

City of Charlotte

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



Meeting Agenda

Monday, September 27, 2021

Electronic Regular Meeting Hosted from Room 267

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 Greg Phipps
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,
ELECTRONIC REGULAR MEETING HOSTED FROM ROOM
267**

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

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. Action Review Agenda Overview

Staff Resource(s):

Marcus Jones, City Manager

3. SAFE Charlotte

Staff Resource(s):

Marcus Jones, City Manager

Julia Martin, City Manager's Office

Time: Presentation - 10 minutes; Discussion - 15 minutes

Explanation

- Provide an update on SAFE Charlotte initiatives.

[SAFE Charlotte Presentation](#)

[SAFE Charlotte Report Summary](#)

4. American Rescue Plan Act Update

Staff Resource(s):

Shawn Heath, City Manager's Office

Time: Presentation - 10 minutes; Discussion - 15 minutes

Explanation

- Provide an update on American Rescue Plan Act funding.

5. Closed Session (as necessary)

CONSENT

- 6. Consent agenda items 24 through 51 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 FORUM

7. Public Forum

PUBLIC HEARING

8. Public Hearing on General Obligation Refunding Bonds

Action:

- A. Conduct a public hearing regarding the issuance of General Obligation Refunding Bonds not to exceed \$150,000,000 to fund street and neighborhood improvement projects,
- B. Adopt the bond order and resolution to provide for the issuance of General Obligation Refunding Bonds not to exceed \$150,000,000, and
- C. Adopt a Budget Ordinance appropriating \$150,000,000 in bond proceeds to the Municipal Debt Service Fund.

Staff Resource(s):

Teresa Smith, Finance
Matthew Hastedt, Finance

Explanation

- Authorize the issuance of up to \$150,000,000 of 2021 General Obligation Refunding Bonds for refunding the 2019C General Obligation Bond Anticipation Notes to convert short-term financing to permanent financing for street and neighborhood improvement projects.
- This action will:
 - Conduct a public hearing on issuing long-term General Obligation Bonds for street and neighborhood improvement projects,
 - Provide information required for Local Government Commission (LGC) approval of the financing,
 - Provide approval to the City Manager and the Authorized Officers named in the Resolution to take necessary actions to complete the financing and related documentation for the life of the debt, and
 - Adopt a Budget Ordinance to appropriate the bond proceeds to the Municipal Debt Service Fund.

Fiscal Note

Funding: Municipal Debt Service Fund

Attachment(s)

Bond Order
Resolution
Budget Ordinance

[Bond Order](#)

[Bond Resolution](#)

[General Obligation Refunding Bonds Budget Ordinance_09.27](#)

9. Public Hearing and Decision on Northlake Centre Parkway Apartments Area Voluntary Annexation

Action:

- A. Conduct a public hearing for the Northlake Centre Parkway Apartments Area voluntary annexation, and**
- B. Adopt an annexation ordinance with an effective date of September 27, 2021, to extend the corporate limits to include this property and assign it to the adjacent City Council District 2.**

Staff Resource(s):

Taiwo Jaiyeoba, City Manager's Office

Holly Cramer, Planning, Design, and Development

Explanation

- Public hearings to obtain community input are required prior to City Council action on annexation requests.
- A petition has been received from the owner of this 6.53-acre property.
- The property is owned by Valhalla Housing Properties, Ltd.
- This property is zoned UR-2(CD) which allows for urban residential uses of moderate density.
- The petitioned area consists of one parcel; parcel identification number: 025-103-04.
- The property is located within Charlotte's extraterritorial jurisdiction and shares boundaries with current city limits.
- The intent of the annexation is to enable the development of 78 multi-family units on the site as part of a workforce housing program.

Consistency with City Council Policies

- The annexation is consistent with the City's voluntary annexation policies approved by the 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 the City's finances or services; and
 - Is consistent with the policy to not create unincorporated areas that will be encompassed by new city limits.

Attachment(s)

Map (GIS)

Map (Survey)

Ordinance

[Northlake Centre Parkway Apartments Area Annexation GIS Map](#)

[Northlake Centre Parkway Apartments Area Annexation Survey Map](#)

[Ordinance - Northlake Centre Parkway Apartments Area Annexation](#)

10. Public Hearing and Decision on the Brooklyn McCrorey Branch YMCA Historic Landmark Designation

Action:

- A. Conduct a public hearing to consider historic landmark designation for the property known as the "Brooklyn McCrorey Branch YMCA" (Parcel Identification Number 125-064-01), and
- B. Adopt an ordinance with an effective date of September 27, 2021, designating the property known as the "Brooklyn McCrorey Branch YMCA" (Parcel Identification Number 125-064-01) as a historic landmark.

Staff Resource(s):

Taiwo Jaiyeoba, City Manager's Office
David Pettine, Planning, Design, and Development

Explanation

- The City has received a recommendation from the Charlotte-Mecklenburg Historic Landmarks Commission (HLC) to designate the Brooklyn McCrorey Branch YMCA as a local historic landmark.
- Public hearings are required prior to City Council action on designation requests.
- The Brooklyn McCrorey Branch YMCA is located at 334 South Caldwell Street (also identified as 416 East 3rd Street) in Council District 1.
- Designation of this property could significantly contribute to its long-term preservation.
- The Brooklyn McCrorey Branch YMCA is listed under Parcel Identification Number (PID) 125-064-01, and the recommended designation would include the exterior of the building and the footprint of the building within PID 125-064-01, excluding the remainder of the land comprising the tax parcel.
- The property is zoned UMUD (Uptown Mixed Use).
- The property is owned by SLT-Brevard, LLC.
- Based on the current value, the potential amount of deferrable taxes would be approximately \$1,500 for the City of Charlotte taxes and \$2,659 for Mecklenburg County taxes.

Attachment(s)

Ordinance
Information Sheet
Designation Report
Record of the Vote of the HLC
Summary of Department Review
State Historic Preservation Office Comment Letter
HLC's Response to SHPO Letter

[McCrorey YMCA Ordinance](#)

[McCrorey YMCA Information Sheet](#)

[McCrorey YMCA Designation Report](#)

[McCrorey YMCA HLC Vote](#)

[McCrorey YMCA Dept Review Findings](#)

[McCrorey YMCA State Historic Preservation Office Comment Letter](#)

[McCrorey YMCA HLC's Response to SHPO Letter](#)

11. Public Hearing and Decision on the Kimberlee Apartments Historic Landmark Designation

Action:

- A. Conduct a public hearing to consider historic landmark designation for the property known as the "Kimberlee Apartments" (Parcel Identification Number 175-181-02), and
- B. Adopt an ordinance with an effective date of September 27, 2021, designating the property known as the "Kimberlee Apartments" (Parcel Identification Number 175-181-02) as a historic landmark.

Staff Resource(s):

Taiwo Jaiyeoba, City Manager's Office
David Pettine, Planning, Design, and Development

Explanation

- The City has received a recommendation from the Charlotte-Mecklenburg Historic Landmarks Commission (HLC) to designate the Kimberlee Apartments as a local historic landmark.
- Public hearings are required prior to City Council action on designation requests.
- The Kimberlee Apartments property is located at 1300 Reece Road in Council District 6.
- Designation of this property could significantly contribute to its long-term preservation.
- The Kimberlee Apartments property is listed under Parcel Identification Number(s) 175-181-02, and the recommended designation would include the common areas within the interior of the building, the exterior of the building, the building's landscape and hardscape elements and associated auxiliary structures, including without limitation the elevated walkway, and the land associated with the tax parcel, excluding the interior of the building's individual residential units.
- The property is zoned R-22MF (multi-family residential).
- The property is owned by The Kimberlee, Incorporated.
- Based on the current value, the potential amount of deferrable taxes would be approximately \$28,191 for the City of Charlotte taxes and \$49,960 for Mecklenburg County taxes.

Attachment(s)

Ordinance
Information Sheet
Designation Report
Record of the Vote of the HLC
Summary of Department Review
State Historic Preservation Office Comment Letter
HLC's Response to SHPO Letter

[Kimberlee Ordinance](#)

[Kimberlee Information Sheet](#)

[Kimberlee Designation Report](#)

[Kimberlee HLC Vote](#)

[Kimberlee Dept Review Findings](#)

[Kimberlee State Historic Preservation Office Comment Letter](#)

[Kimberlee HLC's Response to SHPO Letter](#)

12. Public Hearing and Decision on the Stafford-Holcombe Farm Historic Landmark Designation

Action:

- A. Conduct a public hearing to consider historic landmark designation for the property known as the "Stafford-Holcombe Farm" (Parcel Identification Number(s) 105-211-07), and
- B. Adopt an ordinance with an effective date of September 27, 2021, designating the property known as the "Stafford-Holcombe Farm" (Parcel Identification Number(s) 105-211-07) as a historic landmark.

Staff Resource(s):

Taiwo Jaiyeoba, City Manager's Office
David Pettine, Planning, Design, and Development

Explanation

- The City has received a recommendation from the Charlotte-Mecklenburg Historic Landmarks Commission (HLC) to designate the Stafford-Holcombe Farm as a local historic landmark.
- Public hearings are required prior to City Council action on designation requests.
- The Stafford-Holcombe Farm is located at 12215 Plaza Road Extension, within the City of Charlotte's extraterritorial jurisdiction and adjacent to Council District 4.
- Designation of this property could significantly contribute to its long-term preservation.
- The Stafford-Holcombe Farm is listed under Parcel Identification Number(s) 105-211-07, and the recommended designation would include the interior and exterior of the main house, the interior and exterior of the log slave quarter-tenant house, and the land associated with the tax parcel.
- The property is zoned R-3 (single-family residential).
- The property is owned by Leslie Mursch Freeman.
- Based on the current value, the potential amount of deferrable taxes would be approximately \$483 for Mecklenburg Police taxes, \$217 for Mecklenburg Fire taxes, and \$1,673 for Mecklenburg County taxes.

Attachment(s)

Ordinance
Information Sheet
Designation Report
Record of the Vote of the HLC
Summary of Department Review
State Historic Preservation Office Comment Letter
HLC's Response to SHPO Letter

[Stafford-Holcombe Ordinance](#)

[Stafford-Holcombe Information Sheet](#)

[Stafford-Holcombe Designation Report](#)

[Stafford-Holcombe HLC Vote](#)

[Stafford-Holcombe Dept Review Findings](#)

[Stafford-Holcombe State Historic Preservation Office Comment Letter](#)

[Stafford-Holcombe HLC's Response to SHPO Letter](#)

13. Public Hearing on a Resolution to Close the Alleyway Between 1825 and 1831 Rozzelles Ferry Road

Action:

- A. Conduct a public hearing to close the alleyway between 1825 and 1831 Rozzelles Ferry Road, and
- B. Adopt a resolution and close the alleyway between 1825 and 1831 Rozzelles Ferry Road.

Staff Resource(s):

Liz Babson, Transportation
Krystal Bright, Transportation

Explanation

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

Petitioner

Period Design Concepts, LLC

Right-of-Way to be Abandoned

The alleyway between 1825 and 1831 Rozzelles Ferry Road

Reason

Per the petition submitted by Period Design Concepts, LLC, the alley serves these two properties only and is no longer needed. The City has no objections.

Notification

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

Adjoining property owner(s)

Period Design Concepts, LLC - No objections

City Departments

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

Attachment(s)

Map
Resolution

[Alleyway between 1825 & 1831 Rozzelles Ferry Rd Abandonment Map](#)

[2021-13A Resolution to Close 09.27.2021](#)

POLICY

14. City Manager's Report

[09.27.2021 City Manager's Memo](#)

15. Amend Code of Ordinances Chapter 3 - Animals

Action:

- A. Receive public comment on proposed amendments to the City of Charlotte Code of Ordinances Chapter 3 - Animals, and**
- B. Adopt an ordinance amending City of Charlotte Code of Ordinances Chapter 3 - Animals.**

Staff Resource(s):

Patrick Baker, City Attorney's Office
Johnny Jennings, Police
Joshua Fisher, Police

Current Ordinance

- In the City of Charlotte Code of Ordinances Chapter 3 - Animals, one of the stated purposes of this chapter is "the protection of animals from abuse or conditions harmful to their well-being."
- The section on Exotic or Wild Animals has not been updated since 1985. The current provisions include:
 - Defining exotic and wild animals,
 - Restraint requirements, and
 - Establishing who can possess these types of animals.
- To address recent concerns over the treatment of circus animals, adding provisions for the protection of exotic animals used in performances is proposed.

Proposed Changes

- The proposed amendment is for the following changes:
 - Update Section 3-3 - Definitions to add the definition of bullhooks, electric prods, and whips.
 - Update Section 3-73 - Exotic or Wild Animals to add subsection (f):
 - (f) Handling. The handling of exotic or wild animals exempted from subsection (a) of this section by subsection (b) of this section must meet the regulations promulgated by the state wildlife commission, the minimum standards under the Animal Welfare Act and all applicable rules promulgated by the United States Department of Agriculture. In addition to meeting these minimum standards, no permanent or transient animal exhibition or circus shall induce or encourage animals to perform through the use of chemical, mechanical, electrical, or manual devices in a manner that is likely to cause physical injury or suffering. Further, the use of bullhooks, electric prods, or whips to handle, train, or otherwise interact with exotic or wild animals when they are on display, performing or being trained is prohibited. All equipment used on a performing animal shall fit properly and be in good working condition.
- The proposed effective date of these amendments is March 31, 2022.

Attachment(s)

Chapter 3 Animals Ordinance Revisions

[Chapter 3 - Animals - Black lined version](#)

BUSINESS

16. Opioid Litigation Settlement

Action:

- A. Adopt a resolution approving a Memorandum of Agreement with the State of North Carolina regarding proceeds relating to the settlement of the opioid litigation and any subsequent settlement funds that may be allocated to the City as a result of the Opioid crisis, and**
- B. Authorize the City Manager to negotiate and execute all documents necessary to complete the settlement.**

Staff Resource(s):

Patrick Baker, City Attorney's Office
Lina James, City Attorney's Office

Explanation

- As of 2019, the opioid epidemic had taken the lives of more than 16,500 North Carolinians.
- The COVID-19 pandemic has compounded the opioid crisis, increasing levels of drug misuse, addiction, and overdose deaths.
- The Centers for Disease Control and Prevention estimates the total economic burden of prescription opioid misuse alone in the United States is \$78.5 billion a year, including the cost of healthcare, lost productivity, addiction treatment, and criminal justice involvement.
- Along with other counties and municipalities in North Carolina (NC), Mecklenburg County joined with local governments across the country to file a lawsuit against opioid manufacturers and pharmaceutical distribution companies to hold these companies accountable for misconduct. The City of Charlotte is not a party to the litigation.
- Collectively, representatives of NC local governments, the NC County Commissioners, and the NC Department of Justice have negotiated an MOA to provide for the equitable distribution of any proceeds resulting from a national settlement of the Opioid litigation to the State of North Carolina and to individual local governments, should an agreement be reached.
- This action will help maximize North Carolina's share of opioid settlement funds to ensure the needed resources reach communities once settlement negotiations are finalized.
- The MOA directs substantial resources over multiple years to local governments on the front lines of the opioid epidemic while ensuring that these resources are used in an effective way to address the crisis.
- The Mecklenburg County Board of County Commissioners adopted a resolution and approved its MOA at its May 18, 2021 meeting.
- Disbursement of funds is not anticipated in calendar year 2021.

Attachment(s)

Resolution
Memorandum of Agreement
NC FAQs
MOA Signature Page for Charlotte

[Municipal Resolution for NC Opioid Allocation MOA - Charlotte.pdf](#)

[Opioid MOA Between NC & Local Govts.pdf](#)

[FAQ on Opioid Settlement MOA.pdf](#)

[Opioid MOA Signature Page.pdf](#)

17. Knight Foundation Grant for Beatties Ford Road Public Space

Action:

- A. Accept a grant from the John S. and James L. Knight Foundation in the amount of \$225,000 for the construction and programming of public space in the Beatties Ford Road corridor, and**
- B. Adopt a budget ordinance appropriating \$225,000 from the John S. and James L. Knight Foundation in the General Capital Projects Fund.**

Staff Resource(s):

Taiwo Jaiyeoba, City Manager's Office
Erin Chantry, Planning, Design, and Development

Explanation

- These projects will improve the Allegra Westbrooks Regional Library (Library) underutilized open space on Beatties Ford Road and will enhance the improvements at the intersection of Beatties Ford Road and LaSalle Street in Council District 2.
- These projects are part of the Corridors of Opportunity program and were identified by the community during the "Beatties Ford Road Placemaking and Public Space Playbook" process.
- The City applied for the Knight Foundation funding to supplement additional City funds dedicated to placemaking in the corridor. The Library project was previously unfunded.
- The Knight Foundation funds will be split between the Library and the intersection with approximately two-thirds of the funding going to the Library project and the remaining supplementing the intersection project.
- The Library open space will be co-designed with the Beatties Ford Road corridor community to potentially include elements such as landscaping, a stormwater garden, an outdoor classroom, art, seating options, and an improved connection to the existing bus stop.
- The Beatties Ford and LaSalle intersection will include art at the intersection and opportunities for wayfinding and branding at the intersection. This additional funding will supplement the already identified transportation improvements (\$1.32 million) and City placemaking dollars (\$63,000).

Fiscal Note

Funding: General Capital Investment Plan

Attachment(s)

Budget Ordinance

[Budget Ordinance](#)

18. Affordable Housing Development Support Requests

Action:

Approve \$23,312,000 in Housing Trust Fund allocations for the following multi-family rental and homeownership affordable housing developments contingent upon their receiving a Low-Income Housing Tax Credit award from the North Carolina Housing Finance Agency, where applicable:

- Aldersgate Mixed Income Apartments, \$2,992,000 (4% LIHTC) in Council District 1,
- Ballantyne Senior Apartments, \$4,000,000 (4% LIHTC) in Council District 7,
- Eight & Tryon Apartments, \$3,200,000 (4% LIHTC) in Council District 1,
- Galloway Crossing, \$2,496,000 (4% LIHTC) in Council District 5,
- Historic Nathaniel Carr, \$2,200,000 (4% LIHTC) in Council District 3,
- Maple Way Apartments, \$1,400,000 (Non-LIHTC) in Council District 5,
- Shamrock Gardens, \$6,000,000 (Non-LIHTC) in Council District 1,
- Bishop Madison, \$320,000 (Homeownership) in Council District 2, and
- Druid Hills Legacy Homes, \$704,000 (Homeownership) in Council District 2.

Staff Resource(s):

Pamela Wideman, Housing and Neighborhood Services

Miles Vaughn, Housing and Neighborhood Services

Explanation

- Local Initiatives Support Corporation (LISC) Partnership:
 - In Fiscal Year 2019, City Council approved a partnership with LISC, a national non-profit with a grassroots focus.
 - LISC is one of the largest national community development organizations in the country that supports projects to revitalize communities and bring greater economic opportunity to residents.
 - Through the addition of the LISC managed private and philanthropic contributions to the Charlotte Housing Opportunity Investment Fund (CHOIF), the City has achieved a greater leverage of Housing Trust Fund dollars and reduced cost to the City of creating affordable housing units per development.
- Housing Vouchers:
 - In 2019, the City and LISC entered into a Memorandum of Understanding with INLIVIAN for the provision of project-based vouchers.
 - Through this partnership, INLIVIAN has pledged to consider the awarding of project-based vouchers each year to be used toward affordable housing developments in areas of high opportunity.
 - The use of the vouchers also further leverages local, state, and federal funding sources.
- On July 9, 2021, the City and LISC issued a joint Request for Proposals (RFP) to aid in the production of affordable housing units.
 - In response to this joint RFP, 11 proposals were received, seeking various types of gap financing support. Two proposals did not meet submission criteria and were disqualified.
 - This RFP is the fourth dual review process conducted by the City and LISC. The following guiding principles were adhered to:
 - Ensuring affordable, multi-family and single-family housing developer experience,
 - Creating mixed-income developments in areas of high opportunity,
 - Achieving long-term affordability, and
 - Maximizing the leverage of available resources.
 - Approval of the recommended developments will add 879 affordable and workforce housing units to the City's existing supply.
 - The recommended developments meet all submission requirements, including land use and rezoning approvals.
 - Each four percent low-income multi-family housing tax credit development adheres to the Housing Locational scoring guidelines site scoring tool, which indicates that the sites are located in good proximity to job centers and have access to amenities such as public

transportation and parks. Additionally, they support the creation of mixed-income communities while supporting anti-displacement of low-to-moderate income residents in rapidly changing neighborhoods.

- Additionally, the NCHFA will base their final awards on:
 - Market demand and local housing needs;
 - Ability to serve qualified residents for the longest affordability period;
 - Design and quality of construction; and
 - Financial structure and long-term viability.
- For developments seeking four percent tax credit awards, the deadline for final NCHFA applications is October 1, 2021. The NCHFA will announce tax credit awards in January 2022.

Background

- On November 26, 2001, City Council established the Housing Trust Fund (HTF) to provide financing for diverse price point housing in the Charlotte area.
- On August 27, 2018, City Council adopted the Housing Charlotte Framework, which recommends expanding the supply of high-quality rental housing by building affordable housing, preserving existing naturally occurring affordable housing, and promoting family self-sufficiency initiatives.
- On April 26, 2021, City Council adopted the U.S. Department of Housing and Urban Development's Annual Action Plan (Plan) which identifies the need for affordable, safe and decent housing for low-and-moderate income families and reaffirms the goals of the Housing Charlotte Framework.
- Support of HTF allocations is consistent with the strategies outlined in both the Housing Charlotte Framework and the Plan, demonstrates local alignment with state-supported affordable housing developments, and allows for local leveraging of tax credit awards.

City Council Discussion

- Staff provided briefings of the affordable housing development support requests to City Council during their September 13, 2021 Action Review meeting.

Charlotte Business INclusion

- All HTF funded projects and their developers are subject to MWSBE goals determined based on the amount of the HTF allocations received.

Fiscal Note

Funding: General Capital Investment Plan

Attachment(s)

September 13, 2021 Council Business Meeting Presentation

[Housing Trust Fund Recommendations Presentation](#)

19. Agreement for Redevelopment, Licensing, and Property Exchange with Investicore Prop Co 4, LLC

Action:

A. Adopt a resolution approving:

- The redevelopment of a parking lot on City-owned property at 3200 South Boulevard (parcel identification numbers 147-021-13 and 147-021-28) by Investicore Prop 4 Co, LLC (Investicore),
- Upon completion of redevelopment, the City to license a portion of parking spaces to Investicore,
- An exchange of right-of-way between the City of Charlotte and the Investicore, and

B. Authorize the City Manager and or his designee to execute all necessary agreements and other documents to complete and implement these transactions.

Staff Resource(s):

John Lewis, Jr., CATS

John Howard, CATS

Explanation

- Investicore Prop 4 Co, LLC (Investicore) received approval to build a mixed-use development (the "Development") on its property located at 3216 South Boulevard in Council District 3 and desires additional parking for the Development.
- The City owns an adjacent property that currently has a parking area containing 23 parking spaces serving CATS' South Boulevard Vehicle Maintenance Facility.
- Investicore proposes to redevelop the City's existing parking area at its own expense, which will increase the number of parking spaces from 23 to 110.
- Upon completion of redevelopment, Investicore desires to license back a portion of the parking spaces from the City, with remaining spaces to accommodate CATS' parking.

License for Parking

- The City shall license to Investicore 80 parking spaces for a 20-year term for the Development for a monthly rate of \$100 per space, with rent increasing annually after the third year.
- Investicore shall be responsible for any and all maintenance and repairs to the parking area at its own expense during the term of the license.
- The City may terminate the license at any time and for any reason but shall reimburse Investicore a portion of the redevelopment costs, said portion decreasing over a 10-year period. The City shall not be required to reimburse any portion of the parking redevelopment costs if said termination occurs after 10 years.

Property Exchange

- The City's existing right-of-way is approximately 130 feet wide. This is larger than needed for the LYNX Blue Line and Rail Trail, because the City generally retains a width of approximately 70 feet with an additional 30 feet width on either side for excess right-of-way and use by adjacent property owners to facilitate transit-oriented development.
- Investicore shall convey in fee to the City a portion of the rail corridor, consisting of approximately 26,213 square feet, be responsible for reconstruction and maintenance of the City's Rail Trail, and grant to the City a public easement for recreational purposes, all of which has an estimated value of \$1,252,856.
- The City shall convey in fee to Investicore a portion of its excess right-of-way, consisting of approximately 15,525 square feet, valued at approximately \$886,435.

Attachment(s)

Map
Resolution

[Map](#)

[Resolution](#)

20. Acceptance of a Sponsorship for an Animal Adoption Day Event

Action:

Accept an exclusive sponsorship in the amount of up to \$5,000 from the Subaru Corporation to fund an animal adoption day in October 2021 with the Animal Care and Control Division of the Charlotte-Mecklenburg Police Department.

Staff Resource(s):

Johnny Jennings, Police
Sherie Pearsall, Police
Joshua Fisher, Police

Explanation

- In the past 12 months, Animal Care and Control Division (AC&C) has received over \$225,830 in donations, many of which were generated during or as a result of special events in partnership with outside agencies.
- These events and sponsorships are a large part of how AC&C is able to save so many animal lives in Charlotte's effort to be a "No Kill Community."
- AC&C events promote not only adoptions but also community resources, including free medical examinations and vaccinations, identification tags, and microchips for pets as well as free COVID-19 vaccinations for owners.
- The AC&C has been asked to partner with Subaru for a one-day event that includes a donation of up to \$5,000 to fund the event.
- Subaru works with over 600 animal welfare agencies across the country on this annual event.
- AC&C and the community at large would benefit from the additional marketing resources added by the national marketing campaign Subaru Loves Pets is providing.
- City Council adopted a Sponsorship Policy in November 2009. This policy states that every approved sponsorship relationship shall be documented in a properly authorized Sponsorship Agreement. Sponsorship Agreements shall include provisions that:
 - identify the benefits to be given by the sponsor to the City,
 - identify the benefits to be given by the City to the sponsor,
 - state that the sponsorship is nonexclusive, and
 - establish the term or duration of the sponsorship relationship and grant the City and the sponsor the right to terminate the sponsorship relationship at any time, with or without cause.
- The Sponsorship Policy further provides that "a sponsorship may be exclusive if the City Council determines that there are compelling reasons for exclusivity."
- As this is a one-day event in which Subaru is funding the full costs, Subaru has asked to waive the non-exclusion clause and be the sole sponsor for this specific event.
- The proposed sponsorship will provide an additional targeted opportunity for increasing the adoption of animals from the shelter.
- The sponsorship is for a one-day term in October 2021 and does not require a local match.

Fiscal Note

General Grants Fund

21. City Attorney's Compensation

Action:

Consider a 2021 Compensation Adjustment for the City Attorney.

Staff Resource(s):

Sheila Simpson, Human Resources

Explanation

- On September 7, 2021, the Mayor and City Council met to conduct the City Attorney's performance evaluation and discuss a potential compensation adjustment.
- The Human Resources Director assisted the Mayor and City Council on the details associated with the City Attorney's compensation.

22. Authorization of General Obligation Bond Anticipation Notes

Action:

- A. Adopt a resolution to authorize a Bond Anticipation Notes program for up to \$200,000,000 to be used for projects approved in the 2016, 2018, and 2020 referenda, and**
- B. Authorize City officials to take the necessary actions to complete the financing, including making the application to the Local Government Commission.**

Staff Resource(s):

Teresa Smith, Finance
Matthew Hastedt, Finance

Explanation

- This action authorizes the 2021B Bond Anticipation Notes (BAN) program for up to \$200,000,000 for projects authorized by voters in the 2016, 2018, and 2020 bond referenda.
- This is a routine financing mechanism for capital projects financed with debt.
- This short-term BAN program will be used as construction period financing and converted to long-term, fixed-rate General Obligation Bonds once construction nears completion (up to 36 months).
- This action authorizes City officials named in the resolution to take the necessary actions to complete the financing and execute related documentation for the life of the debt.

Fiscal Note

Funding: Municipal Debt Service Fund

Attachment(s)

Bond Resolution

[General Obligation Bond Resolution - City of Charlotte - bank draw program 2021 \(w PNC Bank\) - rev.](#)

23. Appointments to the Waste Management Advisory Board

Action:

Appoint residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One recommendation for a three-year term beginning November 1, 2021, and ending October 31, 2024.
 - Laura Nkeupo, nominated by Council members Bokhari, Graham, and Watlington.
 - Lisa Rudisill, nominated by Council members Ajmera, Driggs, and Newton.

Attachment(s)

Waste Management Advisory Board Applications

CONSENT

24. Purchasing Asphalt

Action:

- A. **Approve the purchase of plant-mix asphalt from a state contract,**

- B. **Approve unit price contracts with Ferebee Corporation, Blythe Construction Inc., and Blythe Brothers Asphalt Inc. for the purchase of plant-mix asphalt for a term of two years under the North Carolina Department of Transportation Bituminous Plant Mix Asphalt contract (Contract #54-JP-04062021), and**

- C. **Authorize the City Manager to extend the use of the contracts for additional terms for as long as the state contract is in effect, at prices and terms that are the same or more favorable than those offered under the state contract.**

Staff Resource(s):

Liz Babson, Transportation

Charlie Jones, Transportation

Explanation

- The Charlotte Department of Transportation uses plant-mix asphalt for maintenance and repair of roadway surfaces, including the patching of potholes, repair of utility cuts, and paving activities. Previous purchases have been made through the state contract.
- NC General Statute 143-129(e)(9) allows local governments to purchase from state contracts if the contractor is willing to extend the same or more favorable prices, terms, and conditions as those established under the state contract.
- The amount of asphalt to be purchased will vary between vendors based on the proximity of maintenance activities related to the vendors' plant locations.
- The adjusted unit price is based upon the monthly price of the asphalt binder posted by the North Carolina Department of Transportation.
- Annual expenditures are estimated to be \$5,300,000.

Charlotte Business INclusion

This contract is purchased off a state contract and is exempt (Part A: Appendix 27 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Powell Bill Fund

25. Blumenthal Performing Arts Center Roof Replacement

Action:

Approve a contract in the amount of \$689,000 to the lowest responsive bidder Davco Roofing & Sheet Metal, Inc. for the Blumenthal Performing Arts Center Phase II Roof Replacement project.

Staff Resource(s):

Phil Reiger, General Services
David Wolfe, General Services
John Mrzygod, General Services

Explanation

- This project includes replacement of several existing roof areas of the Blumenthal Performing Arts Center located at 130 North Tryon Street in Council District 1.
- The existing roof and insulation will remain in place and a new membrane will be installed to extend the existing manufacturer's warranty for an additional 20 years.
- On July 22, 2021, the City issued an Invitation to Bid; seven bids were received.
- Davco Roofing & Sheet Metal, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by first quarter 2022.

Charlotte Business INclusion

Per Charlotte Business INclusion Policy: Part B: Section 2.3, The City shall not establish Subcontracting Goals for Contracts where (a) there are no subcontracting opportunities identified for the Contract; or (b) there are no MWBEs or SBEs certified to perform the scopes of work that the city regards as realistic opportunities for subcontracting.

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

Fiscal Note

Tourism Operating Fund

26. Construct Kilborne Drive Streetscape Project

Action:

Approve a contract in the amount of \$3,235,401.24 to the lowest responsive bidder DOT Construction, Inc. for the Kilborne Drive Streetscape project.

Staff Resource(s):

Phil Reiger, General Services
Jennifer Smith, General Services
Veronica Wallace, General Services

Explanation

- This project includes the construction of sidewalk and buffered bicycle lanes (approximately one mile) on both sides of Kilborne Drive between Elkin Lane and Eastway Drive in Council District 1.
- Pedestrian and bicycle improvements at the Kilborne Drive and Eastway Drive intersection will also be included as part of this project.
- Work will include two additional sidewalk connections to Kilborne Park, pedestrian medians, curb and gutter, storm drainage infrastructure, driveways, accessible ramps, and street trees.
- On August 12, 2021, the City issued an Invitation to Bid; four bids were received.
- DOT Construction, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by third quarter 2023.

Charlotte Business INclusion

DOT Construction, Inc. is a City-certified SBE

Established MBE Goal: 8.00%

Committed MBE Goal: 8.00%

DOT Construction, Inc. met the established MBE subcontracting goal and has committed 8.00% (\$258,900) of the total contract amount to the following MBE certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Streeter Trucking (MBE, SBE) (\$141,200) (hauling)
- R.R.C. Concrete Inc (MBE, SBE) (\$117,700) (concrete)

Established SBE Goal: 18.00%

Committed SBE Goal: 18.00%

DOT Construction, Inc. met the established SBE subcontracting goal and has committed 18.00% (\$582,456) of the total contract amount to the following SBE certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- AMP Utility Distribution (WBE, SBE) (\$80,100) (reinforced concrete pipe material)
- Clear Creek of Salisbury (WBE, SBE) (\$437,760) (concrete)
- Striping Concepts (SBE) (\$64,596) (markings)

Fiscal Note

Funding: General Capital Investment Plan

Attachment(s)

Map

[Map Construct Kilborne Drive Streetscape Project](#)

27. Construct Lakeview Road/Reames Road Intersection Project

Action:

Approve a contract in the amount of \$5,117,804 to the lowest responsive bidder Sealand Contractors Corp. for the Lakeview Road/Reames Road Intersection project.

Staff Resource(s):

Phil Reiger, General Services
Jennifer Smith, General Services
Veronica Wallace, General Services

Explanation

- This project will include the construction of a roundabout at the intersection of Lakeview Road and Reames Road and a sidewalk (approximately 1.5 miles) on Lakeview Road from Beatties Ford Road to Crushing Drive east of Reames Road in Council District 2.
- Work will include sidewalk, planting strips, curb and gutter, storm drainage, water main, grading, tree clearing, asphalt pavement, accessible ramps, and pavement markings.
- This project will improve traffic flow at the intersection for the future direct connection to the North Carolina Department of Transportation (NCDOT) Interstate 77 High Occupancy Toll Lanes project.
- The project will also connect to the Lakeview Road Farm-To-Market project from Cushing Drive to Old Statesville Road.
- NCDOT contributed \$2 million to the project in 2018 (\$1 million Congestion Mitigation and Air Quality Improvement Program and \$1 million Charlotte Regional Transportation Planning Organization bonus allocation funding).
- On July 21, 2021, the City issued an Invitation to Bid; four bids were received.
- Sealand Contractors Corp. was selected as the lowest responsive, responsible bidder.
- Construction is anticipated to be completed by second quarter 2024.

Disadvantaged Business Enterprise

Established DBE Goal: 14.00%

Committed DBE Goal: 14.00%

Sealand Contractors Corp. has committed 14.00% (\$716,551) of the total contract amount to the following certified firms:

- Darnell Jones Trucking (DBE) (\$292,725) (hauling)
- Diamond Trucking of NC Inc. (DBE) (\$274,425) (hauling)
- On Time Construction Inc. (DBE) (\$65,745) (drainage structures, endwalls and block wall installation)
- BC Cannon Co Inc. (DBE) (\$15,605) (permanent signs)
- McCain Striping Service Inc. (DBE) (\$68,051) (pavement markings)

Fiscal Note

Funding: General Capital Investment Plan

Attachment(s)

Map

[Map Construct Lakeview Road-Reames Road Intersection Project](#)

28. Elevator Equipment, Maintenance, and Repair Services

Action:

- A. Approve the purchase of elevator equipment, maintenance, and repair services from cooperative contracts,
- B. Approve unit price contracts for the purchase of elevator equipment, maintenance, and repair services for a term of three years under the Sourcewell cooperative program with the following vendors:
 - Schindler Elevator Corporation (Contract #080420-SCH),
 - ThyssenKrupp Elevator Corporation (Contract #080420-TKE), and
- C. Authorize the City Manager to extend the contracts for additional terms as long as the cooperative contracts are in effect, at prices and terms that are the same or more favorable than those offered under the cooperative contracts.

Staff Resource(s):

Phil Reiger, General Services

Kay Elmore, General Services

Explanation

- City facilities have numerous elevators, escalators, and moving walkways. In addition to routine maintenance, each one requires immediate response in the event of failure.
- NC General Statute 143-129(e)(3) allows local governments to purchase from formally organized cooperative purchasing contracts.
- A cooperative purchasing agreement results from the consolidation and competitive solicitation of multiple public agency requirements. By aggregating common needs all agencies are able to leverage economies of scale, such as volume discounts, improved terms and conditions, reduced administrative costs, and access to professional and technical expertise.
- Annual expenditures are estimated to be \$7,000,000.

Charlotte Business INclusion

These are cooperative purchasing contracts and are exempt (Part A: Appendix 27 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Various Departments' Operating Budgets

29. Roadway Construction Services

Action:

- A. Approve a contract in the amount of \$1,896,323 to the lowest responsive bidder Blythe Development Co. for the Specialized Roadway Construction Services FY22-C project, and**
- B. Approve a contract in the amount of \$1,891,095.25 to the lowest responsive bidder United of Carolinas, Inc. for the Specialized Roadway Construction Services FY22-D project.**

Staff Resource(s):

Phil Reiger, General Services
Jennifer Smith, General Services
Veronica Wallace, General Services

Explanation

- These contracts will be used to construct various transportation infrastructure projects throughout the City.
- Work includes concrete sidewalk and accessible ramps, milling, asphalt paving, and pavement markings.
- Approximately eight projects may be constructed within the contract term of 24 months for each contract. The number of projects may vary depending on the nature and extent of the construction.

Action A

- On July 28, 2021, the City issued an Invitation to Bid; three bids were received.
- Blythe Development Co. was selected as the lowest responsive, responsible bidder.

Action B

- On July 29, 2021, the City issued an Invitation to Bid; three bids were received.
- United of Carolinas, Inc. was selected as the lowest responsive, responsible bidder.

Charlotte Business INclusion

Action A

Established MBE Goal: 8.00%

Committed MBE Goal: 8.00%

Blythe Development Co. has identified MBEs on its project team, and for each work order issued, committed 8.00% of the total contract amount to the following certified firms:

- Diamond Trucking of NC Inc (MBE, SBE) (hauling)
- R.R.C. Concrete, Inc (MBE, SBE) (curb and gutter)

Established SBE Goal: 18.00%

Committed SBE Goal: 18.00%

Blythe Development Co. has identified SBEs on its project team, and for each work order issued, committed 18.00% of the total contract amount to the following certified firms:

- On Time Construction, Inc. (WBE, SBE) (masonry)
- Pentacle Inc. (WBE, SBE) (safety rail)
- R.R.C. Concrete, Inc (MBE, SBE) (concrete sidewalk, driveways)

Action B

Established MBE Goal: 8.00%

Committed MBE Goal: 8.00%

United of Carolinas, Inc. has identified MBEs on its project team, and for each work order issued, committed 8.00% of the total contract amount to the following certified firms:

- Cesar A. Leon L.L.C. (MBE, SBE) (hauling)
- R.R.C. Concrete, Inc (MBE, SBE) (concrete work)

Established SBE Goal: 18.00%

Committed SBE Goal: 18.00%

United of Carolinas, Inc. has identified SBEs on its project team, and for each work order issued, committed 18.00% of the total contract amount to the following certified firms:

- R.R.C. Concrete, Inc (MBE, SBE) (concrete work)
- Striping Concepts, LLC (SBE) (pavement markings)

Fiscal Note

Funding: General Capital Investment Plan

30. Charlotte Water Operations Facility Construction

Action:

Approve a guaranteed maximum price of \$40,771,800 to Rodgers Builders, Inc. for Construction Manager at Risk services for the Field Operations Zone 4 Facility Replacement project.

Staff Resource(s):

Angela Charles, Charlotte Water

David Czerr, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- This contract is for the Field Operations Zone 4 Facility Replacement project (Council District 3) which will provide reliable facilities to support employees across multiple divisions of Charlotte Water, including Field Operations, Workforce Development, Maintenance, and Storm Water Services.
- The project includes a new administration building, warehouse, vehicle wash, fueling station, and covered material storage area.
- On June 25, 2018, City Council approved a contract for \$175,616 with Rodgers Builders, Inc. for pre-construction phase services for this project.
- The project is anticipated to be complete by second quarter 2023.

Charlotte Business INclusion

The City has established project goals of 9.00% MBE and 18.00% SBE. Because this is a Construction Manager at Risk project, the construction manager has the opportunity to add on MBE and SBE firms throughout the life of the project (Part G: Section 2.3 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

31. Pipe Repair Services

Action:

- A. **Approve a unit price contract with Envirowaste Services Group, Inc. for pipe repair services for an initial term of two years, and**

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

Staff Resource(s):

Angela Charles, Charlotte Water

Jackie Jarrell, Charlotte Water

Scott Clark, Charlotte Water

Explanation

- This contract will provide pipe repair services and materials for pipe joints, crowns, and service laterals.
- Needed repairs are expected to extend the life of individual sanitary sewer pipes an additional 50 years.
- On June 2, 2021, the City issued a Request for Proposals (RFP); two responses were received.
- Envirowaste Services Group, Inc. best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$150,000.

Charlotte Business INClusion

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

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

Fiscal Note

Funding: Charlotte Water Operating Budget

32. Charlotte Water Strategic Planning Services

Action:

Approve contract amendment #1 for \$200,000 to the contract with Raftelis Financial Consultants, Inc. for strategic planning services.

Staff Resource(s):

Angela Charles, Charlotte Water
Shawn Coffman, Charlotte Water
Chad Howell, Charlotte Water

Explanation

- In June 2019, Charlotte Water executed a contract for strategic planning services in the amount of \$450,000 to develop a dedicated strategic plan for the Department. The strategic plan was approved by Charlotte Water in April 2020.
- This contract amendment will provide implementation services for the strategic plan.
- Implementation is anticipated to be complete by June 30, 2023.
- The new total estimated value of the contract is \$650,000.

Charlotte Business INclusion

All additional work involved in this amendment will be performed by Raftelis Financial Consultants, Inc. and their existing subconsultant(s) (Part D: Section 6 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Charlotte Water Operating Budget

33. Airport Airfield Marking Paint Purchase

Action:

- A. Approve the purchase of Airfield Marking Paint by the sole source exemption,
- B. Approve a contract with Prison Rehabilitative Industries and Diversified Enterprises, Inc. (PRIDE) for the purchase of airfield marking paint for the term of three years, and
- C. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.

Staff Resource(s):

Haley Gentry, Aviation

Jack Christine, Aviation

Sole Source Exemption

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

Explanation

- This contract will provide paint for airfield markings required to maintain compliance with the marking standards set forth by the Federal Aviation Administration (FAA) and the requirements for the annual Airport FAA Part 139 Inspection.
- This is a proven product, and due to its durability, will result in cost savings from reduced staff hours needed due to reapplication.
- Annual expenditures are estimated to be \$120,000.
- The activity is occurring on Airport property, located in Council District 3.

Charlotte Business INclusion

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

Fiscal Note

Funding: Aviation Operating Budget

34. Airport Benefit-Cost Analysis

Action:

- A. **Approve a contract in the amount of \$735,917 with Landrum & Brown, Incorporated for Benefit-Cost Analysis, and**

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

Staff Resource(s):

Haley Gentry, Aviation
Jack Christine, Aviation

Explanation

- The Federal Aviation Administration (FAA) requires that a Benefit-Cost Analysis (BCA) accompany any Letter of Intent (LOI) request to help identify proposed projects that will provide a net benefit to the aviation community.
- Aviation intends to seek a LOI from the FAA to fund certain airfield safety and capacity enhancements.
- On March 2, 2020, the City issued a Request for Qualifications (RFQ); thirteen responses were received.
- Landrum & Brown, Incorporated best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements, including the ability to perform CLT specific Capacity Simulation Modeling required to support the BCA and the federal funding submission schedules.

Charlotte Business INClusion

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

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

Fiscal Note

Funding: Aviation Capital Investment Plan

35. Airfield Deicing Chemicals

Action:

- A. **Approve a unit price contract to the lowest responsive bidder Nachurs Alpine Solutions, LLC for the purchase of airport liquid and solid deicing chemicals for an initial term of three years, and**

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

Staff Resource(s):

Haley Gentry, Aviation

Jack Christine, Aviation

Explanation

- During inclement winter weather events, the Airport supports aircrafts and passenger operations with pavement chemicals. Liquid and solid deicing chemicals are used throughout the facility to treat surfaces to minimize the formation of ice.
- On June 14, 2021, the City issued an Invitation to Bid; two bids were received.
- Nachurs Alpine Solutions, LLC was selected as the lowest responsive, responsible bidder.
- Annual expenditures are estimated to be \$333,333.

Charlotte Business INclusion

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

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

Fiscal Note

Funding: Aviation Operating Budget

36. Airport Environmental Consulting Services Contract Amendment

Action:

Approve contract amendment #4 for \$122,093 with Wood Environmental & Infrastructure Solutions, Inc. for additional environmental consulting services on various Airport projects.

Staff Resource(s):

Haley Gentry, Aviation

Jack Christine, Aviation

Explanation

- This contract provides environmental assessment, abatement, and remedial services in support of Airport improvement and expansion projects.
- This amendment is needed due to the assessment needs for current projects.
- On December 17, 2018, the City issued a Request for Qualifications (RFQ); twelve responses were received.
- Wood Environmental & Infrastructure Solutions, Inc. (Wood) best met the City's needs in terms of experience, approach, resources, and responsiveness to RFP requirements.
- On April 5, 2019, the City Manager approved a contract in the amount of \$235,000 with Wood to perform environmental consulting services for various Airport projects.
- The City Manager subsequently approved contract amendments on May 12, 2020; August 19, 2020; and March 2, 2021 to increase the contract value up to \$431,176.
- The contract and amendments are scheduled to expire on April 30, 2022.
- The total contract amount, including amendments, is \$553,269.

Charlotte Business INclusion

All additional work involved in this amendment will be performed by Wood Environmental & Infrastructure Solutions, Inc and their existing subconsultants (Part D: Section 6 of the Charlotte Business INclusion Policy).

Wood Environmental & Infrastructure Solutions, Inc has committed 9.01% (\$11,000) of the total contract amendment amount to the following certified firms:

- Carolina Soil Investigations, LLC (SBE) (\$6,000) (drilling of soil boring)
- Enviro-Equipment, Inc (WBE, SBE) (\$5,000) (environmental equipment)

Fiscal Note

Funding: Aviation Operating Budget

37. Airport Interior Compacting Trash Can and Recycling Units

Action:

- A. **Approve the purchase of BigBelly Smartbelly Double Stations, CLEAN software, and Fleet Services by the sole source exemption,**
- B. **Approve a contract with BigBelly Solar, Inc. for the purchase of BigBelly Smartbelly Double Stations, CLEAN software, and Fleet Services for the term of five years.**
- C. **Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s)

Haley Gentry, Aviation

Sole Source Exemption

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

Explanation

- On May 9, 2016, City Council approved a five-year sole source contract with BigBelly Solar, Inc. for the purchase of compacting trash cans and recycling units.
- The units consist of a waste receptacle and recycling receptacle. Each receptacle is estimated to hold five times more volume than the current trash cans, which reduces the number of labor hours needed to service them.
- The Airport currently has 96 units installed. Due to Transportation Security Administration regulations, the units are only installed post-security. Additional units are needed to cover newly renovated and expanded Airport concourses.
- The units are integrated with CLEAN software, which enables Wi-Fi connection and can inform janitorial staff which cans are full and require emptying. Big Belly Solar, Inc. is the only company able to provide Aviation with a receptacle with this Wi-Fi technology.
- Annual expenditures are estimated to be \$132,000.
- This activity is occurring on airport property, located in Council District 3.

Charlotte Business INClusion

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

Fiscal Note

Funding: Aviation Capital Investment Plan

38. Airport Landscape Maintenance

Action:

- A. Approve a contract with The Budd Group for landscaping maintenance services for an initial term of three years, and**
- B. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Haley Gentry, Aviation
Jack Christine, Aviation

Explanation

- This contract allows the Airport to maintain a clean and effective outer roadway system and provide a safer and more aesthetic environment for clients and employees.
- The contract will cover landscaping maintenance services for Airport Zone 3 which includes areas such as facilities, roadways, field and drainage areas, turf, shrubs, ground cover and trees, mulching, fall over seeding, bedding areas, annual color, and trash control.
- On May 11, 2021, the City issued a Request for Proposals (RFP); three responses were received.
- The Budd Group best meets the City's needs in terms of demonstrated experience, proposer history, staffing plan, reference, and RFP requirements.
- Annual expenditures are estimated to be \$470,058.

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 provision of (a) - No subcontracting opportunities.

Fiscal Note

Funding: Aviation Operating Budget

39. Airport Terminal Planning Study

Action:

- A. **Approve a contract in the amount of \$988,855 with RS&H Architects, Engineers, Planners Inc. for a Terminal Planning Study, and**
- B. **Approve a contract in the amount of \$867,456 with Ricondo & Associates Inc. for a Terminal Planning Study, and**
- C. **Authorize the City Manager to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

Haley Gentry, Aviation
Jack Christine, Aviation

Explanation

- The Terminal Planning Study (Study) will advance the Terminal Area Plan, which identified terminal projects that will enhance capacity and efficiencies.
- The Study will determine project site and scope in phases to meet demand and provide incremental growth for the airlines.
- The Study will also provide a plan to pursue these projects that meets stakeholder needs and aligns with Aviation's long-term vision while maintaining a cost-competitive nature.
- On March 2, 2020, the City issued a Request for Qualifications (RFQ); thirteen responses were received.
- The firms selected are the best qualified to meet the City's needs on the basis of demonstrated competence and qualification of professional services in response to RFQ requirements.
- This activity is occurring on Airport property located in Council District 3.

Disadvantaged Business Enterprise

Action A

The City negotiates subcontracting participation after the firm is selected for this service contract. RS&H Architects, Engineers, Planners Inc. has committed 8.16% (\$80,700) of the total contract amount to the following certified firms:

- Connico, Inc. (DBE) (\$80,700) (ROM cost estimating)

Action B

The City negotiates subcontracting participation after the firm is selected for this service contract. Ricondo & Associates Inc. has committed 19.80% (\$171,787) of the total contract amount to the following certified firms:

- Airprojects Inc. (DBE) (\$131,967) (financial metrics evaluation)
- CES Group Engineers (DBE) (\$39,820) (airside pavement and utilities development)

Fiscal Note

Funding: Aviation Capital Investment Plan

40. Bond Issuance Approval for Eastway Crossings

Action:

Adopt a resolution granting INLIVIAN's request to issue multi-family housing revenue bonds, in an amount not to exceed \$14,000,000, to finance the development of Eastway Crossings, previously proposed to be called Vibrant Eastway Park Apartments.

Staff Resource(s):

Pamela Wideman, Housing and Neighborhood Services

Explanation

- INLIVIAN is requesting that City Council adopt a resolution authorizing the issuance of multi-family housing revenue bonds for Eastway Crossings, a 132-unit new construction affordable housing development to be developed, owned, and operated by Eastway Harmony Housing, LLC a North Carolina limited liability company,
- This action further supports City Council's April 27, 2020, approval of a \$2,000,000 Housing Trust Fund allocation to this development.
- This action will not obligate the city financially or impact the Capital Investment Plan, and is requested to satisfy Section 147(f) of the Internal Revenue Code of 1986, which requires the issuance of housing bonds be approved by the local governmental unit with jurisdiction over the area where the development is located.
- The development will be located at 301 Eastway Drive in Council District 1 and will serve households earning 60 percent or less of the Area Median Income (AMI). Of the 132 new units, 27 will serve households that earn 30 percent of AMI or less.
- The INLIVIAN bonds, which are not to exceed \$14,000,000, will be used to finance land acquisition and construction of the development.

Background

- The developer applied for four percent low income housing tax credits and housing bond allocation capacity from the North Carolina Housing Finance Agency to finance the land acquisition and construction of the development.
- The North Carolina Housing Finance Agency approved a four percent tax credit and a bond allocation capacity totaling \$14,000,000 for the development. Tax credit and bond allocations are subject to federal income limits and set-aside rules and include deed restrictions.
- INLIVIAN, as a public housing authority, is duly authorized to issue housing bonds to finance developments that serve persons of low and moderate income, including developments in which it does not have a direct interest.

Attachment(s)

City of Charlotte Resolution Eastway Crossings

INLIVIAN Resolution for Eastway Crossings

[City of Charlotte Bond Resolution Eastway Crossings](#)

[INLIVIAN Resolution Eastway Crossings](#)

41. Bond Issuance Approval for Flats at West Boulevard

Action:

Adopt a resolution granting INLIVIAN's request to issue multi-family housing revenue bonds, in an amount not to exceed \$28,500,000, to finance the development of Flats at West Boulevard.

Staff Resource(s):

Pamela Wideman, Housing and Neighborhood Services

Explanation

- INLIVIAN is requesting that City Council adopt a resolution authorizing the issuance of multi-family housing revenue bonds for Flats at West Boulevard, a 200-unit new construction affordable housing development to be developed, owned, and operated by Elmington Capital Group and WCO West Blvd, LP, a North Carolina limited partnership, or an affiliated or related entity.
- There is no Housing Trust Fund allocation or other city financial support affiliated with this development.
- This action will not obligate the city financially or impact the Capital Investment Plan and is requested to satisfy Section 147(f) of the Internal Revenue Code of 1986, which requires the issuance of housing bonds to be approved by the local governmental unit with jurisdiction over the area where the development is located.
- The development will be located at 1901 West Boulevard in Council District 3 and will serve households earning 60 percent and below the Area Median Income.
- The INLIVIAN bonds, not to exceed \$28,500,000, will be used to finance land acquisition and construction of the development.

Background

- The developer applied for four percent low income housing tax credits and housing bond allocation capacity from the North Carolina Housing Finance Agency to finance the land acquisition and construction of the development.
- The North Carolina Housing Finance Agency approved a four percent tax credit and a bond allocation capacity totaling \$28,500,000 for the development. Tax credit and bond allocations are subject to federal income limits and set-aside rules and include deed restrictions.
- INLIVIAN, as a public housing authority, is duly authorized to issue housing bonds to finance developments that serve persons of low and moderate income, including developments in which it does not have a direct interest.

Attachment(s)

City of Charlotte Resolution for Flats at West Boulevard

INLIVIAN Resolution for Flats at West Boulevard

[City of Charlotte Bond Resolution Flats at West Boulevard](#)

[INLIVIAN Resolution Flats at West Blvd](#)

42. Bond Issuance Approval for Johnston Oehler Seniors Apartments

Action:

Adopt a resolution granting INLIVIAN's request to issue multi-family housing revenue bonds, in an amount not to exceed \$16,000,000, to finance the development of Johnston Oehler Seniors Apartments.

Staff Resource(s):

Pamela Wideman, Housing and Neighborhood Services

Explanation

- INLIVIAN is requesting that City Council adopt a resolution authorizing the issuance of multi-family housing revenue bonds for Johnston Oehler Seniors Apartments, a 140-unit new construction affordable housing development, developed by JOS Apartments, LLC, a North Carolina limited liability corporation.
- This action further supports City Council's April 27, 2020, approval of a \$2,000,000 Housing Trust Fund allocation to this development.
- This action will not obligate the city financially or impact the Capital Investment Plan, and is requested to satisfy Section 147(f) of the Internal Revenue Code of 1986, which requires the issuance of housing bonds to be approved by the local governmental unit with jurisdiction over the area where the development is located.
- The development will be located at 4212 Johnston Oehler Road in Council District 4 and will serve households earning up to 80 percent of the Area Median Income (AMI) with income averaging 60 percent of AMI for the entire development. Of the 140 new units, 28 will serve households that earn 30 percent of AMI or less.
- The INLIVIAN bonds, which are not to exceed \$16,000,000, will be used to finance land acquisition and construction of the development.

Background

- The developer applied for four percent low income housing tax credits and housing bond allocation capacity from the North Carolina Housing Finance Agency to finance the land acquisition and construction of the development.
- The North Carolina Housing Finance Agency approved a four percent tax credit and a bond allocation capacity totaling \$16,000,000 for the development. Tax credit and bond allocations are subject to federal income limits and set-aside rules and include deed restrictions.
- INLIVIAN, as a public housing authority, is duly authorized to issue housing bonds to finance developments that serve persons of low and moderate income, including developments in which it does not have a direct interest.

Attachment(s)

City of Charlotte Resolution Johnston Oehler Seniors Apartments

INLIVIAN Resolution for Johnston Oehler Seniors Apartments

[City Bond Resolution Johnston Oehler Seniors Apts.](#)

[INLIVIAN Resolution Johnston Oehler Seniors Apts.](#)

43. Bond Issuance Confirmation for South Village Apartments

Action:

Adopt a resolution confirming the July 27, 2020, resolution granting INLIVIAN's request to issue multi-family housing revenue bonds, in an amount not to exceed \$12,000,000, to finance the development of an affordable housing development known as South Village Apartments.

Staff Resource(s):

Pamela Wideman, Housing and Neighborhood Services

Explanation

- This action does not obligate the city financially or impact the Capital Investment Plan and is requested to satisfy Section 147(f) of the Internal Revenue Service Code of 1986.
- The developer's financing has been delayed due to the COVID-19 pandemic. As a result, INLIVIAN's issuance of multi-family housing revenue bonds has also been delayed.
- This action is required to reconfirm City Council's July 27, 2020, adoption of a resolution authorizing INLIVIAN to issue multi-family housing revenue bonds for South Village Apartments, an 82-unit new construction affordable housing development, to be developed, owned, and operated by Scaleybark Apartments, LLC, a North Carolina limited partnership. The development is located at the intersection of Whitton Street and Dewitt Lane in Council District 3.
- Pursuant to the federal tax code, if a developer does not close on multi-family housing revenue bonds within a year of the original resolution's adoption, the local governmental unit with jurisdiction over the area where the development is located must reconfirm its original resolution.
- The developer anticipates closing the financing for this development by the end of 2021 and beginning construction in first quarter 2022.
- The INLIVIAN bonds, not to exceed \$12,000,000, will be used to finance land acquisition and construction of the development.
- This action further supports City Council's July 22, 2019, approval of a \$3,000,000 Housing Trust Fund allocation to this development.

Background

- The developer applied for four percent low income housing tax credits and housing bond allocation capacity from the North Carolina Housing Finance Agency to finance the land acquisition and construction of the development.
- The North Carolina Housing Finance Agency approved a four percent tax credit and a bond allocation capacity totaling \$12,000,000 for the development. Tax credit and bond allocations are subject to federal income limits and set-aside rules and include deed restrictions.
- INLIVIAN, as a public housing authority, is duly authorized to issue housing bonds to finance developments that serve persons of low and moderate income, including developments in which it does not have a direct interest.

Attachment(s)

City of Charlotte Confirmation Resolution

[City of Charlotte Confirmation Resolution South Village Apts.](#)

44. Resolution of Intent to Abandon Grier Avenue Unopened Right-of-Way

Action:

- A. Adopt a resolution of intent to abandon Grier Avenue unopened right-of-way, and
- B. Set a public hearing for November 8, 2021.

Staff Resource(s):

Liz Babson, Transportation
Krystal Bright, 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 road is located in Council District 2.

Petitioners

Lakeview Land Company

Attachment(s)

Map
Resolution

[2021-12A Unopened ROW Grier Ave Abandonment Map](#)

[2021-12A Resolution of Intent 09.27.2021](#)

45. Refund of Property Taxes

Action:

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$48,902.

Staff Resource(s):

Teresa Smith, 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

[List of Taxpayers](#)

[Resolution](#)

46. Meeting Minutes

Action:

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

- July 19, 2021 Zoning Meeting, and
- August 2, 2021 Strategy Session.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

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

PROPERTY TRANSACTIONS**47. Property Transactions - DeArmon Road Improvements, Parcel #1**

Action: Approve the following Acquisition: DeArmon Road Improvements, Parcel #1

Project: DeArmon Road Improvements, Parcel #1

Program: DeArmon Road Improvements

Owner(s): Pun Leng and Eang Leng

Property Address: 0 Brownstone View Drive

Total Parcel Area: 138,159 sq. ft. (3.02 ac.)

Property to be acquired by Easements: 88 sq. ft. (0.002 ac.) Utility Easement, 270 sq. ft. (0.006 ac.) Storm Drainage Easement, 640 sq. ft. (0.015 ac.) Sidewalk Utility Easement, 6,304 sq. ft. (0.145 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: B-1 (CD)

Use: Business

Tax Code: 027-712-01

<https://polaris3g.mecklenburgcountync.gov/#pid=02771201&qisid=02771201>

Purchase Price: \$12,235

Council District: 4

48. Property Transactions - DeArmon Road Improvements, Parcel #17

Action: Approve the following Acquisition: DeArmon Road Improvements, Parcel #17

Project: DeArmon Road Improvements, Parcel #17

Program: DeArmon Road Improvements

Owner(s): Monique Jackson

Property Address: 12303 Brianwood Court

Total Parcel Area: 9,880 sq. ft. (0.23 ac.)

Property to be acquired by Fee: 385 sq. ft. (0.009 ac.) Fee Simple

Property to be acquired by Easements: 989 sq. ft. (0.023 ac.) Utility Easement, 515 sq. ft. (0.012 ac.) Sidewalk Utility Easement, 293 sq. ft. (0.007 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R-3

Use: Single-family Residential

Tax Code: 027-062-19

<https://polaris3g.mecklenburgcourtync.gov/#mat=344788&pid=02706219&qsid=02706219>

Purchase Price: \$27,100

Council District: 4

49. Property Transactions - DeArmon Road Improvements, Parcel #28

Action: Approve the following Acquisition: DeArmon Road Improvements, Parcel #28

Project: DeArmon Road Improvements, Parcel #28

Program: DeArmon Road Improvements

Owner(s): Carol H Wilburn and Patrick K. Wilburn

Property Address: 11901 DeArmon Road

Total Parcel Area: 96,239 sq. ft. (2.20 ac.)

Property to be acquired by Fee: 2,652 sq. ft. (0.06 ac.) Fee Simple

Property to be acquired by Easements: 35 sq. ft. (0.001 ac.) Utility Easement, 4,232 sq. ft. (0.097 ac.) Sidewalk Utility Easement, 9,214 sq. ft. (0.212 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R-3

Use: Single-family Residential

Tax Code: 027-093-59

<https://polaris3g.mecklenburgcourtync.gov/#mat=21811&pid=02709359&gisid=02709359>

Purchase Price: \$31,225

Council District: 4

50. Property Transactions - Dixie River Road WM Extension, Parcel #21

Action: Approve the following Acquisition: Dixie River Road WM Extension, Parcel #21

Project: Dixie River Road WM Extension, Parcel #21

Program: Dixie River Road WM Extension

Owner(s): C.P. Johnston's Three Children

Property Address: 8520 Dixie River Road

Total Parcel Area: 351,521 sq. ft. (8.07 ac.)

Property to be acquired by Easements: 1,044 sq. ft. (0.024 ac.) Utility Easement, 14,310 sq. ft. (0.329 ac.) Sanitary Sewer/Waterline Easement, 4,723 sq. ft. (0.108 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: N/A

Zoned: R-3

Use: Single-family Residential

Tax Code: 141-152-19

<https://polaris3g.mecklenburgcountync.gov/#mat=205781&pid=14115219&qsid=14115219>

Purchase Price: \$16,342

Council District: Adjacent to council district 3

51. Property Transactions - Shade Valley Road Realignment and Roundabout, Parcel #17 and 19

Action: Approve the following Condemnation: Shade Valley Road Realignment and Roundabout, Parcel #17 and 19

Project: Shade Valley Road Realignment and Roundabout, Parcel #17 and 19

Program: Shade Valley Road Realignment and Roundabout

Owner(s): Lake Hills Apartments LP

Property Address: 2200-2218 and 2301 Shade Valley Road

Total Parcel Area: 258,855 sq. ft. (5.94 ac.)

Property to be acquired by Fee: 67 sq. ft. (0.001 ac.) Fee Simple

Property to be acquired by Easements: 3,569 sq. ft. (0.08 ac.) Sidewalk Utility Easement, 8,834 sq. ft. (0.20 ac.) Temporary Construction Easement, 1,017 sq. ft. (0.02 ac.) Storm Drainage Easement, 7,432 sq. ft. (0.17 ac.) Post Construction Controls Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: R-17 MF

Use: Multi-family Residential

Tax Code: 161-051-32, 161-052-33

<https://polaris3g.mecklenburgcountync.gov/#mat=606880&pid=16105132&qisid=16105132>

<https://polaris3g.mecklenburgcountync.gov/#mat=411891&pid=16105233&qisid=16105233>

Appraised Value \$134,575

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

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

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

Council District: 5

Adjournment

REFERENCES

52. Reference - Charlotte Business INclusion Policy

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

Part A: Administration and Enforcement

Part A: Section 2.3: Targeted Outreach and Designated Contracts for Small Business Enterprises (SBEs).

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

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

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

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

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

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

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

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

Federal Contracts Subject to Disadvantaged Business Enterprise (DBE) Requirements: Contracts that are subject to the U.S. Department of Transportation Disadvantaged Business Enterprise Program as set forth in 49 CFR Part 26 or any successor legislation.

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

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

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

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

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

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

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

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

Part B: Construction and Commodities Contracts

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

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

Part C: Service Contracts

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

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

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

Part D: Post Contract Award Requirements

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

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

Part F: Financial Partners

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

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

Part G: Alternative Construction Agreements

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

53. 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.

54. 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.