

City of Charlotte

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



Meeting Agenda

Monday, June 8, 2020

Charlotte-Mecklenburg Government Center - Virtual
Meeting

City Council Business Meeting

Mayor Vi Lyles
Mayor Pro Tem Julie Eiselt
Council Member Dimple Ajmera
Council Member Tariq Scott Bokhari
Council Member Ed Driggs
Council Member Larken Egleston
Council Member Malcolm Graham
Council Member Reneé Johnson
Council Member James Mitchell
Council Member Matt Newton
Council Member Victoria Watlington
Council Member Braxton Winston II

**5:00 P.M. CITY COUNCIL BUSINESS MEETING,
CHARLOTTE-MECKLENBURG GOVERNMENT CENTER**

Call to Order

Introductions

Invocation

Pledge of Allegiance

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. Closed Session (as necessary)

3. Consent agenda items 43 through 61 may be considered in one motion except for those items removed by a Council member. Items are removed by notifying the City Clerk.

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.

PUBLIC HEARING

4. Amendments to Streets Map for Transit-Oriented Development Zoning along the Blue Line

Action:

Receive public comments on minor amendments to the adopted Streets Map for Transit-Oriented Development for the Blue Line.

Committee Chair:

Julie Eiselt, Transportation, Planning, and Environment

Staff Resource(s):

Liz Babson, Transportation
Johanna Quinn, Transportation
David Harrison, Transportation

Explanation

- City Council adopted the Streets Map for Transit-Oriented Development (TOD) for the Blue Line on October 28, 2019. The Charlotte Department of Transportation and Planning, Design, and Development have been applying the Streets Map in TOD reviews since adoption.
 - This action is to receive public comments for minor amendments to provide additional clarity to several Streets Map requirements.
 - These Streets Map amendments complement the TOD Text Amendment which is planned for Council to consider for adoption on June 15, 2020.
- The Streets Map is a key implementation tool for the TOD Zoning Ordinance, which was adopted by City Council on April 15, 2019, as well as the TOD Zoning Alignment that City Council approved on November 18, 2019.
- Based on previous comments and implementation of the Streets Map, several minor amendments have been identified to provide additional clarity to the Streets Map requirements:
 - Clarified language where on-street parking is either required or not allowed,
 - Clarified cross-sections where the Cross Charlotte Trail is immediately adjacent to streets, and
 - Adjusted the cross-section of one segment of North Davidson Street to better reflect context.
- A Request for Action Council to adopt the Streets Map amendments is being planned for the Business Meeting on July 13, 2020.

Background

- The Streets Map complements the TOD Zoning Ordinance to create safe and comfortable complete streets for all users and to provide multi-modal access to transit stations and the destinations around those stations.
- The Streets Map shows expected cross-sections and curb line locations for all arterials, collectors, and some local streets in the TOD areas around the Blue Line. That information is used in the TOD to help quickly and consistently determine design requirements such as setbacks, building placement, streetscapes, and other key design elements related to street frontages.
- The Streets Map cross-section for each arterial street around the Blue Line includes the number of lanes, the Urban Street Design Guidelines design classification, and the recommended bicycle facility category, as well as on-street parking and center space where applicable.
- The Streets Map for the Blue Line areas is serving as the pilot for expanding to include streets around the Gold and Silver Lines and, ultimately, a citywide Streets Map. The Streets Map is available at: <https://charlottenc.gov/Projects/Pages/StreetsMap.aspx>.

5. Public Hearing on a Resolution to Close an Alleyway between Westwood Avenue and West Summit Avenue

Action:

Conduct a public hearing to close an alleyway between Westwood Avenue and West Summit Avenue.

Staff Resource(s):

Liz Babson, Transportation
Casey Mashburn, Transportation

Explanation

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The proposed action removes land from public right-of-way and attaches it to the adjacent property.
- The alleyway to be closed is located in Council District 3.
- In compliance with NC G.S. § 166A-19.24 *Remote meetings during certain declarations of emergency*, written comments on the public hearing topic will be accepted by the Clerk's Office through June 9, 2020, at 11:59 p.m. Any additional comments received will be provided to Council.

Petitioner

Lischerong Development Group

Right-of-Way to be Abandoned

An alleyway between Westwood Avenue and West Summit Avenue

Reason

Per the petition submitted by Lischerong Development Group, the alleyway has not been opened and is not being used. The petitioner needs this abandonment in order to fully utilize parcels 119-083-17, 119-083-16, 119-083-15, and 119-083-02, which are owned or controlled by the Petitioner. The city has no objections.

Notification

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

Adjoining property owner(s)

Martha F. Gainey - No objections
Irish Mac Properties, LLC - No objections
Beverly Welch - No objections

City departments

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

Attachment(s)

Map

[2019-17 Abandonment Map](#)

6. Public Hearing on a Resolution to Close a Portion of an Alleyway between Waverly Avenue, Pierce Street, and Kenilworth Avenue

Action:

Conduct a public hearing to close a portion of an alleyway between Waverly Avenue, Pierce Street, and Kenilworth Avenue.

Staff Resource(s):

Liz Babson, Transportation
Casey Mashburn, Transportation

Explanation

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The proposed action removes land from public right-of-way and attaches it to the adjacent property.
- The alleyway to be closed is located in Council District 1.
- In compliance with NC G.S. § 166A-19.24 *Remote meetings during certain declarations of emergency*, written comments on the public hearing topic will be accepted by the Clerk's Office through June 9, 2020, at 11:59 p.m. Any additional comments received will be provided to Council.

Petitioner

SunCap Property Group

Right-of-Way to be Abandoned

A portion of the Alleyway between Waverly Avenue, Pierce Street, and Kenilworth Avenue

Reason

The abandonment of a portion of the alley will allow for the Latta Kenilworth Multifamily Development, as approved in rezoning petition number 2018-163. The city has no objections.

Notification

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

Adjoining property owner(s)

Parkview Condominiums - No objections
Kenilworth Avenue Charlotte, LLC - No objections
Vivek Shanti Tayal - No objections

City departments

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

Attachment(s)

Map

[Waverly Pierce Kenilworth Abandonment Map](#)

7. Public Hearing on a Resolution to Close a Portion of Charles Avenue

Action:

Conduct a public hearing to close a portion of Charles Avenue.

Staff Resource(s):

Liz Babson, Transportation

Casey Mashburn, Transportation

Explanation

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The proposed action removes land from public right-of-way and attaches it to the adjacent property.
- The portion of Charles Avenue to be closed is located in Council District 1.
- In compliance with NC G.S. § 166A-19.24 *Remote meetings during certain declarations of emergency*, written comments on the public hearing topic will be accepted by the Clerk's Office through June 9, 2020, at 11:59 p.m. Any additional comments received will be provided to Council.

Petitioner

CUSA NC Holdings, LP

Right-of-Way to be Abandoned

A portion of Charles Avenue

Reason

Per the petition submitted by CUSA NC Holdings, LP, the petitioner owns all parcels surrounding the requested abandonment area. This abandonment will provide the petitioner with better contiguity between parcels on opposite sides of the street. The city has no objections.

Notification

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

Adjoining property owner(s)

CUSA NC Holdings, LP - No objections

City departments

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

Attachment(s)

Map

[2019-13 Charles Av Abandonment Map](#)

8. Public Hearing on a Resolution to Close a Portion of Mt. Holly Road Extension

Action:

Conduct a public hearing to close a portion of Mt. Holly Road Extension.

Staff Resource(s):

Liz Babson, Transportation

Casey Mashburn, Transportation

Explanation

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The proposed action removes land from public right-of-way and attaches it to the adjacent property.
- The road to be closed is located in Council District 2.
- In compliance with NC G.S. § 166A-19.24 *Remote meetings during certain declarations of emergency*, written comments on the public hearing topic will be accepted by the Clerk's Office through June 9, 2020, at 11:59 p.m. Any additional comments received will be provided to Council.

Petitioner

Huntersville Investments, LLC

Right-of-Way to be Abandoned

Mt. Holly Road Extension

Reason

Per the petition submitted by Huntersville Investments, LLC, the closing of a residual portion of Mt. Holly Road Extension will enable the petitioner to incorporate the excess right-of-way into their property to accommodate the construction of up to three single-family homes, as originally shown in the rezoning plan. The city has no objections.

Notification

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

Adjoining property owner(s)

Huntersville Investments, LLC - No objections

City departments

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

Attachment(s)

Map

[2019-10 Mt Holly Abandonment Map](#)

9. Public Hearing on a Resolution to Close a Portion of Wallace Road

Action:

Conduct a public hearing to close a portion of Wallace Road.

Staff Resource(s):

Liz Babson, Transportation

Casey Mashburn, Transportation

Explanation

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The proposed action removes land from public right-of-way and attaches it to the adjacent property.
- The road to be closed is located in Council District 5.
- In compliance with NC G.S. § 166A-19.24 *Remote meetings during certain declarations of emergency*, written comments on the public hearing topic will be accepted by the Clerk's Office through June 9, 2020, at 11:59 p.m. Any additional comments received will be provided to Council.

Petitioner

RENC, LLC

Right-of-Way to be Abandoned

A portion of Wallace Road

Reason

As a part of North Carolina Department of Transportation U-2509 (U.S. 74: Conference Drive to I-485) project, this portion of Wallace Road is being redesigned and will no longer be utilized. The petitioner has coordinated with North Carolina Department of Transportation, Charlotte Area Transit System, and the city. There are no objections to the abandonment.

Notification

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

Adjoining property owner(s)

RENC, CH, LLC - No objections

City departments

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

Attachment(s)

Map

[Wallace Rd - Portion Abandonment Map Revised](#)

10. Public Hearing on a Resolution to Close an Unopened Portion of Bryant Street

Action:

Conduct a public hearing to close an unopened portion of Bryant Street.

Staff Resource(s):

Liz Babson, Transportation

Casey Mashburn, Transportation

Explanation

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The proposed action removes land from public right-of-way and attaches it to the adjacent property.
- The street to be closed is located in Council District 3.
- In compliance with NC G.S. § 166A-19.24 *Remote meetings during certain declarations of emergency*, written comments on the public hearing topic will be accepted by the Clerk's Office through June 9, 2020, at 11:59 p.m. Any additional comments received will be provided to Council.

Petitioner

Mecklenburg County

Right-of-Way to be Abandoned

An unopened portion of Bryant Street

Reason

Per the petition submitted by Mecklenburg County, the county is constructing a stream enhancement on a portion of Stewart Creek and abandoning this right-of-way will allow for this area to be included in the project without any future conflicts between right-of-way and the conservation easements. The city has no objections.

Notification

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

Adjoining property owner(s)

Mecklenburg County - No objections

City departments

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

Attachment(s)

Map

[Bryant St Abandonment Map](#)

POLICY

11. City Manager's Report

- Update on Summer Conventions
- COVID-19 Response Updates
 - Return to Work: Operations Updates
 - Charlotte Area Transit System
 - Solid Waste Services
- 7th and N. Tryon Project Overview
- Pearl Park Midtown Redevelopment Project Amendment

[Update on Summer Conventions](#)

[CATS Operations Update](#)

[Solid Waste Services Operations Update](#)

[7th and N. Tryon Project Overview](#)

[Pearl Park Midtown Redevelopment Project Amendment](#)

12. Fiscal Year 2021 Operating Budget and Fiscal Years 2021 - 2025 Capital Investment Plan

Action:

Adopt the Fiscal Year (FY) 2021 Appropriations and Tax Levy Ordinance, the FY 2021 Compensation and Benefits Resolution, and other items related to the Annual Budget Ordinance adoption:

- A. The FY 2021 Operating Appropriations and Tax Levy Ordinance,
- B. The FY 2021 - 2025 Capital Investment Plan,
- C. The FY 2021 General Solid Waste Fee,
- D. The FY 2021 Storm Water Services Fee,
- E. The FY 2021 Transit Operating Budget and Debt Service Budget, which was approved by the Metropolitan Transit Commission on April 22, 2020,
- F. The FY 2021 Charlotte Water Rates,
- G. The FY 2021 Compensation and Benefits Plan and associated Human Resources contracts,
- H. Outside Agencies and Municipal Service Districts Contracts,
- I. The City Investment Policy, and
- J. Other Budget Items.

Committee Chair:

Ed Driggs, Budget and Effectiveness Committee

Staff Resource(s):

Marcus Jones, City Manager's Office

Ryan Bergman, Strategy and Budget

Kelly Flannery, 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 2021 Budget presented on May 4, 2020, and subsequent City Council budget adjustments.
- The FY 2021 Budget is structurally balanced and focuses on four strategic priorities: Economic Development; Neighborhood Development; Transportation, Planning, and Environment; and Well-Managed Government.
- 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 and Effectiveness Committee meetings on January 2, January 21, and February 18, 2020; two Budget Workshops on February 5 and March 4, 2020; and three Budget Briefing meetings on May 11, May 20, and May 27, 2020. Public budget engagement occurred through public input surveys and community events such as Open Streets 704.
- The Proposed FY 2021 Budget was presented on May 4, 2020.
- The Budget Public Hearing occurred on May 11, 2020.
- In the month of May, several one-on-one meetings were held with council members regarding the Proposed FY 2021 Budget.
- The Mayor and City Council met on May 20 and May 27, 2020, to discuss budget adjustments for consideration to the Proposed FY 2021 Budget. Three budget adjustments were approved by City Council for inclusion in the FY 2021 Budget.

- FY 2021 Budget highlights include:
 - No property tax increase,
 - No reduction in core services,
 - No capital project delays due to financial impacts,
 - No use of one-time revenues such as operating reserves,
 - No city layoffs or furloughs,
 - Restructures government by eliminating 26 vacant positions from the General Fund without impacting core services,
 - Provides \$50 million in Affordable Housing, completing a \$100 million investment over two bond cycles,
 - Invests \$24.5 million in the city's designated Opportunity Corridors,
 - Enhances transportation and mobility by providing approximately \$47 million for building and repairing sidewalks, advancing Charlotte's Bike program, and improving traffic flow and mitigating congestion,
 - Enhances public safety employee compensation by increasing the top pay of Police Officer and Police Sergeant by five percent; top pay of Firefighter II by 2.5 percent, Fire Engineer by five percent, and Fire Captain by 3.75 percent; and fulfills the Charlotte Firefighters' Retirement System's request for \$1 million in additional funding,
 - Keeps employee healthcare premiums flat in FY 2021,
 - Provides three percent merit pool for hourly and salaried general employees, and
 - Spends \$2 million on city facilities sustainability, \$1 million on electrical vehicle (EV) infrastructure, and adds 20 EVs to the city's fleet.
- The FY 2021 - 2025 Capital Investment Plan (CIP) matches the city's highest priority needs with a financing schedule. The General CIP focuses on investing in projects that generate the most community benefit and improve the overall quality of life in Charlotte. The Nongeneral Capital Investment Plans respond to aging infrastructure and increasing service demands associated with the provision of water and sewer, storm water, transit, and aviation services.

Approved Changes to the Proposed FY 2021 Budget from the May 27 City Council Budget Straw Votes Meeting

- During the May 27 Budget Straw Votes meeting, City Council approved the following adjustments:
 - \$35,000 to be used as a contribution to the Charlotte-Mecklenburg Historic Landmarks Commission Revolving Fund. This adjustment is funded by reducing the General Fund Undesignated Balance by \$35,000,
 - \$35,000 to be used to develop a collaborative digital divide program that will be recommended to Council in FY 2021. This adjustment is funded by reducing the General Fund Undesignated Balance by \$35,000, and
 - \$250,000 to help expedite the Unified Development Ordinance (UDO). This adjustment is funded by transferring \$250,000 from the proposed Pay-As-You-Go (PAYGO) Fund budget for enhancing economic development programs to the UDO.

A. Adopt the FY 2021 Operating Appropriations and Tax Levy Ordinance

Budget Overview

- The total FY 2021 budget is \$2.55 billion net of transfers, with \$1.6 billion for operating expenditures and \$949.4 million for capital expenditures (all funds). The General Fund operating budget totals \$718.8 million.
- The total budget includes the following key revenues:
 - A property tax rate of 34.81¢ per \$100 of assessed valuation, which is the same as in FY 2020. The FY 2021 assessed value is estimated at \$146.51 billion, with an estimated collection rate of 99 percent,
 - The FY 2021 Water and Sewer Fee is proposed to increase by 1.9 percent for the typical homeowner, which is an average increase of \$1.24 per month.
 - The four tier Storm Water rate methodology (adopted in FY 2016) does not change in FY 2021. This methodology charges detached single-family parcels a flat rate for each tier

based on the same per square foot rate (\$0.0035) applied to the median impervious area of each tier. All other parcels (multi-family and commercial) are charged the same rate (\$0.0035) per actual square foot, and

- Charlotte Area Transit System (CATS) base transit fare remains flat from FY 2020 to FY 2021.

B. Adopt the FY 2021 - 2025 Capital Investment Plan

General CIP

- The capital program is based on property tax rates as follows:
 - 6.77¢ for the Municipal Debt Service Fund, and
 - 0.73¢ for the PAYGO Fund.
- The FY 2021 - 2025 five-year General CIP totals \$357.4 million and includes:
 - Completing "The Big Ideas" with the final street, neighborhood, and housing bond referendum in November 2020 for a total of \$197.2 million,
 - Proposing the second consecutive \$50.0 million housing bond to create and preserve affordable housing throughout Charlotte,
 - Implementing a new Corridors of Opportunity program that dedicates \$24.5 million to revitalizing six corridors, and
 - Investing \$47.3 million in transportation and mobility to build and repair sidewalks, advance the bicycle network, and improve traffic flow and mitigate congestion.

Nongeneral CIPs

- Nongeneral programs are financially self-sustaining and do not rely on property tax or general government revenues.
- The FY 2021 - 2025 five-year nongeneral CIP includes:
 - CATS totals \$149.1 million and is funded by \$71.0 million in federal and state grants and \$78.1 million in other sources.
 - Aviation totals \$2.0 billion and is funded by \$1.0 billion in revenue bonds, \$659.4 million in federal grants, \$109.4 million in Aviation PAYGO, and \$152.3 million in passenger facility charges and other sources.
 - Storm Water totals \$518.5 million and is funded by \$270.0 million in revenue bonds and \$248.5 million in Storm Water PAYGO and program income.
 - Charlotte Water totals \$1.9 billion, funded by \$894.0 million in Charlotte Water PAYGO and \$1.1 billion in water and sewer revenue bonds.

C. Amend the General Solid Waste Fee

- The annual Solid Waste Fee for residential customers changes from \$58.06 to \$67.66 per year in FY 2021.
- These changes become effective on July 1, 2020.
 - The revised fee will be included in the tax bills that will be mailed to property owners by September 2020 and are due by December 31, 2020.

D. Approve the FY 2021 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 2021 fees remain unchanged from FY 2020:
 - Detached single family homes with less than 2,000 square feet (sf) of impervious area
 - FY 2021 Monthly Fee: \$5.85
 - Detached single family homes with 2,000 to 2,999 sf of impervious area
 - FY 2021 Monthly Fee: \$8.62
 - Detached single family homes with 3,000 to 4,999 sf of impervious area
 - FY 2021 Monthly Fee: \$12.76
 - Detached single family homes with 5,000 sf or more of impervious area
 - FY 2021 Monthly Fee: \$21.11

- Commercial and multi-family per acre of impervious area
 - FY 2021 Monthly Fee: \$152.35

E. Adopt the FY 2021 Transit Operating Budget and Debt Service Budget, which was approved by the Metropolitan Transit Commission on April 22, 2020

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 2021 Transit Operating and Debt Service Budgets and the FY 2021 - 2025 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 2021 Budget includes no proposed fare increases.
- The FY 2021 User Fees include the creation of three new regulatory fees related to land development reviews, rezoning petitions, and right-of-way/property agreement reviews.
- The FY 2021 Budget for CATS represents three key ideas: responding to customer needs, maintaining a safe and reliable transit system, and planning for the future.

F. Adopt the FY 2021 Charlotte Water Rates

- Water and sewer fees are necessary to maintain current infrastructure, accommodate growth, and respond to changing regulatory requirements.
- FY 2021 rate changes include:
 - Increases the water and sewer availability fees from \$9.61 to \$9.99 per month,
 - Decreases the water and sewer administrative fees from \$9.46 to \$8.44 per month,
 - Increases the water and sewer volumetric usage rates by an average of \$1.88 per month,
 - The typical monthly total water and sewer bill for residential customers is estimated to be \$68.06 in FY 2021, an increase of \$1.24 per month, and
 - The typical bill assumes 5,236 gallons, or 7 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.

G. Adopt the FY 2021 Compensation and Benefits Plan and Associated Human Resources Contracts

The FY 2021 Pay and Benefits Report includes the following:

Compensation

- On May 4, 2020, the City Manager presented pay and benefits recommendations. This action authorizes the City Manager to implement all of the recommendations as presented in the FY 2021 Compensation and Benefits Recommendation including, but not limited to the following items:
- In the Public Safety Pay Plan:
 - Merit steps of 2.5 percent to five percent,
 - Market adjustment to the pay steps funded at 1.5 percent effective July 4, 2020,
 - Merge Police Officer steps nine and ten from two, 2.5 percent steps to one, five percent step,
 - Create Senior Police Officer II step for eligible Police Officers to receive a five percent step the later of December 5, 2020, or one year from reaching the SPOI step,
 - Eliminate the bottom step and add a five percent step to the top of Police Sergeant effective December 5, 2020,
 - Revisions to Fire steps effective November 14, 2020, to better align with market competitiveness:

- Merge Firefighter II steps four and five from two, 2.5 percent steps to one, five percent step,
- Merge Firefighter II steps six and seven from two, 2.5 percent steps to one, five percent step,
- Add a 2.5 percent step to the top of Firefighter II,
- Merge Firefighter Engineer steps one and two from two, 2.5 percent steps to one, five percent step,
- Merge Firefighter Engineer steps three and four from two, 2.5 percent steps to one, five percent step,
- Add two 2.5 percent steps to Firefighter Engineer,
- Eliminate the bottom step of Fire Captain and adjust remaining steps by 3.75 percent each, and
 - Firefighter Engineers at top of scale by the end of FY 2020 to receive two, 2.5 percent steps the later of November 14, 2020 or their FY 2021 merit date.
- In the Salaried Pay Plan:
 - Merit increase pool funded at 3.0 percent, and
 - A 1.5 percent market adjustment to the pay grades effective July 4, 2020.
- In the Hourly Pay Plan:
 - Merit increase pool funded at 1.5 percent,
 - A 1.5 percent market adjustment to the pay grades effective December 5, 2020, and
 - A 1.5 percent market adjustment to eligible employees effective December 5, 2020.

Benefits

- No employee or non-Medicare eligible retiree (20 years of service) medical plan premium increase to medical Plan A, B, D, or E for all tiers;
- 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 with the selected vendors for healthcare clinic, wellness, and occupational health services; dental; vision; Flexible Spending Account and Health Savings Account administration; benefits administration platform; pharmacy benefits manager; stop-loss insurance; and benefits consulting services;
- Provide the City Manager the authority to make medical plan design and cost share changes for employees and non-Medicare retirees within the overall health insurance budget;
- Provide the City Manager the authority to approve rate increases and vendor changes as necessary to appropriately fund Medicare-Eligible Retiree Health Plans upon receipt of renewal rates from the Administrator of the Medicare-eligible retiree coverage;
- Provide the City Manager the authority to enhance the plan design for the Employee Assistance Program to include 10 counseling sessions per issue and enhanced behavioral health services for public safety employees;
- Provide the City Manager the authority to change vacation time accrual from weekly accrual to a twice per year advancement;
- Clarify eligibility for retiree healthcare for those hired before July 1, 2009, to "10 years of continuous city service in a medical benefits eligible position"; and
- Continue military leave supplement pay for employees on active military duty.

H. Approve Outside Agencies and Municipal Service Districts Contracts

Authorize 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.

FY 2021 Annual Outside Agency Contracts

- General Fund Financial Partners:
 - Arts & Science Council: \$3,190,823
 - Charlotte Regional Business Alliance \$164,085
 - Community Building Initiative: \$50,000

- Safe Alliance: \$397,038
- Women’s Business Center of Charlotte: \$50,000
- YMCA - My Brother’s Keeper: \$50,000
- Dedicated Revenue Sources Financial Partners:
 - Charlotte Center City Partners: \$5,810,182
 - University City Partners \$1,090,489
 - Charlotte Regional Visitors Authority (CRVA): \$17,546,420
 - CRVA - Film Commission: \$150,000
- 100 Percent Federal Grant Funded Financial Partners:
 - Carolinas Care Partnership: \$2,860,489
- 100 Percent PAYGO Funded Financial Partners:
 - Crisis Assistance Ministry: \$425,000
 - TreesCharlotte: \$100,000
- PAYGO/Federal Share Funded Financial Partners:
 - Charlotte-Mecklenburg Housing Partnership - Affordable Housing: \$1,860,000
 - Charlotte-Mecklenburg Housing Partnership - House Charlotte: \$231,000
- Out of School Time Financial Partners:
 - Bethlehem Center: \$126,000
 - Charlotte Community Services Association: \$126,000
 - Greater Enrichment Program: \$200,000
 - WINGS for Kids: \$200,000
 - YWCA Central Carolinas: \$200,000

Municipal Service District Contracts with Charlotte Center City Partners

- District 1: Center City
 - Tax Rate remained the same, 1.36¢
 - FY 2021 Contract: \$1,710,889
- District 2: Center City
 - Tax Rate remained the same, 2.27¢
 - FY 2021 Contract: \$1,213,282
- District 3: Center City
 - Tax Rate remained the same, 3.38¢
 - FY 2021 Contract: \$1,779,413
- District 4: South End
 - Tax Rate remained the same, 3.90¢
 - FY 2021 Contract: \$1,106,598

Municipal Service District Contract with University City Partners

- District 5: University City
 - Tax Rate remained the same, 2.79¢
 - FY 2021 Contract: \$1,090,489

FY 2021 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 2021 Public Art Allocations include:
 - General Capital Investment Plan: \$426,120, and
 - Aviation Capital Investment Plan: \$613,942.

Charlotte Works

- Job training contract for implementing federally-funded Workforce Innovation and Opportunity Act.
 - Funding source is federal Workforce Innovation and Opportunity Act grant.
- This action authorizes the City Manager to negotiate and execute the FY 2021 contract with Charlotte Works for continued funding of the program.

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 one Sergeant to CMS for the 2020 - 2021 school year.
- This action authorizes the City Manager to negotiate and execute the FY 2021 contract with CMS for continued funding for these SRO positions.

Support to the District Attorney's Office - Property Crime Unit

- Since 2008, the city has provided annual funding (via the CMPD operating budget) to the District Attorney to support two Assistant District Attorneys and three Victim/Witness Legal Assistants from the North Carolina Administrative Office of the Courts to address the backlog of cases in Mecklenburg County and support Police crime fighting initiatives.
- This action authorizes the City Manager to negotiate and execute the FY 2021 contract with the District Attorney and NC Administrative Office of the Courts for continued funding of these five positions.

I. City Investment Policy

- The city's budgetary policies are based on and conform to Chapter 159 of the North Carolina General Statutes, the Local Government Budget and Fiscal Control Act, the City Code Book of Ordinances that includes the city charter, and generally accepted accounting principles for governmental entities.
- These policies and practices help to protect the fiscal integrity of the city and ensure that the city is poised for future growth.
- City Council adopted the most recent version of the Financial Policies and Practices upon the adoption of the FY 2020 Annual Budget Ordinance on June 10, 2019.
- The FY 2021 Financial Policies and Practices includes a formalized City Investment Policy that:
 - Effectively outlines the management and maintenance of city investments in accordance with all applicable Federal and State laws, City Ordinances, and other regulatory requirements, and
 - Updates Standards of Care to highlight safety, liquidity, and return as the primary objectives of investment activities.

J. Approve Other Budget Items

- Various updates to the schedule of regulatory and non-regulatory user fees, including the creation of two new tree payment-in-lieu fees as a result of City Council's amendment to the Tree Ordinance.
- 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 2021 Budget and all Council adjustments.
- The remainder of the Annual Ordinance (Sections 15 through 102) 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 2021 Compensation and Benefits Recommendation

[FY 2021 Annual Ordinance Final](#)

[FY2021 MTC Resolution](#)

[FY 2021 Compensation and Benefits Recommendation Final](#)

[FY21 Attachments Comp Ben Rec Final](#)

13. Amendments to the Charlotte Business INClusion Program Policy

Action:

- A. Approve revisions to the Charlotte Business INClusion Program Policy and make the revisions effective July 1, 2020, and**

Committee Chair:

James Mitchell, Workforce and Business Development Committee

Staff Resource(s):

Phil Reiger, General Services
Kay Elmore, General Services
Patrick Baker, City Attorney's Office
Thomas Powers III, City Attorney's Office

Current Policy

- City Council approved the most recent version of the Charlotte Business INClusion (CBI) Program Policy on November 27, 2017.
- City Council adopted the 2017 Disparity Study and set a sunset of January 1, 2023, for race-conscious and gender-conscious goals for the CBI Program Policy.
- Staff thereafter reviewed the 2017 Disparity Study recommendations and drafted proposed revisions to the CBI Program Policy based on those recommendations.
- The Charlotte Business INClusion Advisory Committee voted in 2018 to recommend changes to the CBI Program Policy and forwarded those recommendations to City Council's Economic Development Committee for consideration.

Proposed Changes

A summary of the Committee's recommendations includes:

- Adding the history of the 2017 Disparity Study adoption and findings;
- Reducing the construction dollar threshold from \$300,000 to \$200,000;
- Clarifying the appeal review process;
- Adding new definitions for "Good Faith Efforts Documentation," "Payment Affidavit," and "State HUB Office," and updating the "Financial Partner" definition;
- Allowing bidders 24 hours after bid opening to submit utilization commitments;
- Reducing the good faith effort points from 15 to 10 for both "Breaking Down Work," and "Negotiating in good faith with MWBEs and SBEs;" and
- Making other minor, non-substantive edits to increase readability.

Committee Discussion

- The Economic Development Committee (ED Committee) was briefed in 2018 on the proposed changes to the CBI policy based on the 2017 Disparity Study.
- On August 27, 2018, the ED Committee voted unanimously to reduce the good faith effort points from 15 to 10 for "Breaking Down Work" and "Negotiating in Good Faith with MWBEs and SBEs." Mitchell, Driggs, Harlow, Mayfield, and Newton in favor.
- On September 24, 2018, the ED Committee voted unanimously to allow bidders 24 hours after bid opening to submit utilization commitments. Mitchell, Driggs, Harlow, Mayfield, and Newton in favor.
- On December 20, 2018, the ED Committee voted unanimously to reduce the construction dollar threshold from \$300,000 to \$200,000 and to count a business enterprise which is dual-registered as a MWBE and SBE towards either the MWBE Goal or SBE Goal, but not towards both goals. Driggs, Harlow, Mayfield, and Newton in favor (Mitchell was not present).
- On May 11, 2020, the Workforce and Business Development Committee (WF&BD Committee) received another briefing on the proposed changes to the CBI Program Policy language based on the

- 2017 Disparity Study. No additional vote was taken by the WF&BD Committee at this meeting; the WF&BD Committee directed staff to place the item on the City Council's business agenda based on its previous votes.
- At the June 1, 2020 City Council Strategy Session, City Council received a briefing on the proposed changes to the CBI Program Policy.

Attachment(s)

Charlotte Business INCLUSION Program Policy
06.01.2020 City Council Strategy Session Presentation

[CBI Program Policy](#)

[06.01.2020 Charlotte Business INCLUSION Policy Revisions Strategy Session Presentation](#)

BUSINESS

14. General Obligation Bond Referendum

Action:

Adopt resolutions authorizing staff to proceed with the necessary actions to conduct a general obligation bond referendum on November 3, 2020.

Staff Resource(s):

Kelly Flannery, Finance

Explanation

- City Council is scheduled to adopt the Fiscal Year 2021 budget and Fiscal Years 2021-2025 Capital Investment Plan at tonight's meeting. The plan includes a \$197,232,000 bond referendum on November 3, 2020.
- This proposed referendum includes \$102,732,000 of street bonds, \$44,500,000 of neighborhood improvement bonds, and \$50,000,000 of housing bonds.
- The statutory requirements for the legal process include applying to the Local Government Commission for approval, holding a public hearing on the proposed bond orders, setting of the special referendum, and certification of the results.
- The current action is the first of five Council actions associated with the 2020 Bond Referendum. This first action will specifically authorize:
 - Publication of a notice of intent to apply to the Local Government Commission,
 - Application to the Local Government Commission, and
 - Certain statements of facts concerning the proposed bonds.

Next Steps

- On June 22, the bond orders will be introduced, and Council will be asked to set a public hearing on the bond orders for July 13.
- On July 13, Council will be asked to hold a public hearing on each of the bond orders.
- On July 27, Council will be asked to approve each of the bond orders.-
- After November 3, Council will be asked to adopt a resolution certifying and declaring the results of the special bond referendum after the Certificate of Canvass is signed by the Mecklenburg Board of Elections.

Fiscal Note

Funding: Municipal Debt Service Fund and General Capital Investment Plan

Attachment(s)

Resolutions

[June 8 actions - City of Charlotte - 2020 GO Referendum](#)

15. Ballantyne Infrastructure Reimbursement

Action:

- A. **Authorize the City Manager to negotiate and execute a Master Development Agreement with Northwood Development, LLC (Developer) setting forth the general terms and conditions of the City and Developer's partnership regarding affordable housing, arts and culture, traffic mitigation, multimodal transportation, parks and greenways and other community benefits in the redevelopment of Ballantyne Corporate Park,**
- B. **Authorize the City Manager to negotiate and execute a contract with Developer for the reimbursement of costs for public infrastructure in an amount not to exceed \$25 million for public infrastructure improvements, which will be reimbursed through 45 percent of incremental City and County property taxes from a designated area over 15 years, or until fully reimbursed, whichever occurs first,**
- C. **Authorize the City Manager to negotiate and execute a contract with Developer for the reimbursement of costs for public infrastructure in an amount not to exceed \$17.5 million for public infrastructure improvements, which is expected to be reimbursed to the developer in full by the 2022 Bond Referendum OR in two payments of \$8.75 million split between the 2022 and 2024 Bond Referendum OR in a combination of payments from other municipal sources of funding, and**
- D. **Adopt a resolution approving an Interlocal Agreement with Mecklenburg County and authorizing the City Manager to negotiate and execute all documents necessary to complete the interlocal cooperation.**

Staff Resource(s):

Tracy Dodson, Economic Development

Explanation

- The 454.24-acre Ballantyne Reimagined development is a private development site located in South Charlotte in Council District 7.
- Northwood Development, LLC (Developer) plan to redevelop approximately 140 acres on the east side of Highway 521 through two phases and will provide municipal improvements within their development through the city's Capital Investment Plan (CIP) and Tax Increment Grant
- These improvements implement the city's goals of increasing economic development, placemaking opportunities, increasing the local tax base, and improving road networks, and traffic mitigation.
- Ballantyne Reimagined rezoning will provide for development of a unique live-work-play master planned community for office, retail, hotel, and a variety of residential uses, with strong pedestrian and environmental commitments.
- The total estimated private investment related to Phase I and II improvements are approximately \$1.5 billion.
- Northwood Development, LLC (developer) has requested the city partner with them on a series of public infrastructure improvements. The Ballantyne Reimagined development and proposed public private partnership was presented during the City Council Strategy Session on March 4, 2020 and at the City Council Business Meeting on May 11, 2020.
- The partnership is described in the Master Development Agreement and will achieve the following goals:
 - Create infrastructure to support development and leverage existing investment,
 - Provide housing units that are subject to income, rent or price restrictions,
 - Deliver an amphitheater with a minimum capacity of 2,000 people, together with related improvements, and
 - Preserve and provide over 100 acres of open space.
- At build-out of Phase I and II, the redevelopment could generate more than \$7 million in annual city

- property tax revenue.
- Phase I of the proposed development will include 1030 residential units (130 affordable), construction of a public amphitheater, 300,000 square feet of retail and restaurants, 200 hotel rooms, Greenway Connections, Roadway Infrastructure.
 - Phase II will include 1050 residential units (130 affordable), 300 townhomes, and 400,000 square feet of office space.
 - Phase III is an aspirational phase, not triggered until a major transportation event occurs and a new traffic study is conducted, yet may include 1890 residential units (270 affordable) and up to 1,500,000 square feet of office.

Infrastructure Reimbursement Agreement - Tax Increment Grant

- The developer has requested reimbursement of \$25 million for public infrastructure improvements.
- Per Council policy, the development qualifies for a 15-year, 45 percent TIG
- The public improvements to be reimbursed under the terms of the Agreement include:
 - Development of a new east west connector road between Johnston Road and Community House Road parallel to Ballantyne Commons Parkway and additional intersection improvements in the greater Ballantyne area.
- Under the terms of the agreement, the developer would build the public improvements and be reimbursed through 45 percent of the incremental city property taxes from a designated area over 15 years.
- Other terms of the agreement include:
 - \$25 million in reimbursed infrastructure cost with an interest cost of carry equivalent to the city's cost of funds,
 - The development team must request the first grant payment within five years after the completion of the public infrastructure improvements,
 - The TIG term ends at 15 years or when the grant payments equal a present value equal to \$25 million, whichever occurs first,
 - The development team has engaged general contractors and technical assistance to strengthen Minority, Women, and Small Business Enterprise (MWSBE) utilization for public and private infrastructure improvements, and
 - The developer has agreed to work with the city to incorporate an MWSBE Plan approved by the city's Charlotte Business INCLUSION (CBI) Program, to include:
 - A minimum of 12 percent SBE utilization for all public infrastructure improvements under the reimbursement agreement.
 - A minimum of 8 percent MBE utilization for all public infrastructure improvements under the reimbursement agreement.

Infrastructure Reimbursement Agreement - Capital Investment Plan

- Anticipated funding of \$17,500,000 dispersed in one or more payments from a future Bond Referendum or other municipal funding sources
- Improvements to be made include:
 - A new roadway and intersection improvements between Johnston Road and N. Community House Road,
 - Improvements to the I-485 Ramps and
 - Improvements to the following intersections:
 - Johnston Road and N. Community House Road,
 - Ballantyne Commons Parkway and N. Community House Road,
 - Old Lancaster Road and Ballantyne Commons Parkway, and
 - Johnston Road and Ballantyne Commons Parkway.
- In order to expedite and provide for efficient construction of the Ballantyne improvements, the Developer will be responsible for ensuring the agreed upon public improvements are complete to city standards. In return, the city will reimburse the developer for these public improvements in an amount not to exceed \$17.5 million
- Under the terms of the agreement the developer would build the public improvements and be

reimbursed upon completion of said improvement through the CIP or other funding sources.

- The Developer has agreed to work with the city to incorporate an MWSBE Plan approved by the city's CBI Program.
- The developer will continue working with the city and the community on objectives to create opportunities for greater inclusion of MWSBE certified companies and workforce development initiatives.

Fiscal Note

Funding: General Capital Investment Plan, Tax Increment Grant, or Other Municipal Funding Sources

Attachment(s)

May 11th City Council Business Meeting Presentation

March 4th City Council Strategy Session Presentation

Resolution

Ballantyne Reimagined Interlocal Agreement

[03.02.2020 Ballantyne Reimagined Presentation](#)

[05.11.2020 Ballantyne Reimagined](#)

[Ballantyne Reimagined Interlocal Agreement](#)

[Ballantyne Reimagined Interlocal Agreement Resolution](#)

15b. Rezoning Petition: 2019-115 by Northwood Development, LLC

Location: Approximately 454.24 acres located on the north side of Ballantyne Commons Pkwy., south of I-485 on both sides of Johnston Road. (Council District 7 - Driggs)

Current Zoning: BP (CD) (business park, conditional) & O-3 (CD) (office, conditional)

Proposed Zoning: MUDD-O (mixed use development, optional)

Zoning Committee Recommendation:

The Zoning Committee voted 5-2 to recommend **APPROVAL** of this petition.

Staff Recommendation:

Staff recommends **APPROVAL** of this petition.

Attachments:

Zoning Committee Recommendation

Final Staff Analysis

Site Plan

CMS Follow-up report

[2019-115 Zoning Committee Recommendation](#)

[2019_115 Staff Analysis](#)

[2019_115 Site Plan Revisions](#)

[2019-115 Follow-Up Report](#)

16. Land Purchase for Charlotte Area Transit System

Action:

- A. Approve the purchase of a 23-acre property located at 11100 Hambright Road (parcel identification number 017-042-11) in the amount of \$1 from the North Carolina Department of Transportation, and**

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

Staff Resource(s):

Phil Reiger, General Services
Tony Korolos, General Services
John Lewis, CATS

Explanation

- The 23-acre property is located at 11100 Hambright Road (parcel identification number 017-042-11) north of Council District 2. The property is zoned corporate business with a tax assessed value of \$1,033,300.
- The Charlotte Area Transit System (CATS) will use the property to build a future park-and-ride lot consisting of 511 spaces with an adjoining bus bay holding up to six buses.
- The North Carolina Department of Transportation (NCDOT) has agreed to sell the parcel for \$1, as long as the property is used for public good. If the property is no longer used for public good, it will revert to NCDOT, and the city will be responsible for all costs of the conveyance.
- In accordance with Federal Transit Administration (FTA) regulations, the city will not execute the acquisition of this property until the FTA has approved the environmental document as required by the National Environmental Policy Act.
- This transaction is consistent with the Metropolitan Transit Commission's adopted 2030 Transit System Plan and the Council-adopted City-Owned Real Estate and Facilities Policy.

Fiscal Note

CATS' Capital Investment Plan

Attachment(s)

Map

[Map Land Purchase for Charlotte Area Transit System](#)

17. Appropriate Private Developer Funds

Action:

- A. **Approve developer agreements with Charlotte Mecklenburg Schools and Hazel Southpark Apartments, LP for traffic signal modifications, and**
- B. **Adopt a budget ordinance appropriating \$40,000 in private developer funds for traffic signal installations and improvements.**

Staff Resource(s):

Liz Babson, Transportation
Charles Abel, Transportation

Explanation

- Private developer agreements and appropriations are needed when a developer is required through the city rezoning process to make traffic signal improvements.
- Funding contributions from private developers must be appropriated prior to the city's initiation of work.
- The \$40,000 in private developer funds is for road modifications, traffic signals, traffic signal modifications and/or upgrades, and other related work associated with the developers' projects. The funding is restricted to the projects noted below:
 - Charlotte Mecklenburg Schools contributed \$10,000 for signal modifications at the intersection of York Road and McDowell Parkway (adjacent to Council District 3).
 - Hazel Southpark Apartments, LP contributed \$30,000 for signal modifications at Barclay Downs Drive and Carnegie Boulevard (Council District 6).
- These developer contributions are based on cost estimates prepared by the Charlotte Department of Transportation (CDOT).
- Any funding contributed by the developer(s) for a signal project that is unused by the city will be refunded back to the developer(s) after project completion.
- CDOT will install and operate these signals as part of the existing signal systems in the area.

Fiscal Note

Funding: Private Developer Contributions

Attachment(s)

Map
Budget Ordinance

[Traffic Signal Improvements Map](#)

[BO Developer Appropriations 6.8.2020](#)

18. Resolution to Close an Unopened Portion of the Alleyway Between Bertonley Avenue and Millbrook Road

Action:

Adopt a resolution and close an unopened portion of the alleyway between Bertonley Avenue and Millbrook Road.

Staff Resource(s):

Liz Babson, Transportation

Casey Mashburn, Transportation

Explanation

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way and attaches it to the adjacent property.
- The attached resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.
- The alleyway to be closed is located in Council District 1.
- A public hearing for this resolution was held on May 26, 2020. No comments from the public were received.

Petitioner

Equity Trust Co. Custodian FBO Robert S. Bunzey Jr. IRA

Attachment(s)

Map

Resolution

[Bertonley Ave Map](#)

[Bertonley Resolution to Close](#)

19. Decision on Grier Meadows Area Voluntary Annexation

Action:

Adopt an annexation ordinance with an effective date of June 8, 2020, to extend the corporate limits to include these properties and assign them to the adjacent City Council District 5.

Staff Resource(s):

Taiwo Jaiyeoba, City Manager's Office
Katrina Young, Planning, Design, and Development

Explanation

- On May 26, 2020, a public hearing on Grier Meadows Area Voluntary annexation was conducted during the virtual City Council Business Meeting. No comments from the public were received.
- A petition has been received from the owner of this 41.854-acre property.
- The property is owned by Nancy Coe Hall.
- The property is zoned (R-3) single family residential district.
- Petitioned area consists of two parcels, parcel identification numbers 10811227 and 10811229.
- The property is located within Charlotte's extraterritorial jurisdiction and shares boundaries with current city limits.
- Intent of the annexation is to enable the development of 86 single family residential dwelling units.

Consistency with City Council Policies

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

Attachment(s)

Map (GIS)
Map (Survey)
Annexation Ordinance

[Grier Meadows Area Annexation Map \(GIS\)](#)

[Surveys - Grier Meadows Area Annexation Map \(Survey\)](#)

[Ordinance - Grier Meadows Area Annexation](#)

20. Decision on Old Moore's Chapel North Area Voluntary Annexation

Action:

Adopt an annexation ordinance with an effective date of June 8, 2020, to extend the corporate limits to include these properties and assign them to the adjacent City Council District 3.

Staff Resource(s):

Taiwo Jaiyeoba, City Manager's Office
Katrina Young, Planning, Design, and Development

Explanation

- On May 26, 2020, a public hearing on Old Moore's Chapel North Area voluntary annexation was conducted during the virtual City Council Business Meeting. No comments from the public were received.
- A petition has been received from the owner of this 32-acre property.
- The property is owned by Locomotive Land Co LLC.
- The property is zoned (MX-2) mixed use district.
- Petitioned area consists of one parcel, parcel identification number 05508120.
- The property is located within Charlotte's extraterritorial jurisdiction and shares boundaries with current city limits.
- Intent of the annexation is to enable the development of 288 multi-family attached residential townhomes.

Consistency with City Council Policies

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

Attachment(s)

Map (GIS)
Map (Survey)
Annexation Ordinance

[Old Moore's Chapel North Area Annexation Map](#)

[Survey Map - Old Moore's Chapel North Area Annexation](#)

[Annexation Ordinance - Old Moore's Chapel North](#)

21. Decision on Stoneygreen Area Voluntary Annexation

Action:

Adopt an annexation ordinance with an effective date of June 8, 2020, to extend the corporate limits to include these properties and assign them to the adjacent City Council District 5.

Staff Resource(s):

Taiwo Jaiyeoba, City Manager's Office
Katrina Young, Planning, Design, and Development

Explanation

On May 26, 2020, a public hearing on Stoneygreen Area voluntary annexation was conducted during the virtual City Council Business Meeting. No comments from the public were received.

- A petition has been received from the owner of this 49.139-acre property.
- The property is owned by Carol Purser and Rodney Purser.
- The property is zoned (R-3 and R-8) single family residential district. There was a zoning change per Petition Number 2019-088.
- Petitioned area consists of two parcels, parcel identification numbers 10812101 and 10812119.
- The property is located within Charlotte's extraterritorial jurisdiction and shares boundaries with current city limits.
- Intent of the annexation is to enable the development of between 150 and 160 single family residential homes.

Consistency with City Council Policies

- The annexation is consistent with voluntary annexation policy approved by City Council on March 24, 2003.
 - Is consistent with the policy to not adversely affect the city's ability to undertake future annexations;
 - Is consistent with the policy to not have undue negative impact on city finances or services;
 - Per policy, voluntary annexations that encompass unincorporated areas by new city limits may be approved if either of the following conditions exist:
 - A petitioner for a voluntary annexation would experience a significant hardship if the annexation were not approved; or
 - Under the facts of a particular voluntary annexation petition, the city's interests are served by varying the application of one of more of these policies.
 - This voluntary annexation is being recommended because the city's interests will be served by annexing the petitioned property.

Attachment(s)

Map (GIS)
Map (Survey)
Annexation Ordinance

[Stoneygreen Area Annexation Map \(GIS\)](#)

[Stoneygreen Area Annexation Survey Map](#)

[Ordinance - Stoneygreen Area Annexation](#)

22. 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, 2020, and ending June 30, 2023.
 - Hermes Goudes is eligible but not interested in reappointment.
- One appointment for a three-year term for Real Estate Development Industry Representatives beginning July 1, 2020, and ending June 30, 2023.
 - Eric Zaverl is eligible and interested in reappointment.

Attachment(s)

Alternative Compliance Review Committee Applications

23. Nomination to Bechtler Arts Foundation Board

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a three-year term beginning July 1, 2020, and ending June 30, 2023.
 - Matthew Benson has served two terms and is no longer eligible for reappointment.

Attachment(s)

Bechtler Arts Foundation Board Applications

24. 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 beginning upon appointment and ending April 28, 2023.
 - Lester Selby has resigned.
- One appointment for a three-year term recommended by the Asian American Chamber of Commerce beginning upon appointment and ending April 28, 2023.
 - Reena Ruwala did not meet attendance requirements.
- One appointment for a three-year term for a Certified SBE-Hispanic Contractors Association representative beginning upon appointment and ending April 28, 2023.
 - Domenico Santilli is eligible but not interested in reappointment.
- Two appointments for three-year terms recommended by the Charlotte Regional Business Alliance beginning upon appointment and ending April 28, 2023.
 - Derrick Davis is eligible and interested in reappointment.
 - Eric Cohen has resigned.
- One appointment for a three-year term recommended by the Latin American Chamber of Commerce beginning upon appointment and ending April 28, 2023.
 - Rocio Gonzalez-Zornosa did not meet attendance requirements.
- One appointment for a three-year term for a Metrolina Minority Contractors Association representative beginning upon appointment and ending April 28, 2023.
 - Darmel Lee is eligible and interested in reappointment.
- One appointment for a three-year term for a Metrolina Native American Association representative beginning upon appointment and ending April 28, 2023.
 - Rebecca LaClaire is eligible and interested in reappointment.
- One appointment for a three-year term recommended by the National Association of Women Business Owners beginning upon appointment and ending April 20, 2023.
 - Suzy Johnson has resigned.

Attachment(s)

Business Advisory Committee Applications

25. 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 for a Black Chamber of Commerce representative beginning upon appointment and ending February 28, 2022.
 - Michelle Keaton-Barrow is eligible but not interested in reappointment.
- One appointment for a two-year term for a Carolinas Asian-American Chamber of Commerce representative beginning upon appointment and ending February 28, 2022.
 - Shobha Rajpal has served two terms and is not eligible for reappointment.
- One appointment for a two-year term for a Hispanic Contractors Association of the Carolinas representative beginning upon appointment and ending February 28, 2022.
 - Milagritos Aguilar did not meet attendance requirements and is not eligible for reappointment.

Attachment(s)

Charlotte Business INClusion Advisory Committee Applications

26. 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 At-Large representative beginning upon appointment and ending July 30, 2023.
 - Sean Smith is already serving a term under mayoral appointment.
- One appointment for a partial term for a Charlotte Regional Business Alliance representative beginning upon appointment and ending June 30, 2022.
 - Marvin Price is eligible but not interested in reappointment.

Attachment(s)

Charlotte International Cabinet Applications

27. 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

- Three appointments for three-year terms beginning July 1, 2020, and ending June 30, 2023.
 - Jakob Gattinger is eligible and interested in reappointment.
 - Pamela McCarter is eligible and interested in reappointment.
 - John Tartt is eligible and interested in reappointment.

Attachment(s)

Charlotte Mecklenburg Public Access Corporation Applications

28. Nominations to the Charlotte Regional Visitors Authority

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- Two appointments for At-Large members for three-year terms beginning July 1, 2020, and ending June 30, 2023.
 - Arthur Gallagher has served two terms and is not eligible for reappointment.
 - Tracy Montross has served two terms and is not eligible for reappointment.
- One appointment for a Full-Service Hotel Representative for a three-year term beginning July 1, 2020 and ending June 30, 2023.
 - William Deloache has served two terms and is not eligible for reappointment.
- One appointment for a Restaurant Representative for a three-year term beginning July 1, 2020 and ending June 30, 2023.
 - Thomas Sasser is eligible and interested in reappointment.
- One appointment for a Town Representative for a three-year term beginning July 1, 2020 and ending June 30, 2023.
 - Karen Bentley is eligible and interested in reappointment.

Attachment(s)

Charlotte Regional Visitors Authority Applications

29. Nominations to the Charlotte Water Advisory Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a Water and/or Sewer Contractor representative for a three-year term beginning July 1, 2020, and ending June 30, 2023.
 - William Cornett is eligible and interested in reappointment.

Attachment(s)

Charlotte Water Advisory Committee Applications

30. Nominations to the Citizens Transit Advisory Group

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, 2020, and ending June 30, 2023.
 - Michael Cataldo is eligible and interested in reappointment.

Attachment(s)

Citizens Transit Advisory Group Applications

31. 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, 2021.
 - Patrice Funderburg declined her appointment to fill the unexpired term of Victoria Watlington.
- One appointment for a three-year term beginning upon appointment and ending May 15, 2023.
 - Ryan McGill is eligible and interested in reappointment.

Attachment(s)

Civil Service Board Applications

32. 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 on June 30, 2020, and a three-year term beginning July 1, 2020, and ending June 30, 2023.
 - Wesley Farnam no longer meets the residency requirement and is not eligible for reappointment.

Attachment(s)

Community Relations Committee Applications

33. 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 an At-Large representative for a three-year term beginning July 1, 2020 and ending June 30, 2023.
 - Jessica Hindman currently holds this seat. The HDC is recommending Jessica Hindman, based on her business ownership in Dilworth, change categories from an At-Large HDC member to a Business Operator of Dilworth member. See the recommendation memo for more details.
 - John Phares is eligible but not interested in reappointment.

Attachment(s)

Historic District Commission Applications

34. Nominations to the Historic Landmarks Commission

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- Two appointments for three-year terms beginning July 17, 2020, and ending July 16, 2023.
 - Leonard Norman has served two terms and is not eligible for reappointment.
 - William Hughes is eligible and interested in reappointment.

Attachment(s)

Historic Landmarks Commission Applications

35. Nominations to Keep Charlotte Beautiful

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, 2020, and ending June 30, 2023.
 - Wendy Sellers is eligible and interested in reappointment.

Attachment(s)

Keep Charlotte Beautiful Applications

36. 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 two-year term for a Business Representative beginning upon appointment and ending April 15, 2022.
 - Freda Lester is eligible and interested in reappointment
- Four appointments for two-year terms for Neighborhood Representatives beginning upon appointment and ending April 15, 2022.
 - Rosalyn Allison-Jacobs is eligible and interested in reappointment.
 - William Hughes has served two terms and is no longer eligible for reappointment.
 - Patricia Johanson is eligible and interested in reappointment.
 - Linda Webb is eligible and interested in reappointment.
- One appointment for a two-year term for a School Superintendent Recommendation beginning upon appointment and ending April 15, 2022.
 - Doris Shivers is eligible and interested in reappointment.

Attachment(s)

Neighborhood Matching Grants Fund Applications

37. 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 Representative of Persons with Disabilities for a three-year term beginning July 1, 2020, and ending June 30, 2023.
 - Roeshona Anderson is eligible and interested in reappointment.

Attachment(s)

Passenger Vehicle for Hire Applications

38. Nominations to the Planning Commission

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a three-year term for a Planning Committee representative beginning July 1, 2020, and ending June 30, 2023.
 - Victoria Nwasike is eligible and interested in reappointment.

Attachment(s)

Planning Commission Applications

39. Nominations to the Public Art Commission

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for an Education representative for a three-year term beginning July 1, 2020, and ending June 30, 2023.
 - Gaurav Gupte is eligible and interested in reappointment.

Attachment(s)

Public Art Commission Applications

40. 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 an Environmental Professional representative for a three-year term beginning July 1, 2020, and ending June 30, 2023.
 - Leslie Jones has served two terms and is not eligible for reappointment.

Attachments

Storm Water Advisory Committee Applications

41. 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 three-year term for an Express Service Passenger beginning upon appointment and ending January 31, 2023.
 - Daniel Macrae is eligible and interested in reappointment.
- One appointment for a partial term for a Suburban Employer Served by Charlotte Transit beginning upon appointment and ending January 31, 2021.
 - Chris Maloy has resigned.
- One appointment for a partial term in the Vanpool Rider category beginning upon appointment and ending January 31, 2022.
 - Parker Cains has resigned.

Attachment(s)

Transit Services Advisory Committee Applications

42. 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 by City Council for an appointment by County Commission for a partial term beginning immediately and ending February 28, 2023.
 - Martin Doss has served two terms but is seeking reappointment. Please see WMAB's memo for additional details.

Attachment(s)

Waste Management Advisory Board Applications

CONSENT

43. Firefighting Turnout Gear

Action:

- A. Approve unit price contracts for the purchase of firefighting turnout gear for an initial term of two years to the following:**
- **Atlantic Emergency Solutions,**
 - **Municipal Emergency Solutions, Inc,**
 - **Newton's Fire and Safety Equipment Inc, 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 contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

Reginald Johnson, Charlotte Fire Department

Damian Owens, Charlotte Fire Department

Explanation

- Firefighting turnout gear consists of a jacket, pants, and a hood to help protect the firefighters from thermal and mechanical injury.
- Firefighting turnout gear is used by the Charlotte Fire Department (CFD) for personal firefighter protection while performing daily tasks including firefighting, search and rescue, and responding to building entrapments and gas leaks.
- On January 27, 2020, the city issued an Invitation to Bid (ITB), on behalf of the Charlotte Cooperative Purchasing Alliance (CCPA); Five bids were received.
- The following were selected as the lowest responsive, responsible bidders for specific manufacturers' products.
 - Atlantic Emergency Solutions is an authorized distributor for Innotex brand gear;
 - Municipal Emergency Solutions Inc is an authorized distributor for Fire-Dex brand gear; and
 - Newton's Fire and Safety Equipment Inc is an authorized distributor for Globe, PGI, and Morning Pride brand gear.
- CCPA contracts are available for the use of and to benefit all entities that must comply with state purchasing laws.
- Annual expenditures are estimated to be \$850,000.

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 SBEs or MWBEs certified to perform the scopes of work that the city regards as realistic opportunities for subcontracting.

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

Fiscal Note

Funding: CFD Operating Budget

44. Rollout Recycling and Refuse Cart Purchase and Maintenance Contract Amendments

Action:

- A. Approve a contract amendment to extend a contract with Otto Environmental Systems North America, Inc. for rollout recycling and refuse carts for a term of one year, and**
- B. Approve a contract amendment to extend a contract with Otto Environmental Systems North America, Inc. for rollout recycling and refuse carts maintenance and repair for a term of one year.**

Staff Resource(s):

Rodney Jamison, Solid Waste Services

Ellen Price, Solid Waste Services

Explanation

- On June 23, 2008, City Council adopted a resolution to execute an agreement with Mecklenburg County that establishes a system for the management of recyclables, yard waste, and refuse generated by the residents of the City of Charlotte.
- These contract extensions will support ongoing cart requirements while a new competitive solicitation is conducted for a long-term carts solution to include potential future needs and changes to industry standards.

Action A

- On February 8, 2010, Council awarded a ten-year contract, expiring June 30, 2020, for new and replacement carts to Otto Environmental Systems North America, Inc.
- The cost of new and replacement carts, under this extension, is an annual increase of 1.5 percent from the original contract.
- Estimated expenditures for a one-year period are \$546,000.

Action B

- On February 22, 2010, Council awarded a ten-year contract, expiring June 30, 2020, for maintenance, distribution, and services for rollout carts to Otto Environmental Systems North America, Inc.
- The cost of maintenance, distribution, and services, under this extension, is an annual decrease of 27 percent from the original contract.
- Estimated expenditures for a one-year period are \$890,880.

Charlotte Business INclusion

Action A

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 SBEs or MWBEs certified to perform the scopes of work that the city regards as realistic opportunities for subcontracting.

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

Action B

Established MSBE Goal: 5.00%

Committed MSBE Goal: 5.00%

Otto Environmental Systems North America, Inc. has committed 5.00% or (\$44,544) of the total contract amendment amount to the following certified firms: (Part D: Section 6 of the Charlotte Business INclusion Policy):

- Brand RPM (MBE) (\$8,908) (Marketing Materials)

- Dixie Electro Mechanical Services (WBE) (\$35,636) (Equipment Repairs)

Fiscal Note

Funding: Solid Waste Services Operating Budget

45. Equipment and Dump Trailers

Action:

- A. Approve unit price contracts for the purchase of equipment and dump trailers for an initial term of three years to the following:**
- Bobcat of Charlotte,
 - East Coast Trailer and Equipment Co. Inc, and
- B. Authorize the City Manager to renew the contracts for up to two, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

Phil Reiger, General Services

David Wolfe, General Services

Explanation

- City departments routinely use trailers for daily operations to move equipment and necessary items.
- On April 1, 2020, the city issued an Invitation to Bid; six bids were received. The following firms were selected as the lowest responsive, responsible bidders:
 - Bobcat of Charlotte submitted the overall low bid for the Hudson Brothers Trailers, and
 - East Coast Trailer and Equipment Co. Inc submitted the overall low bid for the PJ trailer.
- Annual expenditures are estimated to be \$400,000.

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.

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

Fiscal Note

Funding: Various Departments' Capital Equipment Budgets

46. Water and Sanitary Sewer Infrastructure Construction Contract

Action:

- A. **Reject the low-bid submitted by Dallas 1 Construction, LLC, for the new construction or replacement of water and sanitary sewer mains throughout the Charlotte Water service area, and**
- B. **Approve a contract in the amount of \$5,755,671.10 to the lowest responsive bidder R.H. Price, Inc. for the new construction or replacement of water and sanitary sewer mains throughout the Charlotte Water service area.**

Staff Resource(s):

David Czerr, Charlotte Water
Jackie Jarrell, Charlotte Water
Keri Cantrell, Charlotte Water

Explanation

- Charlotte Water uses private construction companies to replace water and sanitary sewer mains as well as to build new water and sanitary sewer lines. The contract will provide both of these services.
- In 2019, approximately 24,000 linear feet of water main and 43,000 linear feet of sanitary sewer main were installed.
- On March 4, 2020, the city issued an Invitation to Bid; three bids were received.
- R.H. Price, Inc. was selected as the lowest responsive, responsible bidder.
- The low-bid of \$5,631,442.90 submitted by Dallas 1 Construction, LLC was found not to be responsive for failing to meet the established MSBE goal and Good Faith Efforts requirement.

Charlotte Business INclusion

Established MSBE Goal: 8.00%

Committed MSBE Goal: 8.01%

R.H. Price, Inc. met the established subcontracting goal and has committed \$461,000 or approximately 8.01% of the total contract amount to the following certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Trull Contracting, LLC (WBE, SBE) (\$411,000) (asphalt paving)
- Martin Landscaping Co., Inc. (MBE, SBE) (\$50,000) (landscaping)

Fiscal Note

Funding: Charlotte Water Capital Improvement Plan

47. Water and Wastewater Treatment Chemicals Reverse Auction

Action:

- A. Approve unit price contracts for the purchase of water and wastewater treatment chemicals for an initial term of one year to the following:**
- Donau Carbon US LLC,
 - Lhoist North America of Virginia, Inc.,
 - JCI Jones Chemicals, Inc.,
 - Water Guard Inc.,
 - Chemtrade Chemicals Corporation,
 - Univar USA Inc.,
 - Brenntag Mid-South, Inc.,
 - Polytec Inc.,
 - Chemrite, Inc., and
- B. Authorize the City Manager to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

David Czerr, Charlotte Water

Ron Hargrove, Charlotte Water

Explanation

- Charlotte Water uses a variety of chemicals in the water and wastewater treatment process, and each chemical plays an essential role to ensure the treated water is safe for customers and the environment.
- North Carolina General Statute 143-129.9 indicates the alternative competitive bidding methods for the purchase of apparatus, supplies, materials, or equipment, including a reverse auction as an appropriate form of bidding.
- On January 20, 2020, the city issued an Invitation to Bid; 23 bids were received.
- On April 23, 2020, the city held a reverse auction to obtain pricing. The reverse auction process is a real time purchasing process in which bidders compete to provide goods at the lowest selling price in an open and interactive environment. By using the reverse auction method, the city was able to gain increased competition and coordinate all the treatment chemical contracts into one contract cycle.
- The companies selected were the lowest responsive, responsible bidders.
- Total annual expenditures are estimated to be \$6,200,000.

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.

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

Fiscal Note

Funding: Charlotte Water Operating Budget

48. Water Transmission Main Improvements and Repairs

Action:

- A. Approve a contract in the amount of \$1,923,793 with State Utility Contractors, Inc. for Design-Build design services for the Water Transmission Main Improvements and Repair project, and**
- B. Authorize the City Manager to acquire all easements and real property interests, including by condemnation, when necessary, for construction of the project.**

Staff Resource(s):

David Czerr, Charlotte Water
Ron Hargrove, Charlotte Water
Carl Wilson, Charlotte Water

Explanation

- Some of the city's water transmission mains are in need of improvements and repairs to extend their service life. This project will include inspection, repair, and rehabilitation of high-risk water transmission mains.
- This contract includes design services and development of a guaranteed maximum price (GMP) for construction.
- The project will require the acquisition of easements along identified high-risk transmission main corridors. During acquisition negotiation, property owners will have an opportunity to voice comments and concerns about the alignment of the transmission main and easement acquisition affecting their property.
- On February 14, 2020, the city issued a Request for Qualifications (RFQ); four proposals were received.
- State Utility Contractors, 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.
- In the future, Council will receive a request for the approval of the GMP once it is 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). State Utility Contractors, Inc. committed \$277,000 or approximately 14.40% of the total contract for Design-Build design services to the following certified firms:

- AMP Utility Distribution Services, LLC (WBE, SBE) (\$100,000) (material supplier)
- Yellow Duck Marketing (WBE, SBE) (\$62,000) (public communications)
- Stewart Engineering, Inc. (MBE) (\$49,000) (field surveying and subsurface utility engineering)
- GDC Supplies Equipment & Contracting, LLC (MBE, SBE) (\$23,000) (traffic control)
- Froehling & Robertson, Inc. (MBE) (\$20,000) (geotechnical)
- Ram Pavement Services, Inc. (SBE) (\$15,000) (asphalt paving)
- Buffkin Trucking, Inc. (MBE, SBE) (\$5,500) (hauling)
- Gavel & Dorn Engineering, PLLC (SBE) (\$2,500) (compaction testing)

Fiscal Note

Funding: Charlotte Water Capital Improvement Plan

49. Sale of Gomaco Trolleys

Action:

Authorize the City Manager to approve the sale of three Gomaco Trolleys to the Memphis Area Transit Authority, along with associated spare parts and equipment.

Staff Resource:

John Lewis, CATS

Gary Lee, CATS

Explanation

- The Charlotte Area Transit System owns Gomaco Trolleys that provided Streetcar Service until June 1, 2019 when the service was shutdown to complete construction on CityLYNX Goldline Phase II.
- North Carolina General Statute 160A-274 permits the city to sale governmental property to another governmental unit.
- The Memphis Area Transit Authority would like to purchase three trolley vehicles and spare parts and equipment for its Streetcar Service for an estimated \$550,000.
- The sale of the Gomaco Trolleys will provide shop space and allow commissioning for the new Goldline Phase II Hybrid Street Cars.

Fiscal Note

Funding: Revenue from the sale will be deposited to CATS' Capital Investment Plan

50. Resolution of Intent to Abandon a Portion of the Alleyway between 21st Street and 22nd Street

Action:

A. Adopt a Resolution of Intent to abandon a portion of the alleyway between 21st Street and 22nd Street, and

B. Set a public hearing for July 13, 2020.

Staff Resource(s):

Liz Babson, Transportation

Casey Mashburn, Transportation

Explanation

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

Petitioners

WP East Acquisitions, LLC

Attachment(s)

Map

Resolution

[Alleyway btw 21st & 22nd St Abandonment Map](#)

[Resolution of Intent](#)

51. Refund of Property Taxes

Action:

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$108,979.47.

Staff Resource(s):

Kelly Flannery, Finance

Explanation

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

Attachment(s)

Taxpayers and Refunds Requested
Resolution Property Tax Refunds

[Resolution.pdf](#)

[List of Taxpayers.pdf](#)

PROPERTY TRANSACTIONS

52. Charlotte Water Property Transactions - Dairy Branch Tributary Sewer Improvements, Parcel #4

Action: Approve the following Property Condemnation: Dairy Branch Tributary Sewer Improvements, Parcel #4

Project: Dairy Branch Tributary Sewer Improvements, Parcel #4

Owner(s): David R Schwieman and Sabine M Schwieman

Property Address: 2318 Cumberland Avenue

Total Parcel Area: 14,893 sq. ft. (0.34 ac.)

Property to be acquired by Easements: 1,363 sq. ft. (0.03 ac.) in Sanitary Sewer Easement

Structures/Improvements to be impacted: N/A

Landscaping to be impacted: N/A

Zoned: R-5

Use: Single-family Residential

Tax Code: 151-033-54

<http://polaris3g.mecklenburqcountync.gov/#mat=80167&pid=15103354&qisid=15103354>

Appraised Value: \$19,700

Property Owner's Concerns: None

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

Recommendation: The city is currently waiting on signed documents, but to avoid delay in the project schedule, the recommendation is to proceed to condemnation during which time negotiations can continue, mediation is available and if necessary, just compensation can be determined by the court.

Council District: 1

53. Charlotte Water Property Transactions - Dairy Branch Tributary Sewer Improvements, Parcel #19

Action: Approve the following Property Condemnation: Dairy Branch Tributary Sewer Improvements, Parcel #19

Project: Dairy Branch Tributary Sewer Improvements, Parcel #19

Owner(s): Viki A Adornato

Property Address: 1510 Clayton Drive

Total Parcel Area: 14,678 sq. ft. (0.34 ac.)

Property to be acquired by Easements: 1,335 sq. ft. (0.03 ac.) in Sanitary Sewer Easement, 1,443 sq. ft. (0.03 ac.) in Permanent Utility Easement, 113 sq. ft. (0.00) in Temporary Construction Easement, and 58 sq. ft. (0.00 ac.) in combined Permanent Utility Easement and Sanitary Sewer Easement

Structures/Improvements to be impacted: N/A

Landscaping to be impacted: Three trees, three bushes

Zoned: R-5

Use: Single-family residential

Tax Code: 151-033-69

<http://polaris3g.mecklenburqcountync.gov/#mat=45552&pid=15103369&qisid=15103369>

Appraised Value: \$74,825

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: 1

54. Charlotte Water Property Transactions - Dairy Branch Tributary Sewer Improvements, Parcel #20

Action: Approve the following Condemnation: Dairy Branch Tributary Sewer Improvements, Parcel #20

Project: Dairy Branch Tributary Sewer Improvements, Parcel #20

Owner(s): Mark A Nesky

Property Address: 1500 Clayton Drive

Total Parcel Area: 14,120 sq. ft. (0.32 ac.)

Property to be acquired by Easements: 1,012 sq. ft. (0.02 ac.) in Sanitary Sewer Easement, 1,152 sq. ft. (0.03 ac.) in Permanent Utility Easement, 112 sq. ft. (0.00) in Temporary Construction Easement, and 639 sq. ft. (0.01 ac.) in combined Permanent Utility Easement and Sanitary Sewer Easement

Structures/Improvements to be impacted: Lamppost

Landscaping to be impacted: Trees

Zoned: R-5

Use: Single-family Residential

Tax Code: 151-033-70

<http://polaris3g.mecklenburqcountync.gov/#mat=44526&pid=15103370&qsid=15103370>

Appraised Value: \$96,375

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: 1

55. Charlotte Water Property Transactions - Dairy Branch Tributary Sewer Improvements, Parcels #21, 22

Action: Approve the following Property Condemnation: Dairy Branch Tributary Sewer Improvements, Parcels #21, 22

Project: Dairy Branch Tributary Sewer Improvements, Parcels #21, 22

Owner(s): Salem Village Apartments, LLC c/o Marsh Associates, Inc.

Property Address: 1305-1317 Corton Drive, 1131 Salem Drive (multiple)

Total Parcel Area: 438,776 sq. ft. (10.07 ac.)

Property to be acquired by Easements: 17,593 sq. ft. (0.14 ac.) in Sanitary Sewer Easement, 1,140 sq. ft. (0.03 ac.) in Permanent Utility Easement, 3,721 sq. ft. (0.08 ac.) in Temporary Construction Easement, and 6,273 sq. ft. (0.14 ac.) in combined Permanent Utility Easement and Sanitary Sewer Easement

Structures/Improvements to be impacted: Two parking spaces, dumpster area

Landscaping to be impacted: Weeping willow, 21 decorative bushes

Zoned: R-22, O-2

Use: Multi-family, office

Tax Code: 151-033-01, 151-033-72

<http://polaris3g.mecklenburqcountync.gov/#mat=309809&pid=15103301&gisid=15103301>

<http://polaris3g.mecklenburqcountync.gov/#mat=309745&pid=15103372&gisid=15103372>

Appraised Value: \$272,275

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: 1

56. Charlotte Water Property Transactions - Dairy Branch Tributary Sewer Improvements, Parcel #24

Action: Approve the following Property Condemnation: Dairy Branch Tributary Sewer Improvements, Parcel #24

Project: Dairy Branch Tributary Sewer Improvements, Parcel #24

Owner(s): BHM Properties, LLC

Property Address: 2517 Park Road

Total Parcel Area: 107,976 sq. ft. (2.48 ac.)

Property to be acquired by Easements: 12,660 sq. ft. (0.29 ac.) in Sanitary Sewer Easement and 9,268 sq. ft. (0.21 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: 18 parking spaces (temporary)

Landscaping to be impacted: N/A

Zoned: B-2

Use: Commercial

Tax Code: 121-127-14

<http://polaris3g.mecklenburqcountync.gov/#mat=401156&pid=12112714&gisid=12112714>

Appraised Value: \$434,375

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: 1

57. Charlotte Water Property Transactions - Dairy Branch Tributary Sewer Improvements, Parcel #26

Action: Approve the following Property Condemnation: Dairy Branch Tributary Sewer Improvements, Parcel #26

Project: Dairy Branch Tributary Sewer Improvements, Parcel #26

Owner(s): American National Red Cross

Property Address: 2433 Park Road

Total Parcel Area: 148,244 sq. ft. (3.40 ac.)

Property to be acquired by Easements: 27,703 sq. ft. (0.64 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: Temporary loss of parking

Landscaping to be impacted: N/A

Zoned: B-1, O-2, R-5

Use: Commercial/Office building

Tax Code: 121-127-10

<http://polaris3g.mecklenburqcountync.gov/#mat=436512&pid=12112710&gisid=12112710>

Appraised Value: \$386,375

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: 1

58. Charlotte Water Property Transactions - Dairy Branch Tributary Sewer Improvements, Parcel #27

Action: Approve the following Property Condemnation: Dairy Branch Tributary Sewer Improvements, Parcel #27

Project: Dairy Branch Tributary Sewer Improvements, Parcel #27

Owner(s): Marsh Realty Co., Inc

Property Address: 2452 Park Road

Total Parcel Area: 23,694 sq. ft. (0.54 ac.)

Property to be acquired by Easements: 4,103 sq. ft. (0.09 ac.) in Sanitary Sewer Easement

Structures/Improvements to be impacted: N/A

Landscaping to be impacted: N/A

Zoned: B-1

Use: Business

Tax Code: 121-101-08

<http://polaris3g.mecklenburqcountync.gov/#mat=600228&pid=12110108&gclid=12110108>

Appraised Value: \$86,175

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: 1

59. Charlotte Water Property Transactions - Irwin Creek Tributaries to Dewitt Lane and Yeoman Road Sanitary Sewer, Parcels #6, 7

Action: Approve the following Property Condemnation: Irwin Creek Tributaries to Dewitt Lane and Yeoman Road Sanitary Sewer, Parcels #6, 7

Project: Irwin Creek Tributaries to Dewitt Lane and Yeoman Road Sanitary Sewer, Parcels #6, 7

Owner(s): Ryder Truck Rental, Inc

Property Address: 3901 Stuart Andrew Boulevard

Total Parcel Area: 339,985.8 sq. ft. (7.8 ac.)

Property to be acquired by Easements: 19,586.10 sq. ft. (0.45 ac.) in Sanitary Sewer Easement and 22,035.20 sq. ft. (0.50 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: N/A

Landscaping to be impacted: N/A

Zoned: I-2

Use: Industrial

Tax Code: 145-321-08, 145-321-09

<http://polaris3g.mecklenburgcountync.gov/#mat=117779&pid=14532108&gclid=14532108>

<http://polaris3g.mecklenburgcountync.gov/#pid=14532109&gclid=14532109>

Appraised Value: \$28,025

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: 3

60. Charlotte Water Property Transactions - Irwin Creek Tributaries to Dewitt Lane and Yeoman Road Sanitary Sewer, Parcel #22

Action: Approve the following Property Condemnation: Irwin Creek Tributaries to Dewitt Lane and Yeoman Road Sanitary Sewer, Parcel #22

Project: Irwin Creek Tributaries to Dewitt Lane and Yeoman Road Sanitary Sewer, Parcel #22

Owner(s): 575 Clanton Inc.

Property Address: 565 Bowman Road

Total Parcel Area: 117,176 sq. ft. (2.69 ac.)

Property to be acquired by Easements: 9,254 sq. ft. (0.21 ac.) in Sanitary Sewer Easement and 36,712 sq. ft. (0.84 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: N/A

Landscaping to be impacted: A portion of the natural wooded area

Zoned: B-1 (CD)

Use: Business

Tax Code: 145-135-23

<http://polaris3g.mecklenburgcountync.gov/#mat=244044&pid=14513523&gclid=14513523>

Appraised Value: \$57,300

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: 3

61. Property Transactions - McCullough Drive Streetscape, Parcel #7

Action: Approve the following Acquisition: McCullough Drive Streetscape, Parcel #7

Project: McCullough Drive Streetscape, Parcel #7

Program: McCullough Drive Streetscape

Owner(s): Mid-America Apartments LP. A Tennessee Limited Partnership

Property Address: 429 Tyler Trail Court

Total Parcel Area: 339,809 sq. ft. (7.80 ac.)

Property to be acquired by Easements: 10,225 sq. ft. (0.235 ac.) Utility Easement, 281 sq. ft. (0.006 ac.) Storm Drainage Easement, 7,538 sq. ft. (0.173 ac.) Sidewalk Utility Easement, 1,865 sq. ft. (0.043 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: O-3 (CD)

Use: Multi-family

Tax Code: 047-211-12

<http://polaris3g.mecklenburgcountync.gov/#mat=468610&pid=04721112&gisid=04721112>

Purchased Price: \$63,196

Council District: 4

Adjournment

REFERENCES

62. 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 \$300,000 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 an (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 SBEs, MBEs, or WBEs (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 SBEs and MWBEs 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 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.

63. 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.

64. 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.