

City of Charlotte

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



Meeting Agenda

Monday, October 11, 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.

[2021-10-11 Council Agenda QA](#)

2. Action Review Agenda Overview

Staff Resource(s):

Marcus Jones, City Manager

3. Charlotte Future 2040 - Policy Map Update

Staff Resource(s):

Taiwo Jaiyeoba, City Manager's Office

Time: Presentation - 10 minutes; Discussion - 15 minutes

Explanation

- Provide a brief update on the Charlotte Future 2040 Policy Map, including information on the project schedule, engagement process and summary, and preliminary findings of the Fiscal Impact Analysis.

[Charlotte Future 2040 Policy Map Update](#)

4. Unified Development Ordinance Update

Staff Resource(s):

Taiwo Jaiyeoba, City Manager's Office

Time: Presentation - 10 minutes; Discussion - 15 minutes

Explanation

- Provide a brief update on the first draft of the Unified Development Ordinance, including information on the schedule and engagement process.

[Unified Development Ordinance Update](#)

5. Closed Session (as necessary)

CONSENT

- 6. Consent agenda items 26 through 53 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.

AWARDS AND RECOGNITIONS

7. Charlotte Women’s Small Business Month Proclamation

Action:

Mayor Lyles will read a proclamation recognizing October 2021 as Charlotte Women’s Small Business Month.

8. Indigenous Peoples’ Day Proclamation

Action:

Mayor Lyles will read a proclamation recognizing October 11, 2021, as Indigenous Peoples’ Day.

9. National Arts and Humanities Month Proclamation

Action:

Mayor Lyles will read a proclamation recognizing October 2021 as National Arts and Humanities Month.

PUBLIC FORUM

10. Public Forum

PUBLIC HEARING

11. Public Hearing on a Resolution to Close the Alleyway off East Kingston Avenue and South Boulevard

Action:

- A. Conduct a public hearing to close the alleyway off East Kingston Avenue and South Boulevard, and
- B. Adopt a resolution and close the alleyway off East Kingston Avenue and South Boulevard.

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 3.

Petitioner

White Point Partners, LLC

Right-of-Way to be Abandoned

The alleyway off East Kingston Avenue and South Boulevard.

Reason

Per the petition submitted by White Point Partners, LLC, the petitioner intends to redevelop the site to the east side of the alley. The City has no objections.

Notification

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

Adjoining property owner(s)

WP Kingston II, LLC - No objections
ABW Charlotte, LLC - No objections
JOMAR of Charlotte, LLC - No objections
JDH & Associates, Inc - 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

[2020-27A E Kingston & S Blvd Abandonment Map Revised](#)

[2021-27A Resolution to Close 10.11.2021](#)

12. Public Hearing on a Resolution to Close the Alleyway off Morningside Drive

Action:

- A. Conduct a public hearing to close the alleyway off Morningside Drive, and
- B. Adopt a resolution and close the alleyway off Morningside Drive.

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 1.

Petitioner

AABC Morningside, LLC

Right-of-Way to be Abandoned

The alleyway off Morningside Drive.

Reason

Per the petition submitted by AABC Morningside, LLC, the petitioner owns both parcels, and by closing the alleyway, they will be able to combine these two parcels. The City has no objections.

Notification

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

Adjoining property owner(s)

AABC Morningside, 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

[2021-14A Alleyway Morningside Dr Abandonment Map](#)

[2021-14A Resolution to Close 10.11.2021](#)

POLICY

13. City Manager's Report

[10.11 City Manager's 30 Day Memo](#)

BUSINESS

14. Amend the Charlotte Regional Workforce Consortium Agreement and Contract Services for Performance Management

Action:

- A. **Adopt a resolution approving the second amended and restated Charlotte Regional Workforce Consortium Agreement to designate Charlotte Works as the local fiscal agent, and**
- B. **Authorize the City Manager to negotiate and execute a contract with Charlotte Works for performance management.**

Staff Resource(s):

Tracy Dodson, City Manager's Office
Anna Schleunes, City Attorney's Office

Explanation

- Charlotte Works is the Workforce Development Board for Mecklenburg County and provides programs and services to businesses and job seekers within the County.

Action A

- Charlotte Works is funded by Workforce Innovation and Opportunity Act (WIOA) funds that originate from the United States Department of Labor (DOL). Currently, these funds pass through the North Carolina Department of Commerce (NC Commerce) to the City of Charlotte. The City disburses the funds to Charlotte Works.
- WIOA requires an executed agreement between the Chief Local Elected Officials (CLEO) of the units of government within the geography served by a local workforce development board.
- The Charlotte Regional Workforce Consortium Agreement (Consortium Agreement) outlines the responsibilities of the CLEOs (Mayor of City of Charlotte and Mecklenburg County Commissioner Chair) as they relate to the governance and operation of Charlotte Works. These responsibilities include:
 - Approve and sign annual required WIOA Plans, Memorandums of Understanding (MOU), and Career Center Infrastructure Cost Sharing Agreement;
 - Appoint members to the local workforce development board of directors. Currently, the City has 80 percent of board member appointments, and the County has 20 percent; and
 - Accountable for fiscal integrity, which includes designation of a fiscal agent. The City of Charlotte is currently designated as fiscal agent; The City and County are liable for fiscal integrity.
- The basis for the City's current role as the fiscal agent and pass-through entity is two-fold:
 - Language in the WIOA states that the Chief Local Elected Official has the ultimate responsibility and accountability for allowable grant expenditures and
 - Language in the WIOA also states that the Chief Elected Official may designate an entity to serve as a local grant sub-recipient for such funds or as a local fiscal agent.
- The City has interpreted and operationalized this language by contractually agreeing with Charlotte Works that they will invoice the City monthly.
- This interpretation has yielded a structure in which staff from three departments within the City process monthly payments to Charlotte Works.
- Charlotte Works, in turn, processes payments to its vendors and sub-contractors that perform direct services such as career center management, career development activities, training scholarships, job referral and retention services, and supportive services.
- On April 23, 2021, the Charlotte Works Board of Directors approved to "move forward with the proposed next steps to request the revision of the Charlotte Regional Workforce Consortium Agreement based on the proposed recommendation to designate Charlotte Works as local fiscal agent."

- The designation of Charlotte Works as local fiscal agent will:
 - Increase Charlotte Works' control over financial reporting to NC Commerce and DOL; this removes possibility for error in the reporting and reimbursement process;
 - Decrease turnaround time (currently approximately 40 days) for monthly reimbursements, that average \$620,123, to Charlotte Works, adult and youth service providers, job seekers, and businesses;
 - Charlotte Works could draw funds down as needed versus monthly and provide payments to sub-contractors and vendors via Automated Clearing House;
 - Decrease any cash flow issues for Charlotte Works, service providers, job seekers, and businesses;
 - Allow Charlotte Works to provide better customer service to clients and to expand partnerships with smaller, grass roots organizations, and small- and mid-size businesses; and
 - Decrease City of Charlotte's monthly staff time taken to review, and process draw downs and reimbursement.
- Specifically, the City will no longer review monthly invoices by Charlotte Works or file annual reports to NC Commerce but will continue to carry out its fiduciary responsibility by relying upon various monitoring processes that are currently in place.
- The amendment of the Consortium Agreement also requires approval by the Mecklenburg County Board of County Commissioners (BOCC). The BOCC will vote on this change at its October 19, 2021 meeting.

Action B

- The City's annual contract with Charlotte Works outlines performance metrics and City oversight for the organization and its relationship with subcontractors and vendors.
- Corresponding with the amended and restated Charlotte Regional Workforce Consortium Agreement, the Fiscal Year 2022 contract between the City of Charlotte and Charlotte Works will focus on performance measures and have no monetary value.

Attachment(s)

Charlotte Regional Workforce Consortium Agreement
Resolution for Interlocal Charlotte Works Amendment
NC Commerce September 2021 Letter

[Charlotte Regional Workforce Consortium Agreement WIOA 2021](#)

[Resolution for Interlocal Charlotte Works amendment 9.28.21](#)

[NC Commerce September 2021 Letter](#)

15. Municipal Agreement for the W.T. Harris Boulevard Multi-Use Path Project from North Tryon Street to JW Clay Boulevard

Action:

- A. Adopt a resolution authorizing the City Manager to negotiate and execute a Municipal Agreement with the North Carolina Department of Transportation to accept Surface Transportation Block Grant funds in the amount of \$997,000 for the W.T. Harris Boulevard multi-use path project from North Tryon Street to JW Clay Boulevard, and**
- B. Adopt a budget ordinance appropriating \$997,000 in Surface Transportation Block Grant funds from the North Carolina Department of Transportation for engineering, right-of-way, and construction of the W.T. Harris Boulevard multi-use path project from North Tryon Street to JW Clay Boulevard to the General Capital Projects Fund.**

Staff Resource(s):

Liz Babson, Transportation
Keith Bryant, Transportation
Erin Pratt, Transportation

Explanation

- This project will construct a multi-use path along W.T. Harris Boulevard from North Tryon Street to JW Clay Boulevard.
- The project aims to enhance safety and improve pedestrian and bicycle connectivity along W.T. Harris Boulevard in Council District 4 by:
 - Constructing 0.33 miles of multi-use path, and
 - Connecting pedestrian facilities from the existing sidewalk at the W.T. Harris Boulevard and North Tryon Street intersection to an existing crosswalk at the intersection of W.T. Harris Boulevard and JW Clay Boulevard.
- The budget for the W.T. Harris Boulevard multi-use path project from North Tryon Street to JW Clay Boulevard is \$1,662,000 and includes:
 - \$997,000 in Surface Transportation Block Grant funds from the North Carolina Department of Transportation (NCDOT), and
 - \$665,000 in local match funds from the Sidewalk and Pedestrian Safety Program.
- The W.T. Harris Boulevard multi-use path project from North Tryon Street to JW Clay Boulevard will proceed to the design phase upon execution of the Municipal Agreement.
- Project construction is anticipated to begin in 2025.

Charlotte Business INclusion

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

Fiscal Note

Funding: NCDOT Funding and General Capital Investment Plan

Attachment(s)

Map
Resolution
Budget Ordinance

[WTHarris_NTryonToJWClay - Map](#)

[WTHarris_NTryonToJWClay - Resolution](#)

[Budget Ordinance](#)

16. Municipal Agreement for the W.T. Harris Boulevard Multi-Use Path Project from The Plaza to Grier Road

Action:

- A. Adopt a resolution authorizing the City Manager to negotiate and execute a Municipal Agreement with the North Carolina Department of Transportation to accept Surface Transportation Block Grant funds in the amount of \$1,229,000 for the W.T. Harris Boulevard multi-use path project from The Plaza to Grier Road, and**
- B. Adopt a budget ordinance appropriating \$1,229,000 in Surface Transportation Block Grant funds from the North Carolina Department of Transportation for engineering, right-of-way, and construction of the W.T. Harris Boulevard multi-use path project from The Plaza to Grier Road to the General Capital Projects Fund.**

Staff Resource(s):

Liz Babson, Transportation
Keith Bryant, Transportation
Erin Pratt, Transportation

Explanation

- This project will construct a multi-use path along W.T. Harris Boulevard from The Plaza to Grier Road.
- The project aims to enhance safety and improve pedestrian and bicycle connectivity along W.T. Harris Boulevard in Council District 4 by:
 - Constructing 0.61 miles of multi-use path, and
 - Connecting pedestrian facilities from the existing sidewalk at the W.T. Harris Boulevard and The Plaza intersection to the existing sidewalk on Grier Road.
- The budget for the W.T. Harris Boulevard multi-use path project from The Plaza to Grier Road is \$2,048,000 and includes:
 - \$1,229,000 in Surface Transportation Block Grant funds from the North Carolina Department of Transportation (NCDOT), and
 - \$819,000 in local match funds from the Sidewalk and Pedestrian Safety Program.
- The W.T. Harris Boulevard multi-use path project from The Plaza to Grier Road will proceed to the design phase upon execution of the Municipal Agreement.
- Project construction is anticipated to begin in 2025.

Charlotte Business INclusion

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

Fiscal Note

Funding: NCDOT Funding and General Capital Investment Plan

Attachment(s)

Map
Resolution
Budget Ordinance

[WTHarris_ThePlazaToGrier - Map](#)

[WTHarris_ThePlazaToGrier - Resolution](#)

[Budget Ordinance](#)

17. Sale of City-Owned Properties on Isenhour Street

Action:

- A. Adopt a resolution approving the sale of three vacant City-owned properties located at 3221 Isenhour Street, 1005 Patch Avenue, and Wainwright Avenue (Parcel Identification Numbers 077-192-12, 077-192-13, and 077-192-21) to JCB Urban Company for \$90,000; and**
- B. Authorize the City Manager to negotiate and execute all documents necessary to complete the sale of the properties.**

Staff Resource(s):

Phil Reiger, General Services
Tony Korolos, General Services
Pamela Wideman, Housing and Neighborhood Services

Explanation

- On August 27, 2018, City Council adopted the Housing Charlotte Framework, which recommends leveraging City-owned land and expanding the supply of high-quality affordable housing by building new affordable housing and preserving existing affordable housing.
- These City-owned properties along Isenhour Street, Patch Avenue, and Wainwright Avenue, contain approximately 0.3837 acres combined, are zoned R-8 (residential), and located in Council District 1.
- JCB Urban Company, a private builder, proposes to purchase the properties to construct four for-sale affordable townhome units. JCB Urban Company agrees that all of the units will be sold to House Charlotte eligible households earning 80 percent or below the Area Median Income.
- The affordable units will have a 15-year affordability deed restriction and shall be developed within three years from the date of deed conveyance.
- If JCB Urban Company fails to develop within said time period, the properties shall be conveyed back to the City upon its request.
- The Planning Commission reviewed the property for surplus sale on April 20, 2021, and recommended the sale with no comments.
- The properties were appraised on August 20, 2021, at \$86,000.
- The offer from JCB Urban Company includes the following terms:
 - Purchase price of \$90,000,
 - Due diligence period of 90 days, and
 - Closing to occur within 60 days after the expiration of the due diligence period.
- This transaction is consistent with the Council-adopted City-Owned Real Estate and Facilities Policy and Guidelines for Evaluation and Disposition of City-Owned Land for Affordable Housing.

Fiscal Note

Funding: Proceeds from the sale will be deposited into the General Capital Investment Plan.

Attachment(s)

Map
Resolution

[Map Isenhour Street](#)

[Resolution to Sale](#)

18. Amend Restrictive Covenants for Property on Parkwood Avenue

Action:

- A. **Approve an amendment to the restrictive covenants on property located at 1621 and 1623 Parkwood Avenue (Parcel Identification Numbers 083-137-12 and 083-137-13) to extend the timeframe for completion of development on said property and modify the scope of permissible development to include a single-family residence and duplex, and**
- B. **Authorize the City Manager, or his designee, to execute all documents necessary to amend the restrictive covenants on property located at 1621 and 1623 Parkwood Avenue.**

Staff Resource(s):

Phil Reiger, General Services

Tony Korolos, General Services

Pamela Wideman, Housing and Neighborhood Services

Explanation

- On October 8, 2018, City Council authorized the fee simple transfer of property located at 1621 and 1623 Parkwood Avenue in Council District 1 to Vista Homes II, LLC, upon certain reservations and restrictions.
- On May 13, 2019, the City conveyed the property to Lola Parkwood, LLC, single purpose entity assignee of Vista Homes II, LLC. The transaction included reservations and restrictions, including a three-year term which ends on May 13, 2022, to have the improvements constructed and ready for sale.
- Vista Homes II, LLC, has requested that the reversionary restriction be extended an additional two and one-half years to November 13, 2024, due to COVID-19 related delays and other market factors.
- Vista Homes II, LLC, has requested a change in development from:
 - Up to five residential for sale townhome units with at least one of the units set aside as an affordable for-sale unit serving families earning at or below 80 percent of the Area Median Income (AMI), to
 - One single-family residence and one for-sale duplex with one unit of the duplex units being sold to create an affordable homeownership unit serving households earning at or below 80 percent of the AMI. The number of affordable units (one) will not change.

Attachment(s)

Map

[Map - Parkwood](#)

19. Amend the Interlocal Agreement with the Water and Sewer Authority of Cabarrus County

Action:

Adopt a resolution ratifying an amendment to the interlocal agreement with the Water and Sewer Authority of Cabarrus County to implement and jointly fund the Lower Rocky River Pump Station Expansion project.

Staff Resource(s):

Angela Charles, Charlotte Water
David Czerr, Charlotte Water
Ron Hargrove, Charlotte Water

Explanation

- This amendment will modify an existing interlocal agreement to partially fund improvements to the Water and Sewer Authority of Cabarrus County (WSACC) infrastructure that will provide Charlotte Water with an additional three million gallons of wastewater treatment capacity in Cabarrus County.
- The agreement with WSACC enables Charlotte Water to collect wastewater from northeastern and southeastern portions of Mecklenburg County, including portions of surrounding towns, for conveyance and treatment at WSACC's Rocky River Regional Wastewater Treatment Plant.
- This agreement allows flexibility for Charlotte Water to continue providing service to the growing area.
- Flows from Charlotte Water's service area are conveyed and pumped into WSACC's treatment facility through the Lower Rocky River Pump Station (LRRPS) which is currently being expanded.
- The Charlotte Water proportionate cost share for the LRRPS expansion project is approximately \$1,000,000.

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Map
Resolution

[Map-Amend the Interlocal Agreement with the Water and Sewer Authority of Cabarrus County](#)

[Resolution-Amend the Interlocal Agreement with the Water and Sewer Authority of Cabarrus County](#)

20. Mecklenburg Soil and Water Conservation District Grant Matching Agreement

Action:

Adopt a resolution ratifying a grant matching agreement with the Mecklenburg Soil and Water Conservation District.

Staff Resource(s):

Angela Charles, Charlotte Water
Ron Hargrove, Charlotte Water
Mike Davis, Storm Water Services

Explanation

- This agreement will allow Charlotte Water and Storm Water Services to provide grant matching funds to the Mecklenburg Soil and Water Conservation District (District) to support urban stream care and conservation education and community outreach.
- The District and the City share the goal of educating residents about the storm drainage system, source pollution, and the effects of stream bank erosion in order to influence the behaviors of residents to positively impact water quality in Mecklenburg County.
- The City funding will match a grant received by the District for a full-time urban conservation and sustainability advisor and associated expenses to collaborate with the City to develop stream care educational programs and materials for the community.
- Annual agreement expenditures are estimated to be \$17,000.

Fiscal Note

Funding: Charlotte Water Operating Budget and Storm Water Services Operating Budget

Attachment(s)

Resolution

[Resolution-Mecklenburg Soil and Water Conservation District Grant Matching Agreement](#)

21. Correction to 401(k) Contributions

Action:

- A. **Approve payment to Prudential Retirement to correct employer contributions for vacation payout to certain individual 401(k) account participants, and**
- B. **Adopt a budget ordinance appropriating \$1,018,357 from the Risk Management Loss Fund's Fund Balance to the Risk Management Loss Fund.**

Staff Resource(s):

Brent Cagle, City Manager's Office

Explanation:

- 401(k) benefits contributions on annual leave payouts were initially not included between January 2001 to May 2020 due to a software system configuration error.
- In 2020, the City discovered and corrected the error so that all future vacation payouts comply with the 401(k) employer contribution requirement.
- The 401(k) plan is governed by the NC State Treasurer and administered by Prudential Retirement (Prudential). After consultation with City staff, State Treasurer's Office, and Prudential, the requirement to provide retroactive principal and interest was clarified.
- Since 2001, 5,909 vacation payouts were affected with an average value of \$146; the employer contribution total is \$862,843.28.
- Prudential, as the 401(k) plan recordkeeper, is responsible for calculating the interest due on missed payouts.
- The anticipated amount of calculated interest on the above payout is \$1,018,357. The exact amount will be calculated by Prudential upon payment.
- Prudential will notify each account participant that a correction occurred and deposit funds into participants' accounts. For closed accounts or deceased participants, Prudential will follow its standard processes to send funds to participants or their beneficiaries.

Fiscal Note:

Risk Management Loss Fund

Attachment(s)

Budget Ordinance

[Budget Ordinance](#)

22. Amend the 2021 City Council Meeting Schedule

Action:

Approve amendments to the 2021 City Council Regular and Budget Meeting Schedule.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- NC General Statute 143-318.12 requires that the City Clerk maintain on file a schedule of the City Council's regular meetings and that the approved schedule shall be posted to the City's website. If a schedule is duly adopted and filed, no further notice of regular meetings is necessary.
- The 2021 City Council Regular and Budget Meeting Schedule (Schedule) is being amended in accordance with the revised 2021 municipal elections schedule.
- This action amends the Schedule, most recently amended and adopted by City Council on May 10, 2021, by:
 - Starting the October 18, 2021 Zoning Meeting at 3:00 p.m. to allow for a public hearing on proposed, revised district maps;
 - Removing the October 25, 2021 Business Meeting and Public Forum, at 5:00 p.m.;
 - Adding a Council Annual Strategy Meeting from October 25 - 27, 2021;
 - Adding a Strategy Session on November 1, 2021, at 5:00 p.m.;
 - Adding a Strategy Session on December 6, 2021, at 5:00 p.m.;
 - Removing the meetings scheduled for newly elected Council members in 2021:
 - Council Agenda Action Review (Optional) meeting previously scheduled for November 22, 2021, at 12:00 p.m.;
 - Organizational Meeting (Swearing-In Ceremony) previously scheduled for December 6, 2021, at 6:00 p.m.; and
 - Council Agenda Action Review (Optional) meeting previously scheduled for December 13, 2021, at 12:00 p.m.

Attachment(s)

Amended 2021 City Council Meeting Schedule

[CITY COUNCIL REGULAR & BUDGET MEETING SCHEDULE FOR 2021 - Amended](#)

23. Appointments to the Arts and Culture Advisory Board

Action:

Appoint residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- Four appointments for three-year terms beginning October 1, 2021, and ending September 30, 2024.
 - Carla Aaron-Lopez, nominated by Council members Graham and Winston.
 - Debbie Abels, nominated by Council members Driggs and Phipps.
 - Amy Aussieker, nominated by Council members Bokhari, Egleston, and Phipps.
 - Lauren Batten, nominated by Council members Eiselt and Johnson.
 - David Butler, nominated by Council members Driggs, Eiselt, Graham, and Winston.
 - Aisha Dew, nominated by Council members Egleston, Graham, and Newton.
 - Davita Galloway, nominated by Council members Egleston, Johnson, and Watlington.
 - Marcie Kelso, nominated by Council members Ajmera and Winston.
 - Timothy Miner, nominated by Council members Bokhari, Driggs, Eiselt, and Winston.
 - Brook Muller, nominated by Council members Egleston, Johnson, Phipps, and Watlington.
 - Cyndee Patterson, nominated by Council members Ajmera, Graham, and Watlington.
 - Kevin Patterson, nominated by Council members Ajmera, Eiselt, Graham, Newton, and Watlington.
 - Beth Quartapella, nominated by Council members Driggs and Eiselt.

Attachment(s)

Arts and Culture Advisory Board Applications

24. Appointments to the Charlotte Equitable Development Commission

Action:

Appoint residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- Six appointments for three-year terms beginning October 1, 2021, and ending September 30, 2024.
 - Robert Aulebach, nominated by Council members Ajmera, Driggs, and Watlington.
 - Blake Bickmore, nominated by Council members Driggs, Eiselt, and Phipps.
 - Jordan Brooks-Adams, nominated by Council members Ajmera, Johnson, Phipps, Watlington, and Winston.
 - Angela Carlson, nominated by Council members Driggs, Graham, and Phipps.
 - Deborah Dryden, nominated by Council members Ajmera and Newton.
 - Leslie Jones, nominated by Council members Johnson, Newton, Phipps, Watlington, and Winston.
 - Allison Lee, nominated by Council members Johnson and Watlington.
 - Mattie Marshall, nominated by Council members Ajmera, Egleston, Eiselt, Graham, and Newton.
 - Meko McCarthy, nominated by Council members Egleston and Newton.
 - Dan Melvin, nominated by Council members Phipps, Watlington, and Winston.
 - Carolyn Millen, nominated by Council members Driggs, Egleston, Eiselt, and Newton.
 - Marjorie Molina, nominated by Council members Ajmera, Egleston, and Newton.
 - Kevin Poirier, nominated by Council members Bokhari, Egleston, Graham, and Johnson.
 - Ismaail Qaiyim, nominated by Council members Ajmera, Eiselt, and Winston.
 - Richard Saltrick, nominated by Council members Driggs, Phipps, Watlington, and Winston.
 - Rebekah Whilden, nominated by Council members Bokhari, Egleston, Eiselt, and Johnson.

Attachment(s)

Charlotte Equitable Development Commission Applications

25. Appointments to the Charlotte Neighborhood Equity and STabilization Commission (Charlotte's NEST)

Action:

Appoint residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a three-year term for a Housing Advocates beginning October 1, 2021, and ending September 30, 2024.
 - Kimberly Timmons-Hampton, nominated by Council members Ajmera and Phipps.
- Two appointments for three-year terms for Neighborhood Leaders or Community Organizers beginning October 1, 2021, and ending September 30, 2024.
 - Roma Johnson, nominated by Council members Egleston, Eiselt, and Winston.
 - Vicki Jones, nominated by Council members Ajmera, Egleston, and Eiselt.
 - Carolyn Millen, nominated by Council members Newton and Watlington.
 - Antoinette Mingo, nominated by Council members Ajmera, Johnson, Newton, and Watlington.
- One appointment for a three-year term for a Neighborhood Conditions category representative beginning October 1, 2021, and ending September 30, 2024.
 - Tonya Jameson, nominated by Council members Driggs and Egleston.
 - Davena Mgbeokwere, nominated by Council members Johnson, Watlington, and Winston.
 - Carolyn Millen, nominated by Council members Ajmera, Eiselt, and Newton.

Attachment(s)

Charlotte Neighborhood Equity and STabilization Commission (Charlotte's NEST) Applications

CONSENT

26. 2021 Urban Area Security Initiative Grant Acceptance

Action:

Authorize the Charlotte Area Homeland Security Director (Charlotte Fire Chief) to accept a grant for \$3,040,000 from the United States Department of Homeland Security for the 2021 Urban Area Security Initiative Grant Program.

Staff Resource(s):

Reginald Johnson, Fire

Robert Graham, Fire

Explanation

- The 2021 Urban Area Security Initiative (UASI) Grant Program allowed eligible applicants to apply for funding to aid in the prevention, protection, response, and recovery from terrorist attacks.
- The total amount of the grant awarded to the Charlotte UASI was \$3,800,000.
- The North Carolina Division of Emergency Management is eligible to retain up to 20 percent of the funds under the program guidelines. As such, the Division has elected to retain the full \$760,000 for the management and administration of the grant program and provide continued support to the North Carolina Voice Interoperability Plan for the Emergency Responder Radio System and Cybersecurity Planning.
- The City has been awarded the remaining \$3,040,000.
- The focus of these funds will be on terrorism preparedness activities, such as equipment acquisition, planning, training courses, and drills. Equipment specifics include:
 - Equipment to supplement existing Law Enforcement, Search and Rescue, and Hazardous Materials (HAZMAT) capabilities, including replacement of HAZMAT monitoring equipment;
 - Equipment to continue the expansion of the UASI Regional Radio System;
 - Countering Domestic Violent Extremism;
 - Cybersecurity Threat Planning and Technology; and
 - Mobile Satellite.
- In developing a regional approach, as mandated by the grant guidelines, the following 10 counties were included as part of a regional implementation concept: Cabarrus, Catawba, Gaston, Iredell, Lincoln, Lancaster, Mecklenburg, Stanly, Union, and York.
- There are no City matching funds required for this grant.

Fiscal Note

Funding: 2021 Urban Area Security Initiative Grant

27. Fire Testing and Promotional Services

Action:

- A. Approve a contract with Industrial/Organizational Solutions, Inc. for testing and promotional 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):

Reginald Johnson, Fire

Peter Skeris, Fire

Explanation

- The Charlotte Fire Department holds promotional processes annually, using a written exam and an assessment center to ensure a fair and high-quality process for candidates.
- The vendor will provide annual testing by developing and implementing testing materials for yearly promotional processes for the ranks of Entry Level Fire Fighters, Captain, Engineer, Battalion Chief, and Division Chief.
- On July 16, 2021, the City issued a Request for Proposal (RFP); five responses were received.
- Industrial/Organizational Solutions, Inc. best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$400,000.

Charlotte Business INClusion

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

However, Industrial/Organizational Solutions, Inc. has committed to use the following certified firm to participate:

- Legacy Travel and Tours LLC (MBE) (\$170,000) (travel arrangements)

Fiscal Note

Funding: Fire Operating Budget

28. Charlotte-Mecklenburg Government Center HVAC Replacement Design Services

Action:

- A. Approve a contract in the amount of \$1,733,085 with CMTA, Inc. for engineering design services, and
- B. Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.

Staff Resource(s):

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

Explanation

- Nearly all components of the HVAC system in the Charlotte-Mecklenburg Government Center (CMGC) are original to the building and past their useful life making it difficult to heat, cool, and ventilate the building. The HVAC system, except for the chillers, needs to be replaced with new energy efficient equipment and systems.
- On September 6, 2019, the City issued a Request for Qualifications (RFQ); seven responses were received.
- CMTA, Inc. is the best qualified firm to meet the City's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- On June 11, 2020, the City and CMTA, Inc. entered into a contract for programming and schematic design services for the CMGC HVAC Replacement Project.
- This contract will provide remaining design and construction administration services for the project.

Charlotte Business INClusion

The City negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INClusion Policy. CMTA, Inc. has committed 15.44% (\$267,539) of the contract amount to the following certified firms:

- Integra Architecture, PLLC (MBE, SBE) (\$204,689) (architectural services)
- Stewart Engineering, Inc. (MBE) (\$36,000) (engineering services)
- Superior Mechanical Systems Inc. of Charlotte (MBE) (\$8,950) (mechanical services)
- Howard Brothers Electric of Charlotte, LLC (WBE) (\$17,900) (electrical services)

Fiscal Note

Funding: General Capital Investment Plan

29. Heavy Duty Truck Cab-Chassis and Powertrain Component Repair Services

Action:

- A. Approve unit price contracts with the following companies for heavy duty truck cab-chassis and powertrain component repair services for an initial term of three years:**
- Carolina Auto Truck & Coach Services Inc.,
 - Carolina Tractor & Equipment,
 - Clarke Power Services Inc., and
- B. Authorize the City Manager to renew the contracts for up to two, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

Phil Reiger, General Services

Chris Trull, General Services

Kay Elmore, General Services

Explanation

- The City currently uses multiple vendors to provide heavy duty truck cab-chassis and powertrain component repair services for approximately 500 pieces of equipment annually, including but not restricted to heavy duty trucks and construction equipment throughout the City.
- Vendors are expected to diagnose and provide maintenance and repair services for heavy duty trucks and equipment citywide, including road call and mobile mechanics services at remote locations.
- On June 25, 2021, the City issued a Request for Proposals (RFP); three responses were received.
- The companies selected best meet the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$1,215,000.

Charlotte Business INCLUSION

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

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

Fiscal Note

Funding: Various Departments' Operating Budgets

30. Construct Storm Water Repair and Improvements

Action:

- A. **Approve a contract in the amount of \$3,697,073 to the lowest responsive bidder OnSite Development, LLC for the Storm Water Repair and Improvement FY2022-A project,**
- B. **Approve a contract in the amount of \$3,697,073 to the lowest responsive bidder OnSite Development, LLC for the Storm Water Repair and Improvement FY 2022-B project,**
- C. **Approve a contract in the amount of \$3,903,251 to the lowest responsive bidder OnSite Development, LLC for the Storm Water Repair and Improvement FY 2022-C project, and**
- D. **Approve a contract in the amount of \$3,856,448.09 to the lowest responsive bidder United of Carolinas, Inc. for the Storm Water Repair and Improvement FY 2022-D project**

Staff Resource(s):

Angela Charles, Charlotte Water
Mike Davis, Storm Water Services
Susan Tolan, Storm Water Services

Explanation

- These contracts are part of an ongoing program to provide repairs and/or improvements to storm drainage systems.
- Approximately 25 projects may be constructed from each contract, within a contract term that may not exceed 24 months. The number of projects may vary depending on the nature and extent of the repairs constructed.

Action A

- On August 4, 2021, the City issued an Invitation to Bid; three bids were received.
- OnSite Development, LLC was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by the second quarter of 2023.

Action B

- On August 4, 2021, the City issued an Invitation to Bid; three bids were received.
- OnSite Development, LLC was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by the second quarter of 2023.

Action C

- On August 9, 2021, the City issued an Invitation to Bid; three bids were received.
- OnSite Development, LLC was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by the second quarter of 2023.

Action D

- On August 9, 2021, the City issued an Invitation to Bid; four bids were received.
- United of Carolinas, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by the second quarter of 2023.

Charlotte Business INclusion

Action A

Established MBE Goal: 9.00%

Committed MBE Goal: 9.01%

Onsite Development, LLC has identified MBEs on its project team and for each work order issued, committed 9.01% of the total contract amount to the following certified firms:

- Affordable Source Trucking, LLC (MBE, SBE) (hauling)
- MTS Trucking Inc. (MBE, SBE) (hauling)

- Streeter Trucking Company, Inc. (MBE, SBE) (hauling)

Established SBE Goal: 19.00%

Committed SBE Goal: 19.01%

Onsite Development, LLC has identified SBEs on its project team and for each work order issued, committed 19.01% of the total contract amount to the following certified firms:

- AMP Utility Distribution Services, LLC (WBE, SBE) (materials)
- LJR Concrete LLC (SBE) (concrete)
- Combs Tree Service LLC (SBE) (tree removal)
- Solanos Trucking Company, Inc. (SBE) (hauling)
- Tony's Trucking Inc. (SBE) (hauling)

Action B

Established MBE Goal: 9.00%

Committed MBE Goal: 9.00%

Onsite Development, LLC has identified MBEs on its project team and for each work order issued, committed 9.00% of the total contract amount to the following certified firms:

- Affordable Source Trucking, LLC (MBE, SBE) (hauling)
- MTS Trucking Inc. (MBE, SBE) (hauling)
- Streeter Trucking Company, Inc. (MBE, SBE) (hauling)

Established SBE Goal: 19.00%

Committed SBE Goal: 19.00%

Onsite Development, LLC has identified SBEs on its project team and for each work order issued, committed 19.00% of the total contract amount to the following certified firms:

- AMP Utility Distribution Services, LLC (WBE, SBE) (materials)
- LJR Concrete LLC (SBE) (concrete)
- Combs Tree Service LLC (SBE) (tree removal)
- Solanos Trucking Company, Inc. (SBE) (hauling)
- Tony's Trucking Inc. (SBE) (hauling)

Action C

Established MBE Goal: 9.00%

Committed MBE Goal: 9.00%

Onsite Development, LLC has identified MBEs on its project team and for each work order issued, committed 9.00% of the total contract amount to the following certified firms:

- Affordable Source Trucking, LLC (MBE, SBE) (hauling)
- MTS Trucking Inc. (MBE, SBE) (hauling)
- Streeter Trucking Company, Inc. (MBE, SBE) (hauling)

Established SBE Goal: 19.00%

Committed SBE Goal: 19.00%

Onsite Development, LLC has identified SBEs on its project team and for each work order issued, committed 19.00% of the total contract amount to the following certified firms:

- AMP Utility Distribution Services, LLC (WBE, SBE) (materials)
- LJR Concrete LLC (SBE) (concrete)
- Combs Tree Service LLC (SBE) (tree removal)
- Solanos Trucking Company, Inc. (SBE) (hauling)
- Tony's Trucking Inc. (MBE, SBE) (hauling)

Action D

Established MBE Goal: 9.00%

Committed MBE Goal: 9.00%

United of Carolinas, Inc. has identified MBEs on its project team and for each work order issued, committed

9.00% of the total contract amount to the following certified firms:

- Cesar A. Leon L.L.C. (MBE, SBE) (hauling)
- Sun King Trucking LLC (MBE, SBE) (hauling)
- Diamond Trucking of NC Inc (MBE, SBE) (hauling)

Established SBE Goal: 19.00%

Committed SBE Goal: 19.00%

United of Carolinas, Inc. has identified SBEs on its project team and for each work order issued, committed 19.00% of the total contract amount to the following certified firms:

- R.R.C. Concrete Inc (MBE, SBE) (concrete)
- Silverback Brothers Trucking LLC (MBE, SBE) (hauling)
- Whitesell Trucking, Inc. (SBE) (construction general, sitework)
- Pentacle Inc (WBE, SBE) (fence)

Fiscal Note

Funding: Storm Water Capital Investment Plan

31. McAlpine Creek Wastewater Treatment Plant Nutrient Harvesting Design

Action:

Approve a contract in the amount of \$2,098,500 with MEB General Contractors, Inc. for Design-Build design services for the McAlpine Creek Wastewater Treatment Plant Nutrient Harvesting project.

Staff Resource(s):

Angela Charles, Charlotte Water

David Czerr, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- The Nutrient Harvesting project will enhance existing treatment processes at the McAlpine Creek Wastewater Treatment Plant in the Town of Pineville (adjacent to Council District 7) by recovering phosphorus from the wastewater treatment process.
- This contract includes design services and development of a guaranteed maximum price (GMP) for construction.
- On March 2, 2021, the City issued a Request for Qualifications (RFQ); four responses were received.
- MEB General Contractors, Inc. is the best qualified firm to meet the City's needs on the basis of demonstrated competence and qualifications of professional services in response to the RFQ requirements.
- City Council will receive a future request for the approval of the GMP once it is established.

Charlotte Business INclusion

The City negotiates participation for Design-Build contracts after the firm is selected and scopes of work are defined for design and construction services (Part G: Section 2.7 of the Charlotte Business INclusion Policy). MEB General Contractors, Inc. has committed \$283,545 or approximately 13.51% of the total contract for Design-Build design services to the following certified firms:

- Southeastern Consulting Engineers, Inc. (SBE) (\$217,000) (electrical engineering services)
- AME Consulting Engineers, PC (SBE) (\$58,300) (hvac, plumbing, and fire protection engineering design services)
- Froehling & Robertson Inc. (MBE) (\$8,245) (geotechnical investigation and design support)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

32. Mount Holly Pump Station and Force Main Construction

Action:

Approve a guaranteed maximum price of \$41,010,129 to The Haskell Company for Design-Build construction services for the Mount Holly Pump Station and Force Main project.

Staff Resource(s):

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

Explanation

- The Haskell Company has developed a guaranteed maximum price (GMP) for the construction of several pipelines which will enable the City of Mount Holly to convey sanitary sewer flow to the future Stowe Regional Water Resource Recovery Facility (adjacent to Council Districts 2 and 3).
- On July 8, 2019, City Council approved a contract for \$8,848,918 with The Haskell Company for Design-Build design services.
- On March 16 and September 14, 2020, City Council approved GMPs of \$829,219 and \$1,122,311 with The Haskell Company for the procurement of specialized materials, equipment, and associated preconstruction services for the existing facilities.
- On May 10, 2021, City Council approved a contract amendment for \$3,000,000 for additional value engineering design services.
- City Council will receive future requests for the approval of remaining project GMPs once they are established.

Charlotte Business INclusion

This project is subject to the North Carolina Clean Water State Revolving Fund project guidelines, which only require MWBE goals on construction contracts. The Haskell Company has committed \$2,668,690 or approximately 6.51% of the Design-Build construction services to the following certified firms:

- Pedulla Trucking Excavating & Paving, Inc. (WBE) (\$2,236,110) (earthwork)
- Pentacle, Inc. (WBE, SBE) (\$164,850) (fencing and gates)
- Diva Dumps, LLC (MBE) (\$107,050) (temporary toilets, dumpsters, HDD solids trucking)
- Piedmont Electrical Distributors of Greenville (SBE) (\$92,380) (electrical distributor)
- Flawless Capture Photography (SBE) (\$30,000) (preconstruction and progress photo and video)
- TKG, PLLC (WBE, SBE) (\$30,000) (eBuilder document control)
- The Survey Company (SBE) (\$7,500) (survey and easement mapping)
- Avioimage Mapping Services, Inc. (SBE) (\$800) (aerial survey)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Map

[Map-Mount Holly Pump Station and Force Main Construction](#)

33. Federal Aviation Administration Office Lease

Action:

Approve a two-year lease extension with the Federal Aviation Administration for office space at the Charlotte Douglas International Airport.

Staff Resource(s):

Haley Gentry, Aviation

Ted Kaplan, Aviation

Explanation

- On February 26, 2018, City Council approved a 33-month lease with the Federal Aviation Administration (FAA) at the Charlotte Douglas International Airport for its weather bureau office which supports the existing Air Traffic Control tower.
- The FAA desires to extend this lease to September 30, 2022, pending its future relocation to the new Air Traffic Control tower which is projected to be complete in 2022.
- The total value of this lease extension is \$26,740.08.

Fiscal Note

Funding: Revenues from the lease will be deposited in the Aviation Operating Fund.

34. 6900 Wilkinson Boulevard Property Lease

Action:

Adopt a resolution approving the lease of City-owned property located at 6900 Wilkinson Boulevard to CH-M HUB CLT, L.L.C. dba Crow Holdings Industrial.

Staff Resource(s):

Haley Gentry, Aviation
Ted Kaplan, Aviation

Explanation

- Aviation participates in Federal Aviation Administration's (FAA) Part 150 Noise Program. The FAA Part 150 Noise Program requires airports to purchase properties significantly impacted by noise and put this land back into productive use.
- The Airport is leasing FAA Part 150 Noise land at 6900 Wilkinson Boulevard at the former Bible College site for commercial development. The lease is made up of 49 acres of land subdivided from the total 90.8-acre parcel of land zoned I-2, which allows for heavy industrial development including warehousing and distribution.
- The City acquired the former Church of God of NC Campground and Bible College located along Wilkinson Boulevard as part of the Part 150 Noise Program.
- Aviation was contacted as part of the Airport Area Strategic Development Plan to lease a section of the site for commercial development by CH-M HUB CLT, L.L.C. dba Crow Holdings Industrial.
- Aviation had previously contracted with two appraisers to complete independent appraisals to determine fair market value of the property.
- The ground lease price is \$490,000 and shall be for a term of 49 years. The ground lease rental price shall escalate two percent annually for the first 20 years. Starting on year 25, the ground lease rental price shall escalate five percent every five years.
- Parcel Identification Number 055-521-01 is to be subdivided into a new tax parcel totaling approximately 49 acres.
- This property is located in Council District 3.

Fiscal Note

Funding: Revenue from the lease will be deposited in the Aviation Operating Fund.

Attachment(s)

Resolution for Land Lease

[Resolution for Lease to Crow Holdings](#)

35. Set a Public Hearing on the Parkside Crossing Area Voluntary Annexation

Action:

Adopt a resolution setting a public hearing for November 8, 2021, for the Parkside Crossing Area voluntary annexation petition.

Staff Resource(s):

Taiwo Jaiyeoba, City Manager's Office
Holly Cramer, Planning, Design, and Development

Explanation

- The City has received a petition for voluntary annexation of private property.
- Public hearings are required prior to City Council action on annexation requests.
- The property is located within Charlotte's extraterritorial jurisdiction.
- The area proposed for annexation shares boundaries with current City limits.
- Annexation of this area will allow for more orderly development review, extension of City services, capital investments, and future annexation processes.
- The 241.089-acre "Parkside Crossing" site is located along the south side of Sledge Road, the east side of Shopton Road West, and west of Steele Creek Road.
 - The property is currently vacant with some large lot residential uses.
 - The petitioner has plans to develop 550 single-family units and 150 multi-family units in a continuing care retirement community.
 - The property is zoned MX-3, which allows for residential mixed-use as well as commercial, institutional, and employment uses. A portion of the property is also zoned UR-2(CD), which allows for urban residential uses of moderate density.
 - The property is located adjacent to Council District 3.
 - The petitioned area consists of three parcels: Parcel Identification Numbers 199-071-09, 199-061-07, and 199-061-68.

Consistent with City Council Policies

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

Attachment(s)

Map

Resolution

[Parkside Crossing Area Annexation Map](#)

[Resolution for Parkside Crossing Area Annexation](#)

36. Resolution of Intent to Abandon a Portion of Kinghurst Drive

Action:

- A. Adopt a resolution of intent to abandon a portion of Kinghurst Drive, and
- B. Set a public hearing for November 8, 2021.

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 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

Hole In One Homes, LLC

Attachment(s)

Map
Resolution

[2021-20A Portion of Kinghurst Dr Abandonment Map](#)

[2021-20A Resolution of Intent](#)

37. Resolution of Intent to Abandon Newell Farm Road

Action:

- A. **Adopt a resolution of intent to abandon Newell Farm Road, and**
- B. **Set a public hearing for November 8, 2021.**

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 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 4.

Petitioners

Suncrest Real Estate & Land

Attachment(s)

Map
Resolution

[2020-22A Newell Farm Rd Abandonment Map](#)

[2020-22A Resolution of Intent](#)

38. Refund of Property Taxes

Action:

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$40,426.99.

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)

Resolution Property Tax Refunds
Taxpayers and Refunds Requested

[Resolution](#)

[List of Taxpayers](#)

39. Meeting Minutes

Action:

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

- August 09, 2021 Business Meeting, and
- August 23, 2021 Business Meeting.

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

40. In Rem Remedy 9431 Dorcas Lane

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

Public Purpose:

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

Policy:

- Housing and Neighborhood Development and Community Safety

The In Rem Remedy items were initiated from 3 categories:

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

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

Public Safety: 9431 Dorcas Lane, Unincorporated Mecklenburg/Charlotte ETJ

Action:

Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 9431 Dorcas Lane (Neighborhood Profile Area 84).

Attachment(s)

In Rem Packet for 9431 Dorcas Lane

[9431 Dorcas Ln](#)

41. Property Transactions - Brown Grier Road Improvement Project, Parcel #19

Action: Approve the following Acquisition: Brown Grier Road Improvement Project, Parcel #19

Project: Brown Grier Road Improvement Project, Parcel #19

Program: Brown Grier Road Improvement Project

Owner(s): Dorothy Carol Gallant

Property Address: 3917 Sandy Porter Road

Total Parcel Area: 236,514 sq. ft. (5.43 ac.)

Property to be acquired by Fee: 11,801 sq. ft. (0.27 ac.) Fee Simple

Property to be acquired by Easements: 8,610 sq. ft. (0.202 ac.) Utility Easement, 1,062 sq. ft. (0.024 ac.) Storm Drainage Easement, 17,124 sq. ft. (0.382 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Old Barn

Landscaping to be impacted: Trees

Zoned: R-3

Use: Single-family Residential

Tax Code: 201-471-01

<https://polaris3g.mecklenburgcountync.gov/#mat=118379&pid=20147101&gisid=20147101>

Purchase Price: \$457,500

Council District: 3

42. Property Transactions - Brown Grier Road Improvement Project, Parcel #21

Action: Approve the following Acquisition: Brown Grier Road Improvement Project, Parcel #21

Project: Brown Grier Road Improvement Project, Parcel #21

Program: Brown Grier Road Improvement Project

Owner(s): Olympic Corporate Center II LLC

Property Address: 3950 West Arrowood Road

Total Parcel Area: 380,237 sq. ft. (8.73 ac.)

Property to be acquired by Fee: 2,708 sq. ft. (0.06 ac.) Fee Simple

Property to be acquired by Easements: 51 sq. ft. (0.001 ac.) Utility Easement, 20,844 sq. ft. (0.479 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: B-1 (CD)

Use: Business

Tax Code: 201-041-01

<https://polaris3g.mecklenburgcountync.gov/#mat=507737&pid=20104101&qsid=20104101>

Purchase Price: \$92,000

Council District: 3

43. Property Transactions - Clayton Drive 1511, Parcel #1

Action: Approve the following Acquisition: Clayton Drive 1511, Parcel #1

Project: Clayton Drive 1511, Parcel #1

Program: Clayton Drive 1511

Owner(s): Salem Village Apartments LLC

Property Address: 1305-1311 Corton Drive

Total Parcel Area: 181,103 sq. ft. (4.16 ac.)

Property to be acquired by Easements: 3,983 sq. ft. (0.091 ac.) Storm Drainage Easement, 5,129 sq. ft. (0.118 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-22 MF

Use: Multi-family Residential

Tax Code: 151-033-01

<https://polaris3g.mecklenburgcountync.gov/#mat=319631&pid=15103301&gisid=15103301>

Purchase Price: \$36,870

Council District: 1

44. Property Transactions - Corton Drive 1310, Parcel #1

Action: Approve the following Acquisition: Corton Drive 1310, Parcel #1

Project: Corton Drive 1310, Parcel #1

Program: Corton Drive 1310

Owner(s): Salem Village Apartments LLC

Property Address: 1317 Corton Drive

Total Parcel Area: 181,083 sq. ft. (4.16 ac.)

Property to be acquired by Easements: 1,917 sq. ft. (0.044 ac.) Storm Drainage Easement, 2,418 sq. ft. (0.056 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-22MF

Use: Multi-family Residential

Tax Code: 151-033-01

<https://polaris3g.mecklenburgcountync.gov/#mat=309809&pid=15103301&qisid=15103301>

Purchase Price: \$17,540

Council District: 1

45. Property Transactions - Corton Drive 1310, Parcel #3

Action: Approve the following Acquisition: Corton Drive 1310, Parcel #3

Project: Corton Drive 1310, Parcel #3

Program: Corton Drive 1310

Owner(s): BHM Properties LLC

Property Address: 2507 Kenilworth Avenue

Total Parcel Area: 107,945 sq. ft. (2.48 ac.)

Property to be acquired by Easements: 1,517 sq. ft. (0.035 ac.) Storm Drainage Easement, 889 sq. ft. (0.02 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: B-2

Use: Business

Tax Code: 121-127-14

<https://polaris3g.mecklenburgcountync.gov/#mat=401156&pid=12112714&gisid=12112714>

Purchase Price: \$23,850

Council District: 1

46. Property Transactions - DeArmon Road Improvements, Parcel #2

Action: Approve the following Acquisition: DeArmon Road Improvements, Parcel #2

Project: DeArmon Road Improvements, Parcel #2

Program: DeArmon Road Improvements

Owner(s): Lindsay P. Hofferberth

Property Address: 8625 Galena View Drive

Total Parcel Area: 9,612 sq. ft. (0.22 ac.)

Property to be acquired by Easements: 129 sq. ft. (0.003 ac.) Utility Easement, 68 sq. ft. (0.002 ac.) Sidewalk Utility Easement, 1,324 sq. ft. (0.03 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and shrubs

Zoned: R-6 (CD)

Use: Single-family Residential

Tax Code: 027-712-08

<https://polaris3g.mecklenburgcountync.gov/#mat=207245&pid=02771208&gisid=02771208>

Purchase Price: \$14,875

Council District: 4

47. Property Transactions - DeArmon Road Improvements, Parcel #9

Action: Approve the following Acquisition: DeArmon Road Improvements, Parcel #9

Project: DeArmon Road Improvements, Parcel #9

Program: DeArmon Road Improvements

Owner(s): Cassandra Rose Walker

Property Address: 12013 Alabaster Court

Total Parcel Area: 10,116 sq. ft. (0.23 ac.)

Property to be acquired by Easements: 632 sq. ft. (0.015 ac.) Storm Drainage Easement, 1,458 sq. ft. (0.033 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Fence

Landscaping to be impacted: Trees and shrubs

Zoned: R-6 (CD)

Use: Single-family Residential

Tax Code: 027-715-07

<https://polaris3g.mecklenburgcountync.gov/#mat=23201&pid=02771507&qisid=02771507>

Purchase Price: \$14,200

Council District: 4

48. Property Transactions - DeArmon Road Improvements, Parcel #18

Action: Approve the following Acquisition: DeArmon Road Improvements, Parcel #18

Project: DeArmon Road Improvements, Parcel #18

Program: DeArmon Road Improvements

Owner(s): George D. Kennedy and Florence K. Dennis

Property Address: 12311 Brianwood Court

Total Parcel Area: 11,583 sq. ft. (0.27 ac.)

Property to be acquired by Fee: 1,333 sq. ft. (0.03 ac.) Fee Simple

Property to be acquired by Easements: 1,263 sq. ft. (0.029 ac.) Utility Easement, 326 sq. ft. (0.007 ac.) Slope Easement, 1,065 sq. ft. (0.024 ac.) Sidewalk Utility Easement

Structures/Improvements to be impacted: Metal Shed, Gazebo

Landscaping to be impacted: Trees and shrubs

Zoned: R-3

Use: Single-family Residential

Tax Code: 027-062-20

<https://polaris3g.mecklenburgcountync.gov/#mat=268299&pid=02706220&gisid=02706220>

Purchase Price: \$34,550

Council District: 4

49. Property Transactions - DeArmon Road Improvements, Parcel #22

Action: Approve the following Acquisition: DeArmon Road Improvements, Parcel #22

Project: DeArmon Road Improvements, Parcel #22

Program: DeArmon Road Improvements

Owner(s): Diann Mock

Property Address: 12452 DeArmon Road

Total Parcel Area: 70,968 sq. ft. (1.63 ac.)

Property to be acquired by Fee: 1,406 sq. ft. (0.03 ac.) Fee Simple

Property to be acquired by Easements: 2,070 sq. ft. (0.048 ac.) Utility Easement, 2,732 sq. ft. (0.063 ac.) Sidewalk Utility Easement, 753 sq. ft. (0.017 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: R-3

Use: Single-family Residential

Tax Code: 027-062-14

<https://polaris3g.mecklenburgcountync.gov/#mat=29180&pid=02706214&qisid=02706214>

Purchase Price: \$53,125

Council District: 4

50. Property Transactions - DeArmon Road Improvements, Parcel #25

Action: Approve the following Acquisition: DeArmon Road Improvements, Parcel #25

Project: DeArmon Road Improvements, Parcel #25

Program: DeArmon Road Improvements

Owner(s): Gloria H. Phillips

Property Address: 9217 Benfield Road

Total Parcel Area: 90,548 sq. ft. (2.08 ac.)

Property to be acquired by Fee: 2,416 sq. ft. (0.06 ac.) Fee Simple

Property to be acquired by Easements: 3,878 sq. ft. (0.089 ac.) Utility Easement, 4,571 sq. ft. (0.105 ac.) Sidewalk Utility Easement, 988 sq. ft. (0.023 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: R-3

Use: Single-family Residential

Tax Code: 027-062-07

<https://polaris3g.mecklenburgcountync.gov/#mat=144793&pid=02706207&gisid=02706207>

Purchase Price: \$83,600

Council District: 4

51. Property Transactions - DeArmon Road Improvements, Parcel #32, 33 and 34

Action: Approve the following Acquisition: DeArmon Road Improvements, Parcel #32, 33 and 34

Project: DeArmon Road Improvements, Parcel #32, 33 and 34

Program: DeArmon Road Improvements

Owner(s): Dorothy G. Hucks and Charles Calvin Hucks

Property Address: 12015, 12029, 12121 DeArmon Road

Total Parcel Area: 634,924 sq. ft. (14.58 ac.)

Property to be acquired by Fee: 20,179 sq. ft. (0.46 ac.) Fee Simple

Property to be acquired by Easements: 1,622 sq. ft. (0.04 ac.) Storm Drain Easement, 5,753 sq. ft. (0.13 ac.) Utility Easement, 7,446 sq. ft. (0.17 ac.) Sidewalk Utility Easement, 8,002 sq. ft. (0.18 ac.) Temporary Construction Easement, 2,282 sq. ft. (0.05 ac.) Slope Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: R-3

Use: Single-family Residential

Tax Code: 027-093-64, 027-093-65, 027-093-66

<https://polaris3g.mecklenburgcountync.gov/#mat=23240&pid=02709364&qisid=02709364>

<https://polaris3g.mecklenburgcountync.gov/#mat=23516&pid=02709365&qisid=02709365>

<https://polaris3g.mecklenburgcountync.gov/#mat=24817&pid=02709366&qisid=02709366>

Purchase Price: \$24,600

Council District: 4

52. Property Transactions - Parkwood Avenue Streetscape, Parcel #13

Action: Approve the following Acquisition: Parkwood Avenue Streetscape, Parcel #13

Project: Parkwood Avenue Streetscape, Parcel #13

Program: Parkwood Avenue Streetscape

Owner(s): Terry Ann Stokes

Property Address: 402 East 19th Street

Total Parcel Area: 10,867 sq. ft. (0.25 ac.)

Property to be acquired by Fee: 969 sq. ft. (0.02 ac.) Fee Simple

Property to be acquired by Easements: 1,788 sq. ft. (0.041 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: R-8

Use: Single-family Residential

Tax Code: 081-075-14

<https://polaris3g.mecklenburgcountync.gov/#mat=120802&pid=08107514&gisid=08107514>

Purchase Price: \$35,000

Council District: 1

53. Property Transactions - Shade Valley Road Realignment and Roundabout, Parcel #17 and 19 (Revised)

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: 95 sq. ft. (0.002 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, and 7,417 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=139605&pid=16105113&qisid=16105113>

<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

54. 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.

55. 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.

56. 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.