc. (DKP), for the development of Tyvola Crossing Apartments Phase I.
- The Loan is scheduled to mature in 2024, and DKP has requested that the city extend the terms of the Loan for an additional 20 years.
- The new Loan terms will extend existing affordability requirements and the maturity date of the loan through September 2044, and add source of income protections.
- Tyvola Crossing Apartments Phase I was completed in 2005 and is an 80-unit multi-family affordable housing community located at 4425 West Tyvola Road (parcel identification number 145-221-12) (Property) in Council District 3. The original Loan included the following terms and conditions:
 - Loan amount/source: \$800,000 / Community Development Block Grant funds
 - Interest rate: One percent billed annually
 - Area Median Income (AMI): Households earning 50 percent and below the AMI
 - Affordability Period: 30 years
 - Loan Term: 20 years
 - Loan maturity date: September 30, 2024
 - Collateral: The Loan is secured by a lien on the Property
- If City Council approves this action, the Loan maturity date and affordability requirements will be extended for 20-years and 10-years respectively, through September 2044.

Background

- In August 2018, City Council adopted the Housing Charlotte Framework which recommends creating and preserving the supply of affordable housing.
- City Council annually adopts the U.S. Department of Housing and Urban Development's Annual Action Plan which sets forth the city's use of federal funds for affordable housing including Community Development Block Grant funds. The Annual Action Plan identifies the ongoing need for affordable, safe and decent housing for low-income families and reaffirms the goals of the Housing Charlotte Framework. The most recent Annual Action Plan was adopted by City Council on May 8, 2023.
- Preserving the affordability of Tyvola Crossing Apartments Phase I is consistent with the strategies outlined in both the Housing Charlotte Framework and the city's Annual Action Plans.

Attachment(s)

Map

[Map - Tyvola Crossing Apartments Phase I](#)

NOMINATIONS

11. 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 partial term for a Real Estate Development Industry Representative beginning upon appointment and ending June 30, 2024.
 - David Walters did not meet attendance requirements.

Attachment(s)

Alternative Compliance Review Committee Applications

12. Nominations to the Bicycle Advisory Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

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

Attachment(s)

Bicycle Advisory Committee Applications

13. Nominations to the Business Advisory Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term beginning upon appointment and ending April 28, 2024, and a three-year term beginning April 29, 2024, and ending April 28, 2027.
 - Damiko Faulkner did not meet attendance requirements.
- One appointment for a three-year term recommended by the Black Chamber of Commerce beginning April 29, 2023, and ending April 28, 2026.
 - Steven Lewis did not meet attendance requirements.
- One appointment for a three-year term recommended by the Certified SBE-Hispanic Contractors Association beginning April 29, 2023, and ending April 28, 2026.
 - Domenico Santilli is eligible but not interested in reappointment.
- One appointment for a 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 partial term recommended by the LGBT+ Chamber of Commerce beginning upon appointment and ending June 30, 2026.
 - Chad Turner did not meet attendance requirements.

Attachment(s)

Business Advisory Committee Applications

14. 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 partial term beginning upon appointment and ending February 28, 2025.
 - Camisha Farris did not meet attendance requirements.
- Two appointments for a two-year term beginning March 1, 2024, and ending February 28, 2026.
 - Stephanie Hand is ineligible for reappointment.
 - Vernetta Mitchell has served two terms and is ineligible for reappointment.
- One appointment for a two-year term for an At-Large Representing Prime Construction Company category representative beginning March 1, 2024, and ending February 28, 2026.
 - Gary Beal is eligible for reappointment.
- One appointment for a two-year term for a Black Chamber of Commerce representative beginning March 1, 2024, and ending February 28, 2026.
 - Harrison Williams has served two terms and is ineligible for reappointment.
- One appointment for a two-year term for a Carolinas Asian-American Chamber of Commerce representative beginning March 1, 2024, and ending February 28, 2026.
 - Alex Bui is eligible for reappointment.
- One appointment for a two-year term for a Hispanic Contractors Association of the Carolinas representative beginning March 1, 2024, and ending February 28, 2026.
 - Carolina Shoffner is eligible for reappointment.
- One appointment for a two-year term for a Latin American Chamber of Commerce representative beginning March 1, 2024, and ending February 28, 2026.
 - Pacino Mancillas is eligible for reappointment.
- One appointment for a two-year term for a Metrolina Minority Contractors Association representative beginning March 1, 2024, and ending February 28, 2026.
 - Valerie Del has served two terms and is ineligible for reappointment.
- One appointment for a two-year term for a Metrolina Native American Association representative beginning March 1, 2024, and ending February 28, 2026.
 - Rebecca LaClaire is eligible for reappointment.

Attachment(s)

Charlotte Business INclusion Advisory Committee Applications

15. 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 Education / Non-profit category representative beginning upon appointment and ending June 30, 2024.
 - Rona Chen did not meet attendance requirements.
- One appointment for a partial term for a Charlotte Regional Business Alliance category representative beginning upon appointment and ending June 30, 2025.
 - Akofa Dossou did not meet attendance requirements.

Attachment(s)

Charlotte International Cabinet Applications

16. 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.
 - Frankie Sutton has resigned.
- One appointment for a partial term beginning upon appointment and ending June 30, 2026.
 - Jakob Gattinger has resigned.

Attachment(s)

Charlotte Mecklenburg Public Access Corporation Applications

17. Nominations to the Civil Service Board

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term beginning upon appointment and ending May 15, 2024.
 - Charlitta Hatch did not meet attendance requirements.
- One appointment for a partial term beginning upon appointment and ending May 15, 2026.
 - Nicholas Peach did not meet attendance requirements.

Attachment(s)

Civil Service Board Applications

18. Nominations to the Community Relations Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term beginning upon appointment and ending March 9, 2025.
 - Latesha Graham did not meet attendance requirements.
- Two appointments for a partial term beginning upon appointment and ending June 30, 2025.
 - Charles Boufford has resigned.
 - Anthony Forman did not meet attendance requirements.
- One appointment for a partial term beginning upon appointment and ending September 30, 2026.
 - Marian Orr did not meet attendance requirements.

Attachment(s)

Community Relations Committee Applications

19. Nominations to the Historic Landmarks Commission

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term beginning upon appointment and ending July 16, 2026.
 - William Hughes did not meet attendance requirements.

Attachment(s)

Historic Landmarks Commission Applications

20. Nominations to the Housing Appeals 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 City Within a City Tenant category representative beginning January 1, 2024, and ending December 31, 2026.
 - Regina Tisdale has served two terms and is ineligible for reappointment.

Attachment(s)

Housing Appeals Board Applications

21. Nominations to the Keep Charlotte Beautiful Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term beginning upon appointment and ending June 30, 2026.
 - Mark Loflin has resigned.

Attachment(s)

Keep Charlotte Beautiful Committee Applications

22. Nominations to the Neighborhood Matching Grants Fund

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term Recommended by City Manager beginning upon appointment and ending July 31, 2025.
 - Will Linville has resigned.

Attachment(s)

Neighborhood Matching Grants Fund Applications

23. Nominations to the Passenger Vehicle for Hire Board

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a Hospitality / Tourism Industry category representative for a partial term beginning upon appointment and ending June 30, 2024, and a three-year term beginning July 1, 2024, and ending June 30, 2027.
 - Sheila Etheridge-Boddie has served two terms and is ineligible for reappointment.

Attachment(s)

Passenger Vehicle for Hire Board Applications

24. 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 Neighborhood Organizational Leader category representative for a three-year term beginning February 1, 2024, and ending January 31, 2027.
 - Samuel Grundman has served two terms and is ineligible for reappointment.
- One appointment for a Suburban Employer Served by Charlotte Transit category representative for a three-year term beginning February 1, 2024, and ending January 31, 2027.
 - Leroy Fields is eligible for reappointment.
- One appointment for a Vanpool Rider category representative for a partial term beginning February 1, 2022, and ending January 31, 2025.
 - Parker Cains has resigned.

Attachment(s)

Transit Services Advisory Committee Applications

25. Nominations to the Waste Management Advisory Board

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One recommendation for a three-year term beginning March 1, 2024, and ending February 28, 2027.
 - Martin Doss has served two terms and is ineligible for reappointment.

Attachment(s)

Waste Management Advisory Board Applications

26. Nominations to the Unified Development Ordinance Board of Adjustment

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- Two appointments for a three-year term beginning February 1, 2024, and ending January 30, 2027.
 - Lingyi Sun is eligible for reappointment.
 - Marshall Williamson is eligible for reappointment.
- Two appointments for an Alternate Board Member for three-year term beginning February 1, 2024, and ending January 30, 2027.
 - Tarik Hameed did not meet attendance requirements.
 - Douglas Wilson has served two terms and is ineligible for reappointment.

Attachment(s)

Unified Development Ordinance Board of Adjustment Applications

CONSENT

27. Cooperative Purchasing Contract for Fire Apparatus

Action:

- A. Approve a unit price contract with Atlantic Emergency Solutions for the purchase of fire and rehabilitation apparatus for a term of four years under the Houston-Galveston Area Council cooperative contract #HGAC FS12-23, and**
- B. Authorize the City Manager to extend the contract for additional terms for as long as the cooperative contract is in effect, at prices and terms that are the same as or more favorable than those offered under the cooperative contract.**

Staff Resource(s):

Reginald T Johnson, Fire

Jerry Winkles, Fire

Explanation

- Fire apparatus are primarily used for service calls involving fires, medical aid, or hazardous materials to transport firefighters to an incident with the necessary equipment for firefighting and technical rescue operations.
- General fire apparatus include fire engines, ladder trucks, mid-mount platforms and tractor-drawn aerials.
- Rehabilitation apparatus provide critical support for first responders for extended duration emergency events.
- The contract includes general fire and rehabilitation apparatus that will:
 - support the unique needs of uptown and tightly congested areas, and
 - provide first responders with a climate control environment and medical monitoring during fire incidents.
- NC General Statute Section 143-129(e)(3) allows local governments to purchase from formally organized cooperative purchasing contracts.
- The HGAC cooperative purchasing agreement is the result of a competitive solicitation that meets NC General Statute bidding requirements.
- The rehabilitation apparatus will be available to the entire Urban Area Security Initiative (UASI) region, which includes 10 surrounding counties: Cabarrus, Catawba, Gaston, Iredell, Lincoln, Lancaster, Mecklenburg, Stanly, Union, and York.
- Annual expenditures for this contract are estimated to be \$4,000,000.

Charlotte Business INCLUSION

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

Fiscal Note

Funding: General Capital Equipment Fund and the 2023 Urban Area Security Initiative Grant

28. Amended Bond Issuance Approval for Fairhaven Glen Apartments

Action:

Adopt an amended resolution granting INLIVIAN's request to issue multi-family housing revenue bonds in an amount not to exceed \$23,000,000 to finance the development of an affordable housing development known as Fairhaven Glen Apartments.

Staff Resource(s):

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

Explanation

- The action will not further obligate the city financially or impact the Capital Investment Plan and is requested to satisfy Section 147(f) of the Internal Revenue Code of 1986, which requires the issuance of housing bonds to be approved by the local governmental unit with jurisdiction over the area where the development is located.
- INLIVIAN is requesting that City Council adopt an amended resolution authorizing the issuance of multi-family housing revenue bonds for Fairhaven Glen Apartments, a 140-unit new construction affordable housing development (Development) to be developed, owned, and operated by Fairhaven Glen, LLC, a North Carolina limited liability company, or an affiliated or related entity.
- The Development will be located on approximately 14.7 acres located at 8329 Nations Ford Road (parcel identification number 169-212-24) in Council District 3 and will serve households earning up to 80 percent of the Area Median Income (AMI) with income averaging of 60 percent AMI for the entire development.
- The action further supports City Council's April 26, 2021, and November 28, 2022, approval of \$3,150,000 combined Housing Trust Fund support for this Development. Additionally, on October 9, 2023, City Council adopted a resolution authorizing INLIVIAN to issue up to \$19,000,000 in multi-family housing revenue bonds for the Development. As a result of increasing construction costs, the Developer has experienced a financing gap and has requested an additional \$4,000,000 in bonds to fill the gap, for a total of \$23,000,000.
- The increased amount of INLIVIAN bonds, not to exceed \$23,000,000, will be used to finance land acquisition and construction of the Development.

Background

- In conjunction with the Developer's request for city housing development support, the Developer applied for four percent low-income housing tax credits and a housing bond allocation capacity from the North Carolina Housing Finance Agency to help finance the land acquisition and construction of the Development.
- The North Carolina Housing Finance Agency approved a four percent tax credit and bond allocation capacity, including this subsequent \$4,000,000 increased bond allocation, for the Development. Tax credit and bond allocations are subject to federal income limits and set-aside rules and include deed restrictions.
- INLIVIAN, as a public housing authority, is duly authorized to issue housing bonds to finance developments that serve persons of low and moderate income, including developments in which it does not have a direct interest. The INLIVIAN board of directors approved the issuance of the multi-family housing revenue bonds for the Development on April 20, 2021.

Attachment(s)

Map

Resolution

[Map - Fairhaven Glen](#)

[Resolution - Fairhaven Glen](#)

29. Construction Agreement with CSX Transportation, Inc.

Action:

- A. **Approve a Construction Agreement with CSX Transportation, Inc. in the amount of \$1,291,638 to upgrade two existing at-grade railroad crossings on Rhyne Road at Mount Holly Road, and**
- B. **Authorize the City Manager to amend the Construction Agreement with CSX Transportation, Inc. consistent with the purpose for which the Agreement was approved.**

Staff Resource(s):

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

Explanation

- The Charlotte Department of Transportation (CDOT) operates and maintains a transportation system that includes traffic signals and supporting infrastructure to manage traffic operations throughout the city.
- CDOT maintains traffic signals at over 900 intersections across the city, including those on streets maintained by the North Carolina Department of Transportation (NCDOT).
- On November 8, 2021, City Council adopted a resolution authorizing the City Manager to negotiate and execute a Municipal Agreement with NCDOT in the amount of \$400,000 for constructing a traffic signal at the intersection of Mount Holly Road, Rhyne Road, and Sonoma Valley Drive, bordering both Council Districts 2 and 3.
- CSX Transportation, Inc. (CSX) must upgrade railroad crossing equipment to properly interact with the traffic signal before the signal can be constructed and operated safely.
- CDOT will install the remaining items necessary to complete the traffic signal and will operate the signal as part of the existing signal systems in the area.
- Since 2021, CSX has completed the design of the railroad improvements needed to operate a signal at this intersection and additional private developer funds have been committed.
- The current budget estimate for the traffic signal and railroad equipment is \$1,550,000 which includes:
 - \$400,000 in NCDOT funds,
 - \$900,000 in private developer funds, and
 - \$250,000 in city funds.
- The process is consistent with past construction agreements between the city and CSX.

Fiscal Note

Funding: General Capital Investment Plan, NCDOT, and Private Developer Funds

Attachment(s)

Map

[Map - Traffic Signal Improvements](#)

30. Charlotte Firehouse #2 Addition and Renovations Project

Action:

Approve a contract in the amount of \$1,275,293.85 to the lowest responsive bidder Wharton-Smith, Inc. for the Charlotte Firehouse #2 Addition and Renovations project.

Staff Resource(s):

Phil Reiger, General Services
Jennifer Smith, General Services
Kathleen Cishek, General Services

Explanation

- In 1982, the Charlotte Fire Department (CFD) moved into the newly constructed Firehouse #2 at 1817 South Boulevard, in Council District 1.
- Firehouse #2 is one of 13 facilities evaluated in the Advanced Planning - Fire Station Gender Equity Study. The study evaluates each fire station on nationally accepted safety standards, the provision of equal facilities for women, exercise facilities, and ADA compliance.
- In October 2019, CFD adopted the Facilities Master Plan, which prioritizes capital improvements and outlines goals for facilities through 2029. The addition and renovations for Firehouse #2 were identified as a need in this plan.
- The contract includes:
 - Expansion and renovations of the locker and restroom facilities,
 - Accessibility improvements in various areas throughout the building and site,
 - Plumbing, mechanical, and electrical work required by the addition, renovations, and accessibility upgrades,
 - Sitework including demolition of an abandoned drive, partial repaving, ramps, sidewalks, a raised patio, and grading.
- On December 1, 2023, the city issued an Invitation to Bid; four bids were received.
- Wharton-Smith, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by second quarter of 2025.

Charlotte Business INclusion

Established MWBE Goal: 6.00%

Committed MWBE Goal: 5.79%

MWBE Participation to Date: 10.37%

Wharton-Smith, Inc exceeded the established subcontracting goal and has committed 10.37% (\$132,000) of the base bid amount to the following certified firm(s):

- Making Moves Electric, LLC (MBE) (\$45,000) (electrical)
- United Painting Services, Inc. (MBE, SBE) (\$87,000) (concrete, demolition)

Fiscal Note

Funding: General Capital Investment Plan

31. Construct 16th Street Streetscape - Phase 2

Action:

Approve a contract in the amount of \$789,181.72 to the lowest responsive, responsible bidder Cinderella Partners, Inc. for the 16th Street Streetscape - Phase 2 project.

Staff Resource(s):

Phil Reiger, General Services
Jennifer Smith, General Services
Keith Bryant, General Services

Explanation

- The 16th Street Streetscape Phase 2 project will complete the sidewalk on the north side of 16th Street from North Tryon Street to the driveway of the Norfolk Southern parcel in Council District 1.
- The work includes but is not limited to grading, storm drainage, concrete sidewalk and ramps, curb and gutter, retaining wall, erosion control, and traffic control.
- Phase 1, completed in February 2022, included a two-lane roadway, bicycle lanes, planting strips, sidewalks and lighting on 16th Street between North Tryon Street and Parkwood Avenue.
- On November 2, 2023, the city issued an Invitation to Bid (ITB); two bids were received.
 - NC General Statute Section 143-132 prohibits municipalities from awarding construction contracts over \$500,000 without receiving at least three competitive bids from the initial advertisement of the contract. The city may subsequently award the contract even if re-advertisements result in fewer than three competitive bids.
- On December 5, 2023, the ITB was re-issued; three bids were received.
- Cinderella Partners, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by second quarter of 2025.

Charlotte Business INclusion

Established Goal: MWSBE 9.00%

Committed Goal: MWSBE 9.20%

Cinderella Partners, Inc. exceeded the established subcontracting goal and has committed 9.20% (\$72,587) of the base bid amount to the following certified firms:

- Mugo Gravel & Grading Inc. (WBE, SBE) (\$32,770) (site work, hauling)
- Mid Atlantic Erosion Control Inc. (WBE, SBE) (\$6,795) (erosion control)
- Border Rebar LLC (SBE) (\$10,310) (rebar installation)
- Byars Concrete, Inc. DBA Theresa's Concrete Service (SBE) (\$17,062) (concrete flat work)
- Diva Dumps, LLC (MBE, SBE) (\$5,650) (dumpster, porta john)

Fiscal Note

Funding: General Capital Investment Plan

Attachment(s)

Map

[Map -16th Street Streetscape, Phase 2](#)

32. Construct Interstate 85 North Bridge Project

Action:

Authorize the City Manager to execute a contract in the amount of \$27,708,368.58 with the lowest responsive, responsible bidder Dane Construction, Inc. for the Interstate 85 North Bridge project.

Staff Resource(s):

Phil Reiger, General Services
Jennifer Smith, General Services
Keith Bryant, General Services

Explanation

- The proposed Interstate 85 North Bridge Project will construct a new two-lane street between Research Drive and J.W. Clay Boulevard in Charlotte's northeast corridor located in Council District 4. This new street includes two bridges, one across Doby Creek and the other across Interstate 85.
- The project will also realign the intersection of Research Drive and David Taylor Drive to provide more efficient travel through the intersection.
- The bridge across Interstate 85 will include aesthetic components including lettering, crown logos, and pedestrian lighting to create a gateway into Charlotte.
- Both bridges will connect University City residential, retail, and educational centers on the east side of Interstate 85 to University Research Park business and employment centers on the west side.
- The construction work includes grading, paving, storm drainage, bridge structures, retaining wall, curb, gutter, concrete sidewalk, aesthetic lighting, and related work.
- The project includes 80 percent funding for construction, up to \$15,905,632, by the Federal Surface Transportation Block Grant with the remaining cost funded by the city.
- Contract will be awarded upon review and approval by the North Carolina Department of Transportation.
- On November 9, 2023, the city issued an Invitation to Bid; five bids were received.
- Dane Construction, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by second quarter 2028.

Disadvantaged Business Enterprise

Established DBE Goal: 7.00%

Committed DBE Goal: 6.42%

Dane Construction, Inc. failed to meet the established contract goal but earned the required minimum Good Faith Efforts Points. Dane Construction, Inc. committed 6.42% (\$1,779,071) of the base bid amount to the following certified firm(s):

- Florence Concrete Product Inc. (DBE) (\$461,621) (concrete slabs)
- Five Boys Trucking (DBE) (\$452,510) (borrow, hauling)
- Superior Seeding Inc (DBE) (\$364,770) (seed, mulch)
- Lopez Rebar LLC (DBE) (\$159,633) (rebar)
- Seal Brothers Contracting LLC (DBE) (\$121,150) (silt fence)
- BC Cannon Co Inc. (DBE) (\$90,386) (mobilization, signs)
- 4 D Construction LLC (DBE) (\$72,326) (decking)
- Reynolds Fence & Guardrail Inc (DBE) (\$56,675) (guard rail)

Fiscal Note

Funding: General Capital Investment Plan and Federal Surface Transportation Block Grant

Attachment(s)

Map

[Map - Interstate 85 North Bridge](#)

33. Construct J.W. Clay Boulevard Streetscape

Action:

Approve a contract in the amount of \$11,496,262.05 to the lowest responsive, responsible bidder Blythe Development Co. for the J.W. Clay Boulevard Streetscape project.

Staff Resource(s):

Phil Reiger, General Services
Jennifer Smith, General Services
Keith Bryant, General Services

Explanation

- Identified in the Northeast Corridor Infrastructure Program (NECI), this project will widen sections of J.W. Clay Boulevard between W.T. Harris Boulevard and North Tryon Street and include turning lanes, bike lanes, cycle track, multi-use path, and sidewalk in Council District 4.
- NECI is a collection of projects selected to improve pedestrian, bicyclist, and motorist access to the LYNX Blue Line Extension.
- The work includes but is not limited to grading, storm drainage, concrete sidewalk and ramps, striping, curb and gutter, retaining wall, erosion control, asphalt work, and traffic control.
- On October 19, 2023, the city issued an Invitation to Bid (ITB); one bid was received.
 - NC General Statute 143-132 prohibits municipalities from awarding construction contracts over \$500,000 without receiving at least three competitive bids from the initial advertisement of the contract. The city may subsequently award the contract even if readvertisements result in fewer than three competitive bids.
- On December 12, 2023, the city re-issued the ITB; one bid was received.
- Blythe Development Co. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by first quarter 2027.

Charlotte Business INclusion

Established MBE Goal: 6.00%

Committed MBE Goal: 6.92%

Blythe Development Co. exceeded the established subcontracting goal and has committed 6.92% (\$795,356) of the base bid amount to the following certified firm(s):

- RRC Concrete Inc. (MBE) (\$779,622) (concrete)
- Mid Atlantic Erosion Control, Inc. (MBE) (\$15,734) (erosion control)

Established WBE Goal: 3.00%

Committed WBE Goal: 3.46%

Blythe Development Co. exceeded the established subcontracting goal and has committed 3.46% (\$397,678) of the base bid amount to the following certified firm(s):

- Roadmasters Traffic Control LLC (WBE) (\$283,512) (traffic control)
- Pentacle Inc. (WBE) (\$114,166) (fence)

Fiscal Note

Funding: General Capital Investment Plan

Attachment(s)

Map

[Map - J.W. Clay Boulevard Streetscape](#)

34. Cummins Engine Repair Services

Action:

- A. Approve a contract with Cummins Inc. for diagnostics, repairs, and maintenance for an initial term of three years, and**

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

Staff Resource(s):

Phil Reiger, General Services

Chris Trull, General Services

Shelia Anderson, General Services

Explanation

- Cummins Inc. engines power over 70 percent of city owned and maintained diesel trucks and construction equipment.
- The contract will be used to perform repair, replacement, maintenance, diagnostic, warranty repair and representation, and related services on the city's fleet of various trucks and heavy equipment.
- A waiver of a competitive solicitation process for services may be granted on a limited basis when deemed appropriate and in the city's best interest. A waiver for this contract was approved as there are no other local factory authorized vendors that provide the service portfolio required by the city, including both diagnostics and warranty repairs.
- The prices stated in the schedule shall remain fixed for the initial term. At renewal, price increases shall only be allowed when justified and in the city's sole discretion based on legitimate increases.
- Annual expenditures are estimated to be \$300,000.

Charlotte Business INclusion

This is a contract is exempt under the CBI Program.

Fiscal Note

Funding: General Services Operating Budget

35. Grounds Maintenance Services

Action:

- A. Approve unit price contracts for grounds maintenance services for an initial term of three years to the following:**
- **G.D. Garris Lawn Care, LLC**
 - **M.B. Premier Enterprises, LLC (MBE)**
 - **Taylor’s Landscaping Service, Inc. (SBE)**
 - **Uncommon Grounds Landscaping, LLC (SBE)**
- B. Authorize the City Manager to renew the contracts for up to two, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

Phil Reiger, General Services
David Wolfe, General Services
Erin Oliverio, General Services

Explanation

- General Services Landscape Management Division is responsible for the maintenance and security services of 320 acres of vacant parcels.
- These contracts will include continuous landscape maintenance services for these vacant parcels including but not limited to grounds maintenance, groundcover maintenance, trash and debris removal and property security.
- On November 6, 2023, the city issued a Request for Proposals (RFP); eight proposals were received.
- G.D. Garris Lawn Care, LLC, M.B. Premier Enterprises, LLC, Taylor’s Landscaping Service, Inc. and Uncommon Grounds Landscaping, LLC were selected as best meeting the city’s needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- The prices stated in the contract shall remain fixed for the initial term. At renewal, potential price adjustments may be considered based on legitimate and justified increases in the cost of doing business. The ability to consider price adjustments also allows the city to accept decreases, if warranted.
- Annual aggregate expenditures are estimated to be \$800,000.

Charlotte Business INclusion

The city negotiates contract participation after the proposal selection process. However, M.B. Premier Enterprises, LLC is a city certified (MBE), and Taylor’s Landscaping Service, Inc. and Uncommon Grounds Landscaping, LLC are city certified (SBE).

Fiscal Note

Funding: General Services Operating Budget

36. Median Maintenance

Action:

- A. Approve unit price contracts for Median Maintenance for an initial term of three years to the following:**
- **Champion Landscapes Inc.**
 - **M.B. Premier Enterprises, LLC (MBE)**
 - **Taylor’s Landscaping Service, Inc. (SBE)**
 - **Triple L Landscape (MBE, SBE)**
- B. Authorize the City Manager to renew the contracts for up to two, one-year term with possible price adjustments and to amend the contract consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

Phil Reiger, General Services
David Wolfe, General Services
Erin Oliverio, General Services

Explanation

- General Services Landscape Management Division provides median maintenance to more than 1,000 locations along city-maintained roads across the City of Charlotte.
- These contracts will include the maintenance of material located within the medians including but not limited to turf, ornamental trees, shrubs, and perennials. The work will also include mulch replacement, trash and debris removal, storm debris removal, and leaf removal.
- On October 27, 2023, the city issued a Request for Proposals (RFP); six proposals were received.
- Champion Landscapes Inc., M.B. Premier Enterprises, LLC, Taylor’s Landscaping Service, Inc., and Triple L Landscape were determined to best meet the city’s needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- The prices stated in the contract shall remain fixed for the initial term. At renewal, potential price adjustments may be considered based on legitimate and justified increases in the cost of doing business. The ability to consider price adjustments also allows the city to accept decreases, if warranted.
- Annual aggregate expenditures are estimated to be \$620,350.

Charlotte Business INclusion

Contract goals were not established on this Contract as there were no viable subcontracting opportunities. However, M.B. Premier Enterprises, LLC is a city certified (MBE), Taylor’s Landscaping Service, Inc. is a city certified (SBE), and Triple L Landscape is a city certified (MBE, SBE).

Fiscal Note

Funding: General Services Operating Budget

37. Application for Lease of Office and Warehouse Space for Charlotte Water Customer Service

Action:

- A. Adopt a resolution authorizing the application to the Local Government Commission for the approval of a ten-year lease with FIVF III NC 1, LLC for office and warehouse space located at 2200 Executive Street, and**

- B. Authorize the City Manager or designee to execute any documents necessary to seek approval from the Local Government Commission for the lease.**

Staff Resource(s):

Angela Charles, Charlotte Water

Jon Behrendt, Charlotte Water

Explanation

- Charlotte Water requires additional office and warehouse space to provide efficient service to customers in central and northwestern Charlotte and to relieve crowding at its Customer Service facility.
- On January 8, 2024, City Council approved a ten-year lease with FIVF III NC 1, LLC with an ability to purchase approximately 22,961 square feet of combined office and warehouse space at 2200 Executive Street, Charlotte, North Carolina (Council District 2) for this need.
- The city now seeks Local Government Commission approval for the lease, which requires a resolution from the city to be submitted with the city's application.

Fiscal Note

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

Attachment(s)

Resolution

[Resolution - Application for Lease for Charlotte Water](#)

38. Construct Storm Drainage Improvement Projects

Action:

Approve a contract in the amount of \$1,198,887.60 to the lowest responsive bidder United Construction Company, Inc. for the Collective Storm Drainage Improvement Project Series P.

Staff Resource(s):

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

Explanation

- The contract is part of an ongoing program to provide repairs and/or improvements to storm drainage systems.
- The contract will address storm drainage systems at:
 - 1151 Clayton Drive (Council District 1)
 - 1310 Corton Drive (Council District 1)
- The work includes grading, drainage, pipe lining water/sanitary sewer, sidewalks, asphalt replacement, and curb and gutter.
- On November 9, 2023, the city issued an Invitation to Bid; five bids were received.
- United Construction Company, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by first quarter of 2025.

Charlotte Business INclusion

Established MBE Goal: 9.00%

Committed MBE Goal: 9.01%

United Construction Company, Inc. exceeded the established subcontracting goal and has committed 9.01% (\$108,000) of the base bid amount to the following certified firms:

- Chambers Express Trucking, Inc. (MBE) (\$40,000) (hauling)
- Streeter Trucking Company (MBE, SBE) (\$38,000) (hauling)
- Weekes Trucking, LLC (MBE, SBE) (\$30,000) (hauling)

Established WBE Goal: 3.00%

Committed WBE Goal: 3.02 %

United Construction Company, Inc. exceeded the established subcontracting goal and has committed 3.02% (\$36,200) of the base bid amount to the following certified firms:

- C&M Recycling, Inc. (WBE) (\$24,000) (recycling services, material)
- Bullington Construction, Inc. (WBE) (\$12,200) (fence installation)

Fiscal Note

Funding: Storm Water Capital Investment Plan

Attachment(s)

Map

[Map - Storm Drainage Improvement Projects](#)

39. Flowmeter Equipment

Action:

- A. **Approve the purchase of wastewater flowmeter equipment by the sole source exemption,**
- B. **Approve a contract with AC Controls Company, Inc. for the purchase of a Krohne Flowmeter, and**
- C. **Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Angela Charles, Charlotte Water

Ron Hargrove, Charlotte Water

Joseph Lockler, Charlotte Water

Sole Source Exemption

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

Explanation

- The contract will provide a Krohne wastewater flowmeter for measuring flow at the McAlpine Creek Wastewater Treatment Plant, located in the Town of Pineville (adjacent to Council District 7).
- The Krohne flowmeter is the only technology of the needed size that can measure flow under conditions within a closed pipe.
- Expenditures are estimated to be \$169,868.

Charlotte Business INClusion

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

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

40. Water Laboratory Chemicals, Supplies, and Equipment

Action:

- A. **Approve the purchase of laboratory chemicals, supplies, and equipment from a cooperative contract,**
- B. **Approve a unit price contract with Fisher Scientific Company LLC for the purchase of laboratory chemicals, supplies, and equipment for an initial term of 58 months under North Carolina Statewide Term Contract #4110A,**
- C. **Approve a unit price contract with VWR International, LLC for the purchase of laboratory chemicals, supplies, and equipment for an initial term of 58 months under North Carolina Statewide Term Contract #4110A, and**
- D. **Authorize the City Manager to extend the use of the contracts for additional terms as long as the cooperative contract is in effect, at prices and terms that are the same or more favorable than those offered under the cooperative contract.**

Staff Resource(s):

Angela Charles, Charlotte Water
Shawn Coffman, Charlotte Water
Gina Kimble, Charlotte Water

Explanation

- These contracts will provide laboratory supplies, equipment, and chemicals to be used at Charlotte Water's Environmental Services Facility laboratory and at the water and wastewater treatment facilities to monitor the treatment process and ensure compliance with state and federally mandated water quality standards and regulations.
- Charlotte Water monitors water and wastewater samples, conducting more than 200,000 water quality tests per year, to protect public health and the environment.
- NC General Statute Section 143-129(e)(9) allows local governments to purchase from state contracts if the contractor is willing to extend the same or more favorable prices, terms, and conditions as those established under the state contract.
- Fisher Scientific Company LLC and VWR International, LLC are willing to provide laboratory chemicals, supplies, and equipment to the city at the same or better terms as are provided in its contract with the State of North Carolina.
- Annual expenditures with Fisher Scientific Company LLC are estimated to be \$500,000.
- Annual expenditures with VWR International, LLC are estimated to be \$200,000.

Charlotte Business INclusion

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

Fiscal Note

Funding: Charlotte Water Operating Budget

41. Water Quality Report Printing and Mailing Services

Action:

- A. Approve a unit price contract with Loftin & Company, Inc. for Water Quality Report printing and mailing services for an initial term of two years, and**

- B. Authorize the City Manager to renew the contract for up to two, two-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

David Czerr, Charlotte Water

Jennifer Frost, Charlotte Water

Explanation

- The contract will provide printing and mailing services for the Charlotte Water's Annual Water Quality Report to satisfy regulatory reporting requirements for state and federal agencies. Charlotte Water is required to notify its entire service area.
- On November 28, 2023, the city issued a Request for Proposals (RFP); seven responses were received.
- Loftin & Company, Inc. best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Price adjustments may be considered based on legitimate and justified increases in the cost of doing business.
- Annual expenditures are estimated to be \$150,000.

Charlotte Business INclusion

Contract goals were not established on this contract as there were no viable subcontracting opportunities.

Fiscal Note

Funding: Charlotte Water Operating Budget

42. Lease of City-owned Property at the JW Clay Parking Deck

Action:

- A. Adopt a resolution to approve a lease agreement with Marib Coffee Co., with a 63-month term for retail space at the JW Clay Parking Deck,**
- B. Authorize the City Manager to renew the lease for up to one, five-year term, and**
- C. Authorize the City Manager, or his designee, to negotiate and execute all documents necessary to complete the transaction.**

Staff Resource(s):

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

Explanation

- The JW Clay Parking Deck is on the LYNX Blue Line Extension in Council District 4 and incorporates approximately 15,470 square feet of leasable space for office and retail, per the Transit Oriented Development ordinance.
- The leasable spaces within the JW Clay Parking Deck provide opportunities for retail and businesses to offer goods and services to customers using the Blue Line, along with walk-up customers from surrounding areas.
- Marib Coffee Co. proposes to operate a coffee and pastry shop.
- The terms of the lease agreement are as follows:
 - Approximately 2,352 square feet of retail space in the JW Clay Parking Deck (Suite 223);
 - A 63-month term, with one option to extend the lease term for an additional five years;
 - Lease amount of \$4,900 per month (\$58,800 annually) for year one, escalating at a rate of three 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 retail space.
- The city agrees to reimburse 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 \$94,080.

Charlotte Business INclusion

This contract is exempt under the CBI Program.

Fiscal Note

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

Attachment(s)

Resolution

[Resolution - JW Clay Lease](#)

43. Metropolitan Transportation Planning Support Services

Action:

- A. **Approve a contract in the amount of \$1,431,847 with Kimley-Horn and Associates, Inc. for the 2055 Metropolitan Transportation Plan, and**
- B. **Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Alyson Craig, Planning, Design & Development

Robert Cook, Planning, Design & Development

Neil Burke, Planning, Design & Development

Explanation

- The City of Charlotte is the lead planning agency for the Charlotte Regional Transportation Planning Organization (CRTPO), the Metropolitan Planning Organization for the Charlotte urbanized area.
- The Metropolitan Transportation Plan (MTP) is a federally required, long-range plan that must be updated every four years, and the CRTPO adopted its 2050 MTP in March 2022.
- The MTP will be prepared in accordance with federal law. The plan considers all modes of transportation and emphasizes the integration of mobility decision-making with safety, equity, and environmental sustainability.
- On behalf of the CRTPO, the City of Charlotte selects a consultant to provide planning, project evaluation, and public involvement services for the development of the 2055 MTP and to ensure all federal guidelines are met.
- On November 28, 2022, the city issued a Request for Qualifications (RFQ); five responses were received.
- Kimley-Horn and Associates, Inc. is the best-qualified firm to meet the city's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.

Small Professional Services Firm (SPSF) Opportunity

For Federal Transportation Administration-funded projects, NCDOT does not mandate a goal from the State's SPSF program; however, Kimley-Horn and Associates, Inc. has committed 2.00% or approximately \$28,6367 to the following certified firm:

- Translink Consulting, LLC (SPSF) (\$28,637) (cost estimation, stakeholder engagement)

Fiscal Note

Funding: General Grants Fund (FY24 UPWP Section 104 f Planning Grant)

44. Land Acquisition for Tree Canopy Preservation Program

Action:

- A. **Approve the purchase of approximately 42.29 acres of property (parcel identification numbers 111-261-07, 111-261-44, and 5514-58-9210) located at 13138 Rocky River Church Road for a purchase price of \$2,300,000,**
- B. **Authorize the City Manager or his designee to grant a conservation easement to the Catawba Lands Conservancy, and**
- C. **Authorize the City Manager or his designee to negotiate and execute any documents necessary to complete these transactions.**

Staff Resource(s):

Alyson Craig, Planning, Design & Development

Tim Porter, Planning, Design & Development

Explanation

- The city was approached by the property owners of 13138 Rocky River Church Road to determine interest in an acquisition of the properties for the Tree Canopy Preservation Program (TCPP), in which 41.88 acres are located in Mecklenburg County and 0.40 acres are located in Cabarrus County.
- The properties are located in the city's extraterritorial jurisdiction (ETJ) and are in close proximity to the Sherman Branch Nature Preserve.
- Staff assessed the properties using the current TCPP conservation scoring model. The property scored high in comparison to previously TCPP-acquired and targeted properties with significant value related to property location, acres of contiguous tree canopy, overall ecosystem value, forest health, and overall conservation value.
- The property contains approximately 12 acres of high-quality mature hardwood and floodplain forest, supports a confluence of two tributary channels, numerous floodplain pools, and north/northeast facing slopes. Protection of the site will benefit a diversity of resident and migratory wildlife and help to protect the water quality of the Caldwell Creek watershed.
- The property contains approximately 30 acres of former hay fields that will be reforested as part of TCPP.
- The city will donate a conservation easement to the Catawba Lands Conservancy to ensure stewardship of the tree canopy and monitoring of the property in perpetuity.
- On February 20, 2024, the Planning Committee reviewed the proposed land acquisition and had no comments.
- The transaction is consistent with the City-Owned Real Estate Facilities Policy, adopted by City Council, and helps achieve the Council's goal for 50-percent tree canopy coverage by 2050.

Background

- In 2011, City Council adopted a goal of 50 percent tree canopy coverage by the year 2050. The Tree Canopy Preservation Program supports the goal through acquisition and protection of properties that are already forested or provide planting opportunities.
- The city's Unified Development Ordinance allows developers in some cases to pay into tree conservation funds administered by the city, in lieu of preserving trees on site. The city uses these funds, accounted for in the Neighborhood Development Grants Fund, for property acquisition to support long-term tree canopy conservation and related expenditures associated with ongoing forest management and property maintenance needs.
- TCPP has acquired and preserved 330 acres of land to date and protected approximately twice as much land than developers would have been required to under the on-site tree save option.
- TCPP supports tree canopy policy objectives outlined in City Council's 2040 Comprehensive Plan, adopted June 21, 2021, and Urban Forest Master Plan, adopted September 25, 2017.
- All acquisitions through the program are voluntary.

Fiscal Note

Funding: Neighborhood Development Grants Fund (tree conservation)

Attachment(s)

Map

[Map - Land Acquisition for TCPP](#)

45. Adopt an Initial Finding Resolution and Set a Public Hearing on Certificates of Participation Financing for Equipment and Facilities

Action:

- A. Adopt an initial findings resolution making certain findings and calling for the execution of various documents necessary to complete an installment financing contract, and**
- B. Adopt a resolution setting a public hearing for February 26, 2024, for an installment financing contract not to exceed \$137,000,000.**

Staff Resource(s):

Teresa Smith, Finance

Matthew Hastedt, Finance

Explanation

- Certificates of Participation (COPs) are a common debt financing tool used by municipal governments to help fund the purchase of capital equipment and the construction or renovation of facilities.
- The city will enter into an installment financing contract not to exceed \$137,000,000 to finance the city's acquisition of certain equipment and construction of and improvements to facilities. It also includes refunding of series 2012A COPs and Series 2013A COPs. The refunding is expected to result in significant current estimated net present value savings over the life of refunding.
- The proceeds from this financing will be used to finance the costs of below and similar other projects:
 - construction of CMPD Northwest police station,
 - acquisition of a new police helicopter,
 - ADA facilities,
 - construction, renovation, and improvements to firefighting and other public safety facilities,
 - capital building improvements and sustainability related utility systems upgrades,
 - Charlotte Mecklenburg Government Center HVAC replacement,
 - improvements to other governmental facilities, and
 - acquisition of Charlotte Water equipment.
- The city's obligation to repay the debt will be secured by real property and a security interest in the equipment.
- The Charlotte Water equipment portion will be supported by the Charlotte Water Debt Service Fund
- These actions will adopt an initial findings resolution and set a public hearing for February 26, 2024.

Fiscal Note

Funding: Municipal Debt Service Fund and Charlotte Water Debt Service Fund

Attachment(s)

Resolution

[Initial Finding Resolution - COP Financing for Equipment and Facilities](#)

CONSENT - PROPERTY TRANSACTIONS

46. Charlotte Water Property Transactions - Mallard Creek Basin Improvements Phase 1 and 2, Parcel # 14

Action: Approve the following Condemnation: Mallard Creek Basin Improvements Phase 1 and 2, Parcel # 14

Project: Mallard Creek Basin Improvements Phase 1 and 2, Parcel # 14

Owner(s): Point 100 Limited Partnership

Property Address: Pavilion Boulevard

Total Parcel Area: 206,840 sq. ft. (4.75 ac.)

Property to be acquired by Easements: 1,941 sq. ft. (0.05 ac.) in Permanent Utility Easement and 5,326 sq. ft. (0.12 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: NS

Use: Water Retention Pond

Parcel Identification Number(s): 051-411-13
<https://polaris3g.mecklenburgcountync.gov/#pid=05141113&gisid=05141113>

Appraised Value: \$3,350

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

City's Response to Property Owner's Concerns: The city explained the rationale of the design and how it meets the objectives for the project and informed the property owner they could obtain their own appraisal in order to justify a counteroffer.

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

Council District: 4

Attachment(s): Map

[Map - Mallard Creek Basin Improvements Phase 1 and 2, Parcel #14](#)

47. Charlotte Water Property Transactions - Mallard Creek Basin Improvements Phase 1 and 2, Parcel # 23

Action: Approve the following Condemnation: Mallard Creek Basin Improvements Phase 1 and 2, Parcel # 23

Project: Mallard Creek Basin Improvements Phase 1 and 2, Parcel # 23

Owner(s): NK Investments, Inc. and Nick Stas, LLC

Property Address: 11900 North Tryon Street

Total Parcel Area: 406,823 sq. ft. (9.34 ac.)

Property to be acquired by Easements: 27,131 sq. ft. (0.62 ac.) in Permanent Utility Easement and 17,411 sq. ft. (0.40 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: CG & N1-A

Use: Commercial

Parcel Identification Number(s): 051-411-01
<https://polaris3g.mecklenburgcountync.gov/#mat=21798&pid=05141101&qisid=05141101>

Appraised Value: \$44,150

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

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

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

Council District: 4

Attachment(s): Map

[Map - Mallard Creek Basin Improvements Phase 1 and 2, Parcel #23](#)

48. Property Transactions - Bryant Farms Rd Extension, Phase 1, Parcel # 2

Action: Approve the following Acquisition: Bryant Farms Rd Extension, Phase 1, Parcel # 2

Project: Bryant Farms Rd Extension, Phase 1, Parcel # 2

Program: Bryant Farms Rd Extension, Phase 1

Owner(s): South Mecklenburg Presbyterian Church

Property Address: 8601 Bryant Farms Road

Total Parcel Area: 590,829 sq. ft. (13.564 ac.)

Property to be acquired by Fee Simple: 5,435 sq. ft. (0.125 ac.) Fee Simple

Property to be acquired by Easements: 14,378 sq. ft. (0.330 ac.) Sidewalk Utility Easement, 5,706 sq. ft. (0.131 ac.) Waterline Easement, 1,691 sq. ft. (0.039 ac.) Storm Drainage Easement and 6,186 sq. ft. (0.142 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Wooden post sign, wrought iron sign and lights

Landscaping to be impacted: Trees and various plantings

Zoned: N1-A

Use: Neighborhood 1 Zoning District

Parcel Identification Number(s): 229-041-04

<https://polaris3g.mecklenburgcountync.gov/#mat=206435&pid=22904104&qisid=22904104>

Purchase Price: \$72,175

Council District: 7

49. Property Transactions - Cross Charlotte Trail Segment 10, Parcel # 9

Action: Approve the following Condemnation: Cross Charlotte Trail Segment 10, Parcel # 9

Project: Cross Charlotte Trail Segment 10, Parcel # 9

Program: Cross Charlotte Trail Segment 10

Owner(s): Pavilion Partners

Property Address: 236 Pavilion Boulevard

Total Parcel Area: 595,583 sq. ft. (13.673 ac.)

Property to be acquired by Easements: 41,324 sq. ft. (0.949 ac.) Permanent Greenway Easement and 35,904 sq. ft. (0.824 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: N1-A

Use: Neighborhood 1 Zoning District

Parcel Identification Number(s): 051-032-33

<https://polaris3g.mecklenburgcountync.gov/#mat=699740&pid=05103233&qisid=05103233>

Appraised Value: \$26,100

Property Owner's Concerns: The property owner is concerned about the easement language.

City's Response to Property Owner's Concerns: The city explained the rationale of the easement language and how it meets the objectives for the project. 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: 4

Attachment(s): Map

[Map - Cross Charlotte Trail Segment 10, Parcel # 9](#)

50. Property Transactions - Cross Charlotte Trail Segment 11, Parcel # 1

Action: Approve the following Condemnation: Cross Charlotte Trail Segment 11, Parcel # 1

Project: Cross Charlotte Trail Segment 11, Parcel # 1

Program: Cross Charlotte Trail Segment 11

Owner(s): Pavilion Partners

Property Address: Pavilion Boulevard

Total Parcel Area: 1,077,481 sq. ft. (24.736 ac.)

Property to be acquired by Easements: 7,122 sq. ft. (0.163 ac.) Permanent Greenway Easement and 8,359 sq. ft. (0.192 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: N1-A

Use: Neighborhood 1 Zoning District

Parcel Identification Number(s): 051-061-18

<https://polaris3g.mecklenburgcountync.gov/#mat=376483&pid=05106118&qsid=05106118>

Appraised Value: \$13,600

Property Owner's Concerns: The property owner is concerned about the easement language.

City's Response to Property Owner's Concerns: The city explained the rationale of the easement language and how it meets the objectives for the project. 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: 4

Attachment(s): Map

[Map - Cross Charlotte Trail Segment 11, Parcel # 1](#)

51. Property Transactions - Monroe Road Multiuse Path, Parcel # 1

Action: Approve the following Condemnation: Monroe Road Multiuse Path, Parcel # 1

Project: Monroe Road Multiuse Path, Parcel # 1

Program: Monroe Road Multiuse Path

Owner(s): EP 5101 LLC

Property Address: 5101 Monroe Road

Total Parcel Area: 26,248 sq. ft. (0.603 ac.)

Property to be acquired by Easements: 1,474 sq. ft. (0.034 ac.) Sidewalk Utility Easement and 1,872 sq. ft. (0.043 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: O-6(CD)

Use: Office District

Parcel Identification Number(s): 161-063-01

<https://polaris3g.mecklenburgcountync.gov/#mat=142435&pid=16106301&qisid=16106301>

Appraised Value: \$34,375

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. 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: 5

Attachment(s): Map

[Map - Monroe Road Multiuse Path, Parcel # 1](#)

52. Property Transactions - Rea Road Widening, Parcel # 9

Action: Approve the following Acquisition: Rea Road Widening, Parcel # 9

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

Project: Rea Road Widening (I-485 to Williams Pond Lane), Parcel # 9

Program: Rea Road Widening (I-485 to Williams Pond Lane)

Owner(s): 2017-1 1H Borrower L.P.

Property Address: 11514 Falling Leaves Drive

Total Parcel Area: 10,599 sq. ft. (0.243 ac.)

Property to be acquired by Easements: 830 sq. ft. (0.019 ac.) Utility Easement, 712 sq. ft. (0.016 ac.) Sidewalk Utility Easement and 1,072 sq. ft. (0.025 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: N1-A

Use: Neighborhood 1 Zoning District

Parcel Identification Number(s): 225-044-06

<https://polaris3g.mecklenburgcountync.gov/#mat=19082&pid=22504406&gisid=22504406>

Purchase Price: \$75,000

Council District: 7

53. Property Transactions - Regional Solids Conveyance Phase 1A, Parcel # 9

Action: Approve the following Acquisition: Regional Solids Conveyance Phase 1A, Parcel # 9

Project: Regional Solids Conveyance Phase 1A, Parcel # 9

Program: Regional Solids Conveyance Phase 1A

Owner(s): Susan W. and Todd A. Woerner

Property Address: 1601 McCorkle Road

Total Parcel Area: 55,132 sq. ft. (1.266 ac.)

Property to be acquired by Easements: 5,502 sq. ft. (0.126 ac.) Sanitary Sewer Easement and 1,374 sq. ft. (0.032 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Tree

Zoned: N1-A

Use: Neighborhood 1 Zoning District

Parcel Identification Number(s): 053-082-02
<https://polaris3g.mecklenburgcountync.gov/#mat=49788&pid=05308202&gisid=05308202>

Purchase Price: \$18,425

Council District: Adjacent to Council District 3

54. Property Transactions - Sharon at Sulkirk Pedestrian Hybrid Beacon, Parcel # 2

Action: Approve the following Acquisition: Sharon at Sulkirk Pedestrian Hybrid Beacon, Parcel # 2

Project: Sharon at Sulkirk Pedestrian Hybrid Beacon, Parcel # 2

Program: Sharon at Sulkirk Pedestrian Hybrid Beacon

Owner(s): Oliver J and Lacey Ann Carias

Property Address: 5517 Sharon Road

Total Parcel Area: 16,944 sq. ft. (0.389 ac.)

Property to be acquired by Easements: 298 sq. ft. (0.007 ac.) Utility Easement and 116 sq. ft. (0.003 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Various plantings

Zoned: N1-A

Use: Neighborhood 1 Zoning District

Parcel Identification Number(s): 209-073-07
<https://polaris3g.mecklenburgcountync.gov/#mat=151361&pid=20907307&qisid=20907307>

Purchase Price: \$10,000

Council District: 6

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.