

City of Charlotte

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



Meeting Agenda

Monday, August 23, 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.

[2021-08-23 Council Agenda QA](#)

2. Action Review Agenda Overview

Staff Resource(s):

Marcus Jones, City Manager

3. COVID-19 Response Update

Staff Resource(s):

Brent Cagle, City Manager's Office

Time: Presentation - 10 minutes; Discussion - 10 minutes

Explanation

- Provide an update on the city's response to the COVID-19 pandemic.

[COVID-19 Response Update](#)

4. Report on the Charlotte Future 2040 Comprehensive Plan Process

Staff Resource(s):

Marcus Jones, City Manager

Time: Presentation - 10 minutes; Discussion - 15 minutes

Explanation

- Provide an overview of Charlotte Future 2040 Comprehensive Plan process.

5. Unified Development Ordinance Advisory Committee Update

Staff Resource(s):

Taiwo Jaiyeoba, City Manager's Office

Alyson Craig, Planning, Design, and Development

Time: Presentation - 10 minutes; Discussion - 20 minutes

Explanation

- Provide an overview of the current work of the Unified Development Ordinance Advisory Committee.

[Unified Development Ordinance Advisory Committee Update](#)

6. Closed Session (as necessary)

PUBLIC FORUM

7. Public Forum

CONSENT

- 8. Consent agenda items 24 through 47 may be considered in one motion except for those items removed by a Council member. Items are removed by notifying the City Clerk.**

Consideration of Consent Items shall occur in the following order:

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

PUBLIC HEARING

9. Public Hearing on Certificates of Participation Financing for Equipment and Public Facilities

Action:

- A. Conduct a public hearing regarding approval of an installment financing contract not to exceed \$125,000,000 for equipment acquisition and construction of and improvements to facilities, and
- B. Adopt a resolution authorizing and approving an installment financing contract for the proposed financing and calling for the execution and delivery of various documents necessary to complete the sale of Certificates of Participation.

Staff Resource(s):

Teresa Smith, Finance

Explanation

- This action authorizes the City to enter into an installment financing contract not to exceed \$125,000,000 to finance the City's acquisition of certain equipment and construction of and improvements to facilities.
- Certificates of Participation (COPs) are a common debt financing tool used by municipal governments to help fund the purchase of capital equipment and the construction or renovation of facilities.
- The proceeds from this financing will be used to finance the costs of (a) construction of three new police stations, (b) acquisition of a new police helicopter, (c) improvements and renovations of an animal care and control facility, (d) construction of a new fire station and the acquisition of land for future use, (e) capital building improvements and sustainability-related utility systems upgrades, (f) construction of a fleet repair station at the Northeast Maintenance Facility, (g) improvements to other governmental facilities, and (h) the acquisition of vehicles and equipment. The City's obligation to repay the debt will be secured by real property and a security interest in the equipment.
- This action authorizes the City Manager and the authorized officers named in the resolution to take the necessary actions to complete the financing and related documents for the life of the debt.

Fiscal Note

Funding: Municipal Debt Service Fund

Attachment(s)

Resolution

Extracts from the Minutes of City Council

[Extracts from the Minutes of City Council](#)

[Resolution - Charlotte COPs, Series 2021B \(Governmental Facilities\)](#)

POLICY

10. City Manager's Report

[08.23.2021 City Manager's Memo](#)

BUSINESS

11. Interlocal Agreement for the Youth Diversion Program

Action:

Adopt a resolution authorizing the City Manager to negotiate and execute an Interlocal Agreement with Mecklenburg County through its Criminal Justice Services to provide an alternative to arrest for youthful offenders while maintaining accountability for delinquent acts and providing support to redirect behavior.

Staff Resource(s):

Johnny Jennings, Police

Martha Dozier, Police

Cara Evans-Patterson, Police

Explanation

- Each year, Mecklenburg County's Juvenile Crime Prevention Council (JCPC) receives funds from the North Carolina Division of Juvenile Justice for programs targeting youth offenders.
- The Charlotte-Mecklenburg Police Department (CMPD) was awarded \$199,255 in funding from the JCPC to support the eleventh year of CMPD's Youth Diversion Program. Funding will enable school resource officers, patrol, and court counselors from the North Carolina Department of Juvenile Justice and Delinquency Prevention to refer up to 400 first-time youth offenders to the diversion program.
- Program services administered by the CMPD's Youth Diversion Program will include interpersonal skill building, conflict resolution, substance awareness, academics, and career development plan workshops. Additionally, there will be sessions where youth are joined by their parents or guardians to address issues related to family dynamics.
- Parental skill training will also be provided to the parents/guardians of program participants.
- Youth offenders who have committed first time offenses such as simple assault, larceny, public disturbance, trespassing, or damage to property may be referred to the program if they meet the criteria established by the CMPD and the Mecklenburg County District Attorney.
- Youth are referred to the program in lieu of being arrested for an offense they have committed.
- Once a youth has completed the diversion program, the assigned school resource officer will engage the youth in weekly conversations to help apply the lessons learned through the program.
- Currently, the program has served 3,631 youth, 3,277 (90.3 percent) of whom did not commit any further offenses 12 months after program completion.

Fiscal Note

Funding: General Grants Fund

Attachment(s)

Resolution

[Resolution](#)

12. Goose Creek Sanitary Sewer Extension Reimbursable Agreement

Action:

- A. **Approve a five-year reimbursable agreement with Arey Properties, LLC for construction of a portion of the Goose Creek Sanitary Sewer Extension project, and**
- B. **Adopt a budget ordinance appropriating \$3,000,000 from Arey Properties, LLC.**

Staff Resource(s):

Angela Charles, Charlotte Water

David Czerr, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- This agreement will include design, construction, and project administration for construction of a portion of the Goose Creek Sanitary Sewer Extension project in the Town of Mint Hill (adjacent to Council District 5).
- The project will construct approximately 5,400 linear feet of sanitary sewer line from Lawyers Road to Cresthill Drive and will provide public sanitary sewer service for the area.
- This project is included in the Charlotte Water Capital Investment Plan (CIP) with funding scheduled for Fiscal Year 2025.
- In accordance with the Water and Sewer Extension Policy, Arey Properties, LLC has applied for a five-year reimbursable agreement to accelerate the project in the CIP.
- Arey Properties, LLC will donate the design, and Charlotte Water will procure the contractor for construction.
- The initial deposit required to be paid by the applicant is 10 percent of the estimated total eligible cost or \$3,000,000.
- In accordance with the Water and Sewer Extension Policy, Arey Properties, LLC will be reimbursed 84.3 percent of the total eligible project costs in five equal annual payments starting one year after completion of construction.

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Budget Ordinance

Map

[Goose Creek Budget Ordinance](#)

[Map-Goose Creek Sanitary Sewer Extension Reimbursable Agreement](#)

13. Nominations to the Business Advisory Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a three-year term recommended by the Certified Small Business Enterprise-Hispanic Contractors Association beginning upon appointment and ending April 28, 2023.
 - Domenico Santilli is eligible but not interested in reappointment.

Attachment(s)

Business Advisory Committee Applications

14. Nominations to the Charlotte Mecklenburg Public Access Corporation

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term beginning upon appointment and ending June 30, 2022.
 - Mairaj Elahi has resigned.

Attachment(s)

Charlotte Mecklenburg Public Access Corporation Applications

15. Nominations to the Charlotte Water Advisory Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a Financial Expert representative for a three-year term beginning July 1, 2021, and ending June 30, 2024.
 - Leslie Jones has served two terms and is no longer eligible for reappointment.
- One appointment for a Small-Town representative for a three-year term beginning July 1, 2021, and ending June 30, 2024.
 - Barry Webb is eligible but not interested in reappointment.

Attachment(s)

Charlotte Water Advisory Committee Applications

16. Nominations to the Community Relations Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- Two appointments for partial terms beginning upon appointment and ending June 30, 2022.
 - Matthew Choiniere has resigned.
 - Kelly Cielo did not meet attendance requirements.

Attachment(s)

Community Relations Committee Applications

17. Nominations to the Historic District Commission

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term for a Resident Owner of Heritage Court beginning upon appointment and ending December 31, 2023.
 - James Jordan has resigned.

Attachment(s)

Historic District Commission Applications

18. Nominations to Keep Charlotte Beautiful

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term beginning upon appointment and ending June 30, 2022.
 - Iris Hudson has resigned.
- One appointment for a partial term beginning upon appointment and ending June 30, 2023.
 - Wendy Sellers has resigned.

Attachment(s)

Keep Charlotte Beautiful Applications

19. Nominations to Passenger Vehicle for Hire

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a Hospitality / Tourism Industry representative for a three-year term beginning July 1, 2021, and ending June 30, 2024.
 - Sheila Etheridge-Boddie has served two terms and is no longer eligible for reappointment.

Attachment(s)

Passenger Vehicle for Hire Applications

20. Nominations to the Planning Commission

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term beginning upon appointment and ending July 1, 2023.
 - Victoria Nwasike has resigned.

Attachment(s)

Planning Commission Applications

21. Nominations to the Storm Water Advisory Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a Residential Neighborhood representative for a three-year term beginning July 1, 2021, and ending June 30, 2024.
 - Randall Smith has resigned.

Attachment(s)

Storm Water Advisory Committee Applications

22. Nominations to the Transit Services Advisory Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term in the Vanpool Rider category beginning upon appointment and ending January 31, 2022.
 - Parker Cains has resigned.

Attachment(s)

Transit Services Advisory Committee Applications

23. Nominations to the Waste Management Advisory Board

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One recommendation for a three-year term beginning November 1, 2021, and ending October 31, 2024.
 - Jason Thomas has served two terms and is no longer eligible for reappointment.

Attachment(s)

Waste Management Advisory Board Applications

CONSENT

24. Pavement Marking Materials

Action:

- A. Approve unit price contracts for the purchase of pavement marking materials for an initial term of three years with the following:**
- Ennis-Flint, Inc.,
 - Geveko Markings, 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):

Liz Babson, Transportation

Bryan Tarlton, Transportation

Explanation

- The Charlotte Department of Transportation maintains approximately 5,400 lane miles of city streets. This maintenance includes pavement markings such as center lines, lane lines, edge lines, crosswalks, and stop bars.
- These contracts will provide the pavement marking materials that are used to guide motorists, cyclists, and pedestrians.
- On May 21, 2021, the city issued an Invitation to Bid; four bids were received.
- Ennis-Flint, Inc. was selected as the lowest responsive, responsible bidder for pavement marking materials, and Geveko Markings, Inc. was selected as the lowest responsive, responsible bidder for pavement legend markers.
- Annual expenditures are estimated to be \$150,000.

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 and 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: Transportation Operating Budget

25. Amendment to Dixie River Infrastructure Reimbursement Agreement

Action:

Approve amendment #1 for \$1,529,716 to the Infrastructure Reimbursement Agreement with Crescent River District, LLC for the River District project.

Staff Resource(s):

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

Explanation

- This amendment is needed to fund additional roadway improvements to Garrison Road and Horton Road, improving connectivity to West Boulevard that is adjacent to Council District 3.
- These improvements are required to obtain a control of access permit from the North Carolina Department of Transportation (NCDOT).
- This amendment includes design and construction costs necessary to meet the additional improvements required by NCDOT.
- On September 25, 2017, City Council authorized the City Manager to negotiate and execute an Infrastructure Reimbursement Agreement with Crescent River District, LLC in an amount not to exceed \$17,200,000 to install public infrastructure improvements and water line construction.
- It is often advantageous for the city to have a developer construct certain infrastructure improvements that directly benefit the city and the developer. In such instances, the city enters into reimbursement agreements with developers to construct the improvements.
- This amendment brings the total Infrastructure Reimbursement Agreement to \$18,729,716.

Charlotte Business INclusion

The city established an overall project goal of 5.00% MBE and 11.00% SBE participation for this amendment in the original Infrastructure Reimbursement Agreement. (Part G: Section 2.6 of the Charlotte Business INclusion Program Policy). The developer, the prime, and their existing subcontractors will perform all additional work.

Fiscal Note

Funding: General Capital Investment Plan

Attachment(s)

Map

[Map Amendment to River District Infrastructure Reimbursement](#)

26. Architectural Services for Fire Stations

Action:

- A. Approve a contract in the amount of \$813,015 with ADW Architects, P.A. for architectural services for the Hidden Valley Fire Station, and**
- B. Authorize the City Manager to negotiate and execute a contract in an amount not to exceed \$650,000 with ADW Architects, P.A. for architectural services for the Fire Station #30 Replacement.**

Staff Resource(s):

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

Explanation

- The Hidden Valley Fire Station and replacement of Fire Station #30 were two of three fire stations identified in the Construct Fire Facilities program approved in the Fiscal Year 2022 Budget adoption.
- On September 18, 2019, the city issued a Request for Qualifications (RFQ); 22 responses were received.
- ADW Architects, P.A. 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.
- Due to a standardized design of the two fire stations, there will be cost savings by utilizing the same architectural firm for both stations.
- City Council will be asked to approve separate construction contracts at future meetings.

Action A

- The Hidden Valley Fire Station will be located at 5800 North Tryon Street in Council District 4 and serve as a new infill station to meet response time standards and alleviate high call volume for surrounding stations.

Action B

- Fire Station #30 is currently located in a house built in 1955 and needs extensive renovations.
- The facility is the only fire station where crews must leave their living quarters to access their apparatus impacting response time.
- The location of the Fire Station #30 Replacement has yet to be determined; however, the station will be in Council District 3.
- Final negotiation with the architect will occur once the site is determined.

Charlotte Business INclusion

Action A

The city negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1 (h) of the Charlotte Business INclusion Policy). ADW Architects, P.A. has committed 26.37% (\$214,375) of the total contract amount to the following certified firms:

- AME Consulting Engineers, Inc. (SBE) (\$169,325) (MEP & Fire Protection Engineering)
- Stewart Engineering, Inc. (MBE) (\$34,300) (Structural Engineering)
- RM Rutherford & Associates, Inc. (SBE) (\$10,750) (Professional Cost Estimator)

Action B

The city negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1 (h) of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: General Capital Investment Plan

Attachment(s)

Map

[Map Architectural Services for Fire Stations](#)

27. Cooperative Purchasing Contracts for Vehicles and Equipment

Action:

- A. Approve the purchase of vehicles and equipment from cooperative contracts,
- B. Approve unit price contracts with the following vendors for the purchase of vehicles and equipment for a term of one year under the North Carolina Sheriff's Association (NCSA):
- Adkins Truck Equipment Co. (NCSA Contract 22-06-0426),
 - Aquip LLC (NCSA Contract 22-06-0426),
 - Charlotte Truck Center (NCSA Contract 22-06-0426),
 - CUES Inc. (NCSA Contract 22-06-0426),
 - Godwin Manufacturing Co. Inc. (NCSA Contract 22-06-0426),
 - Public Works Equipment and Supply Inc. (NCSA Contract 22-06-0426),
 - Southern Truck Service Inc. (NCSA Contract 22-06-0426),
 - Young's Truck Center (NCSA Contract 22-06-0426),
 - Modern Chevrolet of Winston Salem (NCSA Contract 21-07-0915),
- C. Approve unit price contracts with the following vendors for the purchase of vehicles and equipment for a term of one year under Sourcewell:
- Terex (Sourcewell Contract 041719-TER),
 - JCB (Sourcewell Contract 040319-JCB), and
- D. 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
Chris Trull, General Services

Explanation

- City vehicles and equipment are assessed on an annual basis to determine replacement needs based on a rating of vehicle usage, age, maintenance costs, and condition.
- Vehicles and equipment being purchased include heavy duty cab and chassis, street maintenance equipment, sewer cleaning equipment, mini excavators, skid steers, utility vehicles, forklifts, and heavy-duty construction equipment.
- 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 \$6,576,000.

Charlotte Business INclusion

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

Fiscal Note

Funding: General and Enterprise Capital Equipment Funds

28. Public Auction for Disposal of Surplus Equipment

Action:

- A. **Adopt a resolution declaring specific vehicles, equipment, and other miscellaneous items as surplus,**
- B. **Authorize said items for sale by public auction on September 18, 2021, and**
- C. **Authorize the City Manager to approve certain administrative and storage fees as may be required from time to time for auction events.**

Staff Resource(s):

Phil Reiger, General Services

Kay Elmore, General Services

Explanation

- General Services provides asset recovery and disposal services to city departments, Mecklenburg County, Emergency Management Services, and INLIVIAN.
- Periodic auctions of surplus items are regularly conducted at the city's Asset Recovery and Disposal facility located at 5550 Wilkinson Boulevard in Council District 3.
- Pursuant to NC General Statute 160A-270(b), approval is requested for a public auction to be held September 18, 2021, to dispose of city-owned property declared as surplus.
- The auction will be virtual with a live simulcast and electronic bidding.
- The auction company will be compensated 8.5 percent of the total gross sale price of rolling stock and miscellaneous items.
- Proceeds from the auction will be distributed to the city's General Fund and Enterprise Funds (Aviation, Charlotte Water, and Charlotte Area Transit System), and other agencies based on asset ownership.

Attachment(s)

Property list

Delegation of Authority

Resolution

Virtual auction information

[Rolling Stock auction \(Exhibit - A\)](#)

[Rolling stock auction - Delegation of Authority](#)

[Rolling stock auction - Resolution](#)

[Virtual Rolling Stock Auction](#)

29. Rollout Recycling and Refuse Cart Purchase and Maintenance Services

Action:

- A. **Approve a unit price contract with Otto Industries North America Inc. for rollout recycling and refuse carts and maintenance services for an initial term of five years, and**

- B. **Authorize the City Manager to renew the contract for up to five, 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):

Rodney Jamison, Solid Waste Services

Explanation

- Solid Waste Services provides residential curbside waste collection service to over 225,000 households, over 145,000 multi-family households, and approximately 1,100 businesses located within the City of Charlotte.
- The city will purchase new rollout carts for residential recycling, refuse, and small business needs as well as maintenance services for existing rollout carts.
- On November 10, 2020, the city issued a Request for Proposals (RFP); four responses were received.
- Otto Industries North America Inc. best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$2,000,000.

Charlotte Business INclusion

Established MWSBE Goal: 5.00%

Committed MWSBE Goal: 5.00%

Otto Industries North America Inc. has committed 5.00% or (\$100,000) of the estimated first-year contract amount to the following certified firm: (Part D: Section 2 of the Charlotte Business INclusion Policy):

- Performance Staffing Solutions (WBE) (Staffing)

Fiscal Note

Funding: Solid Waste Services Operating Budget

30. Bond Issuance Approval for East Side Flats

Action:

Adopt a resolution granting INLIVIAN's request to issue multi-family housing revenue bonds, in an amount not to exceed \$22,300,000, to finance the development of East Side Flats.

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 East Side Flats, a 159-unit new construction affordable housing development to be developed, owned, and operated by WCO East Side, 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 6601 Executive Circle in Council District 5 and will serve households earning 60 percent and below the Area Median Income.
- The INLIVIAN bonds, not to exceed \$22,300,000, 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 \$22,300,000 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 East Side Flats

INLIVIAN Resolution for East Side Flats

[City of Charlotte Bond Resolution East Side Flats](#)

[INLIVIAN Resolution East Side Flats](#)

31. Set a Public Hearing on the Brooklyn McCrorey Branch YMCA Historic Landmark Designation

Action:

Adopt a resolution setting a public hearing for September 27, 2021, to consider historic landmark designation for the property known as the "Brooklyn McCrorey Branch YMCA" (Parcel Identification Number 125-064-01).

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 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 in Council District 1.
- The Brooklyn McCrorey Branch YMCA is listed under Parcel Identification Number 125-064-01, and the recommended designation would include the exterior of the building and the footprint of the building within the tax parcel but would exclude the remainder of the land comprising the tax parcel.
- The property is zoned UMUD (uptown mixed use district).

Attachment(s)

Information Sheet
Resolution

[Brooklyn McCrorey YMCA - Information Sheet](#)

[Brooklyn McCrorey YMCA - Resolution](#)

32. Set a Public Hearing on the Kimberlee Apartments Historic Landmark Designation

Action:

Adopt a resolution setting a public hearing for September 27, 2021, to consider historic landmark designation for the property known as the "Kimberlee Apartments" (Parcel Identification Number 175-181-02).

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 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.
- The Kimberlee Apartments property is listed under Parcel Identification Number 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 but would exclude the interior of the building's individual residential units.
- The property is zoned R-22MF (multi-family residential).

Attachment(s)

Information Sheet
Resolution

[Kimberlee Apartments - Information Sheet](#)

[Kimberlee Apartments - Resolution](#)

33. Set a Public Hearing on the Stafford-Holcombe Farm Historic Landmark Designation

Action:

Adopt a resolution setting a public hearing for September 27, 2021, to consider historic landmark designation for the property known as the "Stafford-Holcombe Farm" (Parcel Identification Number 105-211-07).

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 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 in the city's extraterritorial jurisdiction adjacent to Council District 4.
- The Stafford-Holcombe Farm is listed under Parcel Identification Number 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 (residential).

Attachment(s)

Information Sheet
Resolution

[Stafford-Holcombe Farm - Information Sheet](#)

[Stafford-Holcombe Farm - Resolution](#)

34. Set a Public Hearing on Northlake Centre Parkway Apartments Area Voluntary Annexation

Action:

Adopt a resolution setting a public hearing for September 27, 2021, for the Northlake Centre Parkway Apartments 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.
- This 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 land development review, extension of city services, capital investments, and future annexation processes.
- The 6.53-acre "Northlake Centre Parkway Apartments" site is located along the southeast side of Northlake Centre Parkway, north of Northlake Mall Drive, and east of Interstate 485.
 - The property is currently vacant.
 - The petitioner has plans to develop 78 multi-family units on the site as part of a workforce housing program.
 - The property is zoned UR-2(CD) which allows for urban residential uses of moderate density.
 - The property is located adjacent to City Council District 2.
 - The petitioned area consists of one parcel, Parcel Identification Number 025-103-04.

Consistency with City Council Policies

- The annexation is consistent with city 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 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

[Northlake Centre Parkway Apartments Area Annexation map](#)

[Resolution for Northlake Centre Parkway Apartments Area Annexation](#)

35. Resolution of Intent to Abandon the Alleyway Between 1825 and 1831 Rozzelles Ferry Road

Action:

- A. Adopt a resolution of intent to abandon the alleyway between 1825 and 1831 Rozzelles Ferry Road, and**

- B. Set a public hearing for September 27, 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 alley is located in Council District 2.

Petitioners

Period Design Concepts, LLC

Attachment(s)

Map
Resolution

[2021-13A Alleyway between 1825 & 1831 Rozzelles Ferry Rd Abandonment Map](#)

[2021-13A Resolution of Intent 08.23.2021](#)

36. Fiscal Year 2021 Tax Collector's Settlement Statement and Fiscal Year 2022 Order of Collection

Action:

- A. Receive as information and record in full in the minutes the Mecklenburg County Tax Collector's Settlement Statement for Fiscal Year 2021, and
- B. Adopt an Order of Collection, pursuant to NC General Statute 105-321 (b), authorizing the Mecklenburg County Tax Collector to collect the taxes for Fiscal Year 2022.

Staff Resource(s):

Teresa Smith, Finance
Stephanie Kelly, City Clerk's Office

Explanation

Action A

- According to NC General Statute 105-373:
 - After July 1, and before being charged with collecting taxes for the current fiscal year, the Tax Collector must submit to the governing board an annual report of the amount collected on the preceding fiscal year's taxes with which he/she is charged and the amount remaining uncollected, and
 - The Tax Collector's Settlement Statement must be entered in full into the official record of the governing board.
- The Tax Collector's Settlement Statement is an informational report on property tax collection activity for the preceding fiscal year (July 1, 2020- June 30, 2021) and previous fiscal years.

Action B

- According to NC General Statute 105-321(b), an order directing the Tax Collector to collect the taxes charged in tax records and receipts must be entered into the official record of the governing board.
- The Order of Collection authorizes the collection of Fiscal Year 2022 real estate and motor vehicle taxes.

Attachment(s)

Fiscal Year 2022 Order of Collection and Tax Collector's Settlement Statement

[Office of The Tax Collector Adoption of Tax Order 2021](#)

37. Refund of Property Taxes

Action:

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$16,297.55.

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](#)

38. Meeting Minutes

Action:

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

- **June 7, 2021 Strategy Session, and**
- **June 14, 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**39. Property Transactions - Brown Grier Road Improvement Project, Parcel #1**

Action: Approve the following Acquisition: Brown Grier Road Improvement Project, Parcel #1

Project: Brown Grier Road Improvement Project, Parcel #1

Program: Brown Grier Road Improvement Project

Owner(s): Ralph S. Grier, Trustee for the Family Trust for the R. Ralph Grier Jr. Revocable Trust Dated 12-2-99

Property Address: 0 Brown Grier Road

Total Parcel Area: 496,697 sq. ft. (11.40 ac.)

Property to be acquired by Fee: 11,680 sq. ft. (0.27 ac.) Fee Simple

Property to be acquired by Easements: 43 sq. ft. (0.001 ac.) Utility Easement, 240 sq. ft. (0.006 ac.) Storm Drainage Easement, 12,839 sq. ft. (0.295 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-3

Use: Single-family Residential

Tax Code: 201-481-07

<https://polaris3g.mecklenburgcountync.gov/#pid=20148107&gisid=20148107>

Purchase Price: \$62,900

Council District: 3

40. Property Transactions - Brown Grier Road Improvement Project, Parcel #2

Action: Approve the following Acquisition: Brown Grier Road Improvement Project, Parcel #2

Project: Brown Grier Road Improvement Project, Parcel #2

Program: Brown Grier Road Improvement Project

Owner(s): Ralph S. Grier, Trustee for the Family Trust for the R. Ralph Grier Jr. Revocable Trust Dated 12-2-99

Property Address: 0 Brown Grier Road

Total Parcel Area: 151,618 sq. ft. (3.48 ac.)

Property to be acquired by Fee: 14,188 sq. ft. (0.33 ac.) Fee Simple

Property to be acquired by Easements: 11,312 sq. ft. (0.26 ac.) Utility Easement, 4,915 sq. ft. (0.113 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R-3

Use: Single-family Residential

Tax Code: 201-105-09

<https://polaris3g.mecklenburgcountync.gov/#pid=20110509&qisid=20110509>

Purchase Price: \$78,875

Council District: 3

41. Property Transactions - Brown Grier Road Improvement Project, Parcel #7

Action: Approve the following Acquisition: Brown Grier Road Improvement Project, Parcel #7

Project: Brown Grier Road Improvement Project, Parcel #7

Program: Brown Grier Road Improvement Project

Owner(s): Robert R Grier and Edith H Grier

Property Address: 13632 Brown Grier Road

Total Parcel Area: 1,359,912 sq. ft. (31.22 ac.)

Property to be acquired by Fee: 11,009 sq. ft. (0.25 ac.) Fee Simple

Property to be acquired by Easements: 23,129 sq. ft. (0.531 ac.) Utility Easement, 6,689 sq. ft. (0.154 ac.) Storm Drainage Easement, 26,180 sq. ft. (0.601 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-3

Use: Single-family Residential

Tax Code: 201-101-04

<https://polaris3g.mecklenburgcountync.gov/#mat=37456&pid=20110104A&qisid=20110104>

Purchase Price: \$100,077

Council District: 3

42. Property Transactions - Brown Grier Road Improvement Project, Parcel #26

Action: Approve the following Acquisition: Brown Grier Road Improvement Project, Parcel #26

Project: Brown Grier Road Improvement Project, Parcel #26

Program: Brown Grier Road Improvement Project

Owner(s): Emerald Acres, LLC; Emerald Green Partners, LLC; and Tubbercurry Real Estate Ventures, LLC

Property Address: 3627 Sandy Porter Road

Total Parcel Area: 397,720 sq. ft. (9.13 ac.)

Property to be acquired by Fee: 28,893 sq. ft. (0.66 ac.) Fee Simple

Property to be acquired by Easements: 15,659 sq. ft. (0.359 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Fence

Landscaping to be impacted: Trees

Zoned: R-3

Use: Single-family Residential

Tax Code: 201-473-01

<https://polaris3g.mecklenburgcountync.gov/#mat=113391&pid=20147301&qisid=20147301>

Purchase Price: \$80,000

Council District: 3

43. Property Transactions - Brown Grier Road Improvement Project, Parcel #31

Action: Approve the following Condemnation: Brown Grier Road Improvement Project, Parcel #31

Project: Brown Grier Road Improvement Project, Parcel #31

Program: Brown Grier Road Improvement Project

Owner(s): M2 Whitehall LLC

Property Address: 3940 Arco Corporate Drive

Total Parcel Area: 128,923 sq. ft. (2.96 ac.)

Property to be acquired by Fee: 896 sq. ft. (0.02 ac.) Fee Simple

Property to be acquired by Easements: 609 sq. ft. (0.014 ac.) Utility Easement, 416 sq. ft. (0.01 ac.) Storm Drainage Easement, 240 sq. ft. (0.006 ac.) Sidewalk Utility Easement, 8,882 sq. ft. (0.204 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: B-2 (CD)

Use: General Business (Conditional Use)

Tax Code: 201-043-01

<https://polaris3g.mecklenburgcountync.gov/#mat=557278&pid=20104301&qisid=20104301>

Appraised Value: \$44,600

Property Owner's Concerns: None

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

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

Council District: 3

44. Property Transactions - JW Clay Boulevard Streetscape, Parcel #7

Action: Approve the following Condemnation: JW Clay Boulevard Streetscape, Parcel #7

Project: JW Clay Boulevard Streetscape, Parcel #7

Program: JW Clay Boulevard Streetscape

Owner(s): NC Land LLLP and UP Retail LLLP

Property Address: 8709 JW Clay Boulevard

Total Parcel Area: 679,100 sq. ft. (15.59 ac.)

Property to be acquired by Fee: 8,618 sq. ft. (0.20 ac.) Fee Simple

Property to be acquired by Easements: 6,306 sq. ft. (0.145 ac.) Sidewalk Utility Easement, 11,001 sq. ft. (0.253 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Lighted bollard and steel pergola

Landscaping to be impacted: Trees and shrubs

Zoned: CC

Use: Commercial

Tax Code: 047-201-01

<https://polaris3g.mecklenburgcountync.gov/#mat=556365&pid=04720101B&qsid=04720101>

Appraised Value: \$202,850

Property Owner's Concerns: None

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

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

Council District: 4

45. Property Transactions - JW Clay Boulevard Streetscape, Parcel #8 and 9

Action: Approve the following Acquisition: JW Clay Boulevard Streetscape, Parcel #8 and 9

Project: JW Clay Boulevard Streetscape, Parcel #8 and 9

Program: JW Clay Boulevard Streetscape

Owner(s): EBA Crystal Real Estate LLC

Property Address: 8658-8910 JW Clay Boulevard and 8802 JW Clay Boulevard

Total Parcel Area: 875,234 sq. ft. (20.09 ac)

Property to be acquired by Fee: 3,657 sq. ft. (0.08 ac.) Fee Simple

Property to be acquired by Easements: 5,491 sq. ft. (0.126 ac.) Post Construction Controls Easement, 717 sq. ft. (0.016 ac.) Storm Drainage Easement, 10,074 sq. ft. (0.231 ac.) Sidewalk Utility Easement, 26,905 sq. ft. (0.618 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: MUDD-O

Use: Commercial Center

Tax Code: 047-252-04, 047-252-12

<https://polaris3g.mecklenburgcountync.gov/#mat=616944&pid=04725204&qisid=04725204>
<https://polaris3g.mecklenburgcountync.gov/#mat=284713&pid=04725212&qisid=04725212>

Purchase Price: \$258,725

Council District: 4

46. Property Transactions - JW Clay Boulevard Streetscape, Parcel #12

Action: Approve the following Acquisition: JW Clay Boulevard Streetscape, Parcel #12

Project: JW Clay Boulevard Streetscape, Parcel #12

Program: JW Clay Boulevard Streetscape

Owner(s): 9010 Glenwater Office Condominium Owners Association Inc.

Property Address: 9010 Glenwater Drive

Total Parcel Area: 73,704 sq. ft. (1.69 ac)

Property to be acquired by Fee: 3,104 sq. ft. (0.07 ac.) Fee Simple

Property to be acquired by Easements: 394 sq. ft. (0.009 ac.) Slope Easement, 6,381 sq. ft. (0.146 ac.) Sidewalk Utility Easement, 6,773 sq. ft. (0.155 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees, bushes, and irrigation system

Zoned: CC

Use: Commercial Center

Tax Code: 047-29C-98

<https://polaris3g.mecklenburgcountync.gov/#mat=512897&pid=04729153&qisid=04729C98>

Purchase Price: \$130,000

Council District: 4

47. Property Transactions - JW Clay Boulevard Streetscape, Parcel #19

Action: Approve the following Condemnation: JW Clay Boulevard Streetscape, Parcel #19

Project: JW Clay Boulevard Streetscape, Parcel #19

Program: JW Clay Boulevard Streetscape

Owner(s): LJW Land LLC

Property Address: 9100 Olmsted Drive

Total Parcel Area: 76,823 sq. ft. (1.76 ac.)

Property to be acquired by Easements: 2,552 sq. ft. (0.059 ac.) Sidewalk Utility Easement, 2,959 sq. ft. (0.068 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: TOD-CC

Use: Transit Oriented Development - Commercial Center

Tax Code: 047-291-46

<https://polaris3g.mecklenburgcountync.gov/#mat=595604&pid=04729146&qisid=04729146>

Appraised Value: \$28,625

Property Owner's Concerns: None

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

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

Council District: 4

[P19 ENG JWClayBlvdStreetscape 8.18.21](#)

Adjournment

REFERENCES

48. 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.

49. 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.

50. 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.