

City of Charlotte

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



Meeting Agenda

Monday, June 27, 2022

Council Chamber

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

4:00 PM CITY COUNCIL MEETING, CHARLOTTE-MECKLENBURG GOVERNMENT CENTER, REGULAR MEETING HOSTED FROM ROOM 267

ZONING HEARINGS

1. Rezoning Petition: 2021-258 by RD University Oaks, LLC

Location: Approximately 64.05 acres located along the north side of University City Boulevard, east side of Neal Road, west side of Interstate 85, south of IBM Drive. (Council District 4 - Johnson)

Current Zoning: RE-2 (research)

Proposed Zoning: R-12 MF (CD) (multi-family residential, conditional)

Staff Recommendation:

Staff recommends APPROVAL of this petition upon resolution of outstanding issues related to transportation.

Attachments:

Pre-Hearing Staff Analysis
Site Plan

[2021_258_PHSА_DONE](#)

[2021_258_RevSitePlan_2022_05_16](#)

2. Rezoning Petition: 2021-259 by Integra Land Company

Location: Approximately 3.57 acres bound by the north side of North Tryon Street, east side of West 26th Street, west side of West 27th Street, and south side of North Church Street. (Council District 1 - Egleston)

Current Zoning: I-2 (general industrial)

Proposed Zoning: MUDD (CD) (mixed-use development, conditional)

Staff Recommendation:

Staff recommends APPROVAL of this petition upon resolution of outstanding issues related to transportation and site design.

Attachments:

Pre-Hearing Staff Analysis
Site Plan

[2021_259_PHSА_DONE](#)

[2021_259_RevSitePlan_2022_05_16](#)

3. **Rezoning Petition: 2021-260 by Promenade Shopping Center, Inc.**

Location: Approximately 27.6 acres located on the southwestern corner of the intersection of Providence Road and Ballantyne Commons Parkway. (Council District 7 - Driggs)

Current Zoning: CC (commercial center)

Proposed Zoning: CC SPA (commercial center, site plan amendment)

Staff Recommendation:

Staff recommends APPROVAL of this petition upon resolution of outstanding issues related to transportation and land use.

Attachments:

Pre-Hearing Staff Analysis

Site Plan

[2021_260_PHSА_DONE](#)

[2021_260_SitePlanRev_05_16_2022](#)

4. **Rezoning Petition: 2021-268 by THR Holdings, LLC**

Location: Approximately 0.25 acre located at the southeast intersection of Drummond Avenue and Pinckney Avenue, south of Matheson Avenue. (Council District 1 - Egleston)

Current Zoning: R-5 (single-family residential)

Proposed Zoning: R-8 (single-family residential)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

Pre-Hearing Staff Analysis

[2021_268_PHSА_DONE](#)

5. Rezoning Petition: 2021-270 by The Drakeford Company

Location: Approximately 4.09 acres located on the north side of Rocky River Road, west of East W.T. Harris Boulevard, and east of Old Concord Road. (Council District 4 - Johnson)

Current Zoning: R-3 (single-family residential)

Proposed Zoning: UR-2 (CD) (urban residential, conditional)

Staff Recommendation:

Staff recommends APPROVAL of this petition upon resolution of outstanding issues related to transportation and site and building design.

Attachments:

Pre-Hearing Staff Analysis

Site Plan

[2021_270_PHSА_DONE](#)

[2021_270_SitePlan_22_5_16](#)

6. Rezoning Petition: 2021-271 by 300 East 36 Development Holdings, LLC

Location: Approximately 1.3 acres located on the south side of Cullman Avenue, west of East 36th Street, and east of Matheson Avenue. (Council District 1 - Egleston)

Current Zoning: I-1 (light industrial)

Proposed Zoning: TOD-UC (transit-oriented development - urban center)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

Pre-Hearing Staff Analysis

[2021_271_PHSА_DONE](#)

7. Rezoning Petition: 2021-272 by Baybridge Group

Location: Approximately 4.35 acres located on the east side of Johnston Road and south side of Carmel Chace Drive, south of Carmel Road. (Council District 7 - Driggs)

Current Zoning: R-12 MF (CD) (multi-family residential, conditional)

Proposed Zoning: R-12 MF (CD) SPA (multi-family residential, conditional, site plan amendment)

Staff Recommendation:

Staff recommends APPROVAL of this petition upon resolution of outstanding issues related to transportation and site and building design and technical revisions related to site and building design and environment.

Attachments:

Pre-Hearing Staff Analysis

Site Plan

[2021_272_PHSА_DONE](#)

[2021_272_siteplanRev_22_5_16](#)

CITY COUNCIL ACTION REVIEW, CHARLOTTE-MECKLENBURG GOVERNMENT CENTER, REGULAR MEETING HOSTED FROM ROOM 267

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

8. 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.

[2022-6-27 Council Agenda QA](#)

9. Action Review Agenda Overview

Staff Resource(s):

Marcus Jones, City Manager

10. Action Review Items

Source of Income Protection in City Supported Housing

Staff Resource(s):

Shawn Heath, City Manager's Office

Time: Presentation - 15 minutes; Discussion - 10 minutes

Explanation

- Provide an overview on the source of income protection in City-supported housing recommendation coming out of the Great Neighborhoods committee.

Innovation Barn Renovation Funding

Explanation

- City Council voted at the June 13, 2022 Business Meeting to add a discussion of funding for Innovation Barn renovations to the agenda for the June 27, 2022 Business Meeting.

[June 27 UDO-CTR Council action review](#)

[Source of Income Protections ActionReview 06.27](#)

11. Closed Session (as necessary)

**CITY COUNCIL BUSINESS MEETING,
CHARLOTTE-MECKLENBURG GOVERNMENT CENTER,
COUNCIL CHAMBER**

Call to Order

Introductions

Invocation

Pledge of Allegiance

CONSENT

- 12. Consent agenda items 22 through 38 may be considered in one motion except for those items removed by a Council member. Items are removed by notifying the City Clerk.**

Consideration of Consent Items shall occur in the following order:

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

PUBLIC FORUM

13. Public Forum

PUBLIC HEARING

14. Public Hearing H-T-L perma USA LP Business Investment Grant

Action:

- A. **Conduct a public hearing regarding approval of a Business Investment Grant to H-T-L perma USA LP, and**

- B. **Approve the City's share of a Business Investment Grant to H-T-L perma USA LP for a not to exceed amount of \$111,931 over five years.**

Staff Resource(s):

Tracy Dodson, City Manager's Office

Alyssa Brown, Economic Development

Explanation

- On June 2, 2022, H-T-L perma USA LP (H-T-L perma) announced it would expand its existing headquarters and production operations in Charlotte.
- During the week of November 8th, 2021, City Council, in Closed Session, indicated their intent to approve this Business Investment Grant (BIG).
- H-T-L perma has committed to a capital investment of \$7,450,000 and creation of 24 jobs to be hired over five-years with an average wage of \$54,688.
- In addition to the 24 new jobs, the company's 58 current positions will be retained for the term of the grant.
- Mecklenburg County Board of County Commissioners approved a BIG in the amount of \$110,201 on November 16, 2021.
- The State of North Carolina also approved an On the Job Training Grant in the amount of \$100,000 and \$33,600 in community college training funds.

Background

- H-T-L perma is an advanced manufacturing company that offers single-point automatic lubrication.
- H-T-L perma is an international company that has development and production facilities in Germany.
- The Americas' headquarters was established in Charlotte in 1995 and offers innovative and creative lubrication solutions to electric motors, conveyors, fans, and pumps.
- The company's current headquarters and production facility is located in Southwest Charlotte in Council District 3.
- H-T-L perma has a robust internal six- to 24-month training and mentorship academy that upskills employees through basic, intermediate, and advanced training.
- The new office and production facility will allow the company to increase their production capacity and footprint in North and South America.
- H-T-L perma is an Eco-friendly company with Go Green Initiatives across the organization and products. The new facility will be a green field facility with solar panels.

Next Steps

- The general terms and conditions of this grant include:
 - Actual grant payments are based on the value of the investment as appraised by the Mecklenburg County Tax Office.
 - Property taxes due from H-T-L perma must be paid before a grant payment is made.
 - If H-T-L perma removes the investment from Charlotte during the grant term, it shall pay back 100 percent of the investment grant paid to date.
 - If H-T-L perma moves the investment from Charlotte within five years of the end of the Business Investment Program (BIP) grant term, a portion of the grant must be repaid as follows:
 - Within one year of the end of the BIP Term - 90 percent of grant payments,
 - Within two years of the end of the BIP Term - 75 percent of grant payments,

- Within three years of the end of the BIP Term - 60 percent of grant payments,
- Within four years of the end of the BIP Term - 45 percent of grant payments, and
- Within five years of the end of the BIP Term - 30 percent of grant payments.

Fiscal Note

Funding: Business Investment Grant

15. Public Hearing and Decision on the Bailey Run Area Voluntary Annexation

Action:

- A. **Conduct a public hearing for the Bailey Run Area voluntary annexation, and**
- B. **Adopt an annexation ordinance with an effective date of June 27, 2022, to extend the corporate limits to include this property and assign it to the adjacent City Council District 4.**

Staff Resource(s):

Alyson Craig, Planning, Design, and Development

Holly Cramer, Planning, Design, and Development

Explanation

- Public hearings to obtain community input are required prior to City Council taking action on annexation requests.
- A petition has been received from the owners of this 41.322-acre property located along the northeast side of Rocky River Road, west of Back Creek Church Road in Mecklenburg County.
- The property is owned by Eugene W. Hodges III, Betty H. Lloyd, and Edward Andrew Hodges.
- The site is currently vacant with some large lot residential uses and is zoned R-8MF(CD), which allows for multi-family and single-family residential uses up to eight dwelling units per acre as further specified by the property's associated conditional site plan.
- The petitioned area consists of three parcels; parcel identification numbers: 105-051-13, 105-051-09, and 105-052-02.
- The property is located within Charlotte's extraterritorial jurisdiction and does not share a boundary with current City limits.
- The intent of the annexation is to enable the development of 200 townhome units on the site.

Consistent with City Council Policies

- The annexation is consistent with voluntary annexation policy approved by 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;
 - Is consistent with the policy to not create unincorporated areas that will be encompassed by new City limits.

Attachment(s)

Map (GIS)

Map (Survey)

Annexation Ordinance

[Bailey Run Area Annexation Map](#)

[Bailey Run Area Annexation Survey](#)

[Ordinance - Bailey Run Area Annexation](#)

16. Public Hearing and Decision on The Retreat at Cameron Commons Area Voluntary Annexation

Action:

- A. Conduct a public hearing for The Retreat at Cameron Commons Area voluntary annexation, and
- B. Adopt an annexation ordinance with an effective date of June 27, 2022, to extend the corporate limits to include this property and assign it to the adjacent City Council district 4.

Staff Resource(s):

Alyson Craig, Planning, Design, and Development

Holly Cramer, Planning, Design, and Development

Explanation

- Public hearings to obtain community input are required prior to City Council taking action on annexation requests.
- A petition has been received from the owners of this 94.334-acre property located along the Cabarrus County Line, north of University City Boulevard in Mecklenburg County.
- The property is owned by Charlotte Motor Speedway, LLC.
- The site is currently vacant and is zoned R-4, which allows for single-family residential uses up to four dwelling units per acre.
- The petitioned area consists of six parcels: parcel identification numbers 051-301-79, 051-221-77, 051-301-78, 051-301-80, 051-301-77, and 051-081-28.
- The property is located within Charlotte's extraterritorial jurisdiction and shares boundaries with current City limits.
- The intent of the annexation is to enable the development of 155 single-family homes on the site.

Consistent with City Council Policies

- The annexation is consistent with voluntary annexation policy approved by 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;
 - Is consistent with the policy to not create unincorporated areas that will be encompassed by new City limits.

Attachment(s)

Map (GIS)

Map (Survey)

Annexation Ordinance

[Retreat at Cameron Commons Area Annexation Map](#)

[Retreat at Cameron Commons Area Annexation Survey](#)

[Ordinance - The Retreat at Cameron Commons Area Annexation](#)

POLICY

17. City Manager's Report

18. Adopt the Strategic Mobility Plan

Action:

Adopt the final recommended draft of the Strategic Mobility Plan.

Staff Resource(s):

Liz Babson, Transportation

Ed McKinney, Transportation

Explanation

- The Strategic Mobility Plan (SMP) is intended to shape a new mobility future for the City of Charlotte by expanding on the "Safe and Equitable Mobility" goal of the Charlotte Future 2040 Comprehensive Plan. The SMP provides an in-depth look into the mobility policies of the 2040 Plan with the objective of achieving a safe, connected, equitable, sustainable, prosperous, and innovative mobility vision for Charlotte.
- The SMP integrates various modes of travel into a single system that moves Charlotte by focusing on the intersection of four frameworks: transit, bicycle, pedestrian, and street and roadway.
- The SMP serves as an updated transportation plan and continues to build on previously adopted City Council plans, including Envision My Ride, Charlotte BIKES, Charlotte WALKS, the Vision Zero Action Plan, and the Transportation Action Plan.
- Policies in the SMP align directly with the Subdivision, Streets, & Other Infrastructure section of the Unified Development Ordinance (UDO).
- Community engagement was foundational in the development of the SMP.
- The first draft of the SMP was released online on May 20, 2022. A final draft is currently available on the City's website at www.charlottenc.gov/smp.

Public Engagement and Input

- The public engagement on the draft SMP, included:
 - Conducting two surveys resulting in over 4,000 responses to gauge perspectives and gain specific feedback on mobility choices,
 - Holding neighborhood virtual listening sessions specific to seven geographies across the City,
 - Utilizing an on-line mapping input portal that received over 1,000 location-specific transportation comments and ideas,
 - Hosting virtual public engagement sessions, two of which were offered at 6:00 p.m. on May 26, 2022 and at 12:00 p.m. on May 31, 2022,
 - Producing the informational SMP Show that aired on the Gov Channel and is available on the City's YouTube Channel at <https://www.youtube.com/watch?v=jBVoH4aitks>,
 - Providing and promoting opportunities to review the draft and provide comments directly in the document through the Public Input site, <https://publicinput.com/cltsmp>, and
 - Collecting input during the Public Comment period of the June 13, 2022 Business Meeting.
- In addition to public engagement, the SMP was discussed with full City Council during:
 - The Strategy Session on June 6, 2022,
 - The Annual Strategy Meeting in October 2021, and
 - The Action Review on December 13, 2021.
- City Council's Transportation and Planning Committee was also provided with information and updates on the SMP during the committee meetings in January, February, March, and May 2022.

BUSINESS

19. General Obligation Bond Referendum

Action:

- A. Introduce each of the three bond orders required for a General Obligation Bond Referendum which includes \$146,200,000 of Street Bonds, \$29,800,000 of Neighborhood Improvement Bonds, and \$50,000,000 of Housing Bonds, and**
- B. Approve a resolution setting a public hearing on each of the bond orders for July 11, 2022.**

Staff Resource(s):

Teresa Smith, Finance

Matthew Hastedt, Finance

Explanation

- On May 31, 2022, Council adopted the Fiscal Year (FY) 2023 Budget and FY 2023-2027 Capital Investment Plan, which included a \$226,000,000 bond referendum on November 8, 2022.
- At the same meeting, Council approved resolutions authorizing staff to proceed with actions necessary to conduct a general obligation bond referendum.
- The current action is the second of four City Council actions. This action will specifically:
 - Introduce the bond orders for each of the ballot questions, and
 - Approve a resolution setting a public hearing for each of the bond orders for the July 11, 2022 business meeting.
- In accordance with State law, the Chief Financial Officer will file a statement of estimated interest for each of the ballot questions. The estimates are non-binding. The Chief Financial Officer will also file a sworn statement of debt with the City Clerk.

Next Steps

- On July 11, 2022, City Council will be asked to hold a public hearing on each of the bond orders, approve the bond orders (including the form and language of the ballot), and set a special bond referendum for November 8, 2022.
- After November 8, 2022, City Council will be asked to adopt a resolution certifying and declaring the results of the special bond referendum. This action will occur after the Mecklenburg County Board of Elections certifies the results of the vote.

Fiscal Note

Funding: Municipal Debt Service Fund

Attachment(s)

Bond Orders

Resolution setting Notice of Public Hearing

[Introduction of Bond Orders City of Charlotte - 2022 GO Referendum](#)[Resolution Setting Public Hearing City of Charlotte - 2022 GO Referendum](#)

20. Exchange of Land Rights along the LYNX Light Rail Corridor

Action:

- A. Adopt a resolution authorizing an exchange of land rights between the City of Charlotte and SRPF D/2905 Griffith, LLC or its successors ("Property Owner") involving parcel identification number 14-701-701 and 14-701-702, and**
- B. Authorize the City Manager to negotiate and execute all necessary documents to complete the exchange of land rights between the City of Charlotte and Property Owner.**

Staff Resource(s):

John Lewis, Jr., CATS

John Howard, CATS

Explanation

- The Property Owner proposes to build a mixed-use office development ("Development") in South End near the intersection of Fairwood Avenue and Griffith Street, between the LYNX East/West Station and the LYNX New Bern Station.
- In order to construct the Development, the Property Owner requires use of some of the City's excess LYNX right-of-way. The City's ownership of the LYNX right-of-way between Scaleybark and Uptown is a "charter" right-of-way that the City originally purchased from Norfolk Southern Railroad.
- The City's right-of-way is approximately 130 feet wide, which is wider than necessary for the City's use and development of the LYNX Blue Line and Rail Trail. Therefore, per the City's Administrative Policy, the City generally retains approximately 70 feet in width while allowing the excess right-of-way of approximately 30 feet on either side to be used by the adjacent Property Owner in order to facilitate transit supportive redevelopment.
- The Property Owner will exchange property rights with the City for full and fair consideration as required by law. Fair consideration can be any combination of cash, real, or personal property and other benefits.
- Terms of the proposed exchange include:
 - The Property Owner will convey approximately 15,150 square feet of that portion of the rail corridor used by LYNX and the Rail Trail to the City and will be required to reconstruct and maintain the City's Rail Trail on this property. As part of the Rail Trail, additional decorative fencing, landscaping, and other aesthetic enhancements will be installed by the Property Owner as outlined in a license agreement. To bring this transaction to the standard of full and fair consideration, as required by North Carolina law, the Property Owner must also remit to the City \$30,889. The property, improvements, maintenance obligations, and remittance have a total combined value of approximately \$586,002.
 - The City will release approximately 5829 square feet of excess right-of-way, valued at approximately \$586,002, to the Property Owner. Additionally, the City will execute a License Agreement, and other similar documents, with the Property Owner that requires the Property Owner to construct and maintain the Rail Trail as described above and allows for the construction of the Development.

Background

- The Council-adopted Transit Station Area Plans define development standards for property adjacent to the rail corridor and envision that excess right-of-way will be incorporated into adjacent transit supportive development. Alternatively, the excess right of way may be retained by the City as buffer if needed.

Fiscal Note

Funding: Proceeds from the exchange will be deposited in the CATS Capital Investment Plan.

Attachment(s)

Map

Resolution

[Griffith Map](#)

[Griffith Resolution](#)

21. Orange Communications, Inc. Lease Renewal at the Charlotte Transportation Center

Action:

- A. **Adopt a resolution approving a five-year lease renewal agreement with Orange Communications, Inc. for retail space at the Charlotte Transportation Center, and**
- B. **Authorize the City Manager or his designee to negotiate and execute all necessary agreements and other documents to complete this transaction.**

Staff Resource(s):

John Lewis, Jr., CATS

Allen C. Smith III, CATS

Explanation

- Orange Communications, Inc. entered into a lease agreement for kiosk space in the Charlotte Transportation Center (CTC) located at 310 E. Trade Street in Council District 1 on May 1, 2018.
- The lease agreement is currently set to expire on August 31, 2022.
- The renewal lease term will begin on September 1, 2022, and end on August 31, 2027.
- The terms of the lease renewal agreement are as follows:
 - Approximately 126 square feet of retail kiosk space located in the CTC,
 - A five-year term,
 - Base rent to be \$968.32 per month (\$11,619.85 per year) for year one, escalating at a rate of three percent annually for each year thereafter. This rate is consistent with market rates,
 - Tenant agrees and understands that future transit-related development may result in the early termination of the lease, and
 - All other terms of the lease agreement remain unchanged.
- The five-year lease value is estimated to be approximately \$59,155.
- This transaction is consistent with the Council-adopted City-Owned Real Estate and Facilities Policy.

Charlotte Business INclusion

This is a real estate leasing and acquisition contract and is exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

Fiscal Note

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

Attachment(s):

Resolution

[Resolution](#)

CONSENT

22. Community Assistance: Respond, Engage, and Support (CARES) Team Services

Action:

- A. Approve a contract with CriSyS LLC. for Community Assistance: Respond, Engage, and Support (CARES) Team Services for an initial term of one year, and**
- B. Authorize the City Manager to renew the contract for one year with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Johnny Jennings, Police
Martha Dozier, Police
Julia Martin, City Manager's Office

Explanation

- The Community Assistance: Respond, Engage, and Support (CARES) Team is being established as a non-law enforcement pilot program comprised of Licensed Behavioral Health Clinicians and Non-Emergency Medical Professionals.
- The CARES team helps advance recommendation 4 from the SAFE Charlotte Report, adopted by City Council in October 2021.
 - This program will provide an additional resource for the Charlotte-Mecklenburg Police Department, in addition to the co-responder Community Policing Crisis Response Team, to help address mental health, homelessness, and substance abuse issues within the community.
- The CARES team will respond to low-risk, non-emergency behavioral health calls for service to assess and connect residents in distress with a broad range of services, including:
 - information and referrals,
 - non-emergency crisis intervention,
 - counseling, and
 - connection and transportation to social services and other community care providers.
- This program will be evaluated at the six-month and one-year mark to determine future programming options.
- On March 11, 2022, the City issued a Request for Proposals (RFP); one response was received.
- CriSyS LLC. best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Total estimated expenditures for the initial term of one year are \$381,000.

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 opportunities identified for the Contract; or (b) there are no SBEs, MBEs, or WBEs (as applicable) certified to perform the scope of work that the City regards as realistic opportunities for subcontracting.

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

Fiscal Note

Funding: General Grants Fund

23. Automated Traffic Signal Performance Measures System

Action:

- A. **Approve a contract with Traffop Corp for a term of three years to provide, implement, and maintain an Automated Traffic Signal Performance Measures system,**
- B. **Authorize the City Manager to approve price adjustments and to amend the contract consistent with the purpose for which the contract was approved, and**
- C. **Authorize the City Manager to purchase such additional software licenses, services, hardware, maintenance, and support as required to maintain the system for as long as the City uses the system.**

Staff Resource(s):

Liz Babson, Transportation
Terry Gortney, Transportation

Explanation

- The Charlotte Department of Transportation (CDOT) maintains over 900 traffic signals and over 275 miles of communication cables that interconnect those signals.
- Deployment of an Automated Traffic Signal Performance Measures (ATSPM) system will build on the City's investments in interconnecting signals and give staff tools to proactively identify areas where signal performance can be improved.
- The ATSPM software continuously monitors and processes traffic data to identify potential operational issues.
- Based on the data collected and analyzed, the system will suggest changes to manage traffic more efficiently.
- CDOT tested this technology through a pilot project that demonstrated the ability to better manage the signal system. During the pilot project, CDOT observed:
 - Quantifiable reductions in vehicle delays inbound and outbound along pilot corridors;
 - An increased percentage of vehicles arriving at the signal during the green interval, which reduces stops and queue lengths, in turn reducing fuel consumption and emissions; and
 - Traffic signal hardware in the process of failing which allowed for the proactive repair of this equipment. By proactively repairing equipment, staff expects fewer complaints about performance issues and can fix pending failures before they occur.
- The travelling public will benefit from the deployment of an ATSPM system through:
 - Improved travel time and reliability;
 - Improved safety for motorists, transit riders, bicyclists, and pedestrians; and
 - Decreased fuel consumption.
- On June 11, 2021, the City issued a Request for Proposals (RFP); two responses were received.
- Traffop Corp best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$300,000.

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 opportunities identified for the Contract; or (b) there are no SBEs, MBEs, or WBEs (as applicable) certified to perform the scope of work that the City regards as realistic opportunities for subcontracting.

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

Fiscal Note

Funding: General Capital Investment Plan

24. Traffic Signal Maintenance Services

Action:

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

Staff Resource(s):

Liz Babson, Transportation
Bryan Tarlton, Transportation

Explanation

- The Charlotte Department of Transportation (CDOT) operates and maintains approximately 900 traffic signal locations across the City. These locations include North Carolina Department of Transportation (NCDOT) and City-owned traffic signals.
- Through a municipal agreement, the NCDOT provides funding to the City to maintain State-owned traffic signals.
- The City uses an outside service provider to provide preventative maintenance on State-owned traffic signals.
- Services include fiber, signal cabinet, ground-level, and aerial maintenance, and are provided on a routine schedule as follows:
 - Traffic signal cabinet maintenance once every 12 months;
 - Aerial and ground maintenance once every 24 months; and
 - Fiber maintenance once every 36 months.
- Preventative maintenance work includes signal infrastructure cleaning and confirming the correct operation of signal components.
- On April 12, 2022, the City issued a Request for Proposals (RFP); two responses were received.
- Yunex LLC best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$750,000.

Charlotte Business INclusion

Per Charlotte Business INclusion Policy: Part C: Section 2.1(a) The City shall not establish subcontracting goals for contracts where: (a) there are no subcontracting opportunities identified for the Contract; or (b) there are no SBEs, MBEs, or WBEs (as applicable) 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: Transportation Operating Budget

25. Easement Maintenance and Clearing Services

Action:

- A. Approve a unit price contract with CRW Services, LLC for water transmission line easement maintenance and clearing 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):

Angela Charles, Charlotte Water

David Czerr, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- This contract will provide scheduled water transmission line easement maintenance and clearing services for approximately 25,000 linear feet of variable 20-to-30-foot width easements, to allow for pipeline maintenance and repair access.
- On February 7, 2022, the City issued a Request for Proposals (RFP); eight responses were received.
- CRW Services, LLC best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$800,000.

Charlotte Business INclusion

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

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

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

26. Inventory Management System Services

Action:

- A. Approve a unit price contract with Sid Tool Co., Inc. dba MSC Industrial Supply Co. for inventory management system 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):

Angela Charles, Charlotte Water
Jackie Jarrell, Charlotte Water
Marion Sanders, Charlotte Water

Explanation

- This contract will provide an inventory management system solution and services, which will increase efficiency of inventory management and automate check-in and check-out of tools and equipment.
- On August 27, 2021, the City issued a Request for Proposals (RFP); seven responses were received.
- Sid Tool Co., Inc. dba MSC Industrial Supply Co. best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$100,000.

Charlotte Business INclusion

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

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

Fiscal Note

Funding: Charlotte Water Operating Budget

27. CATS Battery Electric Bus Contract Amendment

Action:

Approve contract amendment #2 for \$247,343 to eTransEnergy, a Duke Energy company, for the CATS Battery Electric Buses Pilot Program.

Staff Resource(s):

John Lewis, Jr., CATS

Allen C. Smith III, CATS

Jennifer Fehribach, CATS

Explanation

- This pilot project supports the Strategic Energy Action Plan, which strives to have City fleet and facilities be fueled by 100 percent zero-carbon sources by 2030 and sets a community-wide goal for Charlotte to become a low carbon City by 2050.
- Under the terms of this agreement CATS will purchase 18 Battery Electric Buses (BEBs) from eTransEnergy to be delivered by the end of 2022.
- eTransEnergy will purchase the vehicles from two different manufacturers for this pilot.
- This project was originally approved by City Council on April 26, 2021, in the amount of \$22,698,773.
- Contract Amendment # 1 was approved in the amount of \$455,220 to cover increases associated with switching from three vendors to two vendors when one of the vendors was unable to meet specifications.
- Due to unforeseen delivery delays by one of the two manufacturers, CATS will purchase the final three of the 18 BEBs from the other selected manufacturer.
- The change in vendor causes an increase in the unit price due to market price adjustment. This amendment will enable CATS to meet the year-end delivery deadline for the pilot program.
- The price increase also includes an extended warranty on the Charging Systems.
- The new estimated value of the contract, including all amendments, is \$23,401,336.

Disadvantaged Business Enterprise

All additional work involved with this amendment will be performed by eTransEnergy and their existing subconsultants.

Fiscal Note

Funding: CATS Capital Investment Plan

28. Professional Engineering, Planning, and Design Services

Action:

- A. Authorize the City Manager to negotiate and execute unit price contracts with the following companies for professional planning and engineering services for an initial term of three years:**
- HNTB North Carolina, P.C.,
 - HDR Engineering Inc. of the Carolinas,
 - STV Engineers Inc.,
 - WSP USA Inc., and
- B. Authorize the City Manager to renew the contracts for one, two-year term with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

John Lewis, Jr., CATS
Kelly Goforth, CATS
Liz Babson, Transportation

Explanation

- These contracts will provide on-call planning and design services for Charlotte Area Transit System (CATS) projects including new bus stops and improvements to existing bus stops, adjacent development review, ADA accessibility improvements at bus stops and CATS facilities, transit planning analysis, and other engineering and planning needs.
- The contracts will also provide engineering services to support CATS maintenance of way needs, including design, inspections, testing, troubleshooting, and contractor oversight related to Traction Power, Overhead Catenary System (OCS), Train Control, Communications, Track, and Maintenance Facilities.
- The Charlotte Department of Transportation may also utilize these contracts for various services including preparing grant applications, and planning and design needs, associated with future project planning, Vision Zero, and the bicycle program.
- On March 3, 2022, the City issued a Request for Qualifications (RFQ); eight responses were received.
- The companies selected best meet the City's needs in terms of qualifications, experience, and responsiveness to RFQ requirements.
- Annual aggregate expenditures are estimated to be between \$900,000 and \$2,300,000 depending on project needs.

Disadvantaged Business Enterprise

A DBE goal of 11.00% has been established for each of the contracts. The listed vendors have committed to achieving the established DBE goal with the certified DBE firms:

HNTB North Carolina, P. C.

- McFarland Construction (DBE) (Construction Management)
- CES Group Engineers (DBE) (Surveying, Engineering Services)
- K&J Safety and Security Consulting Services (DBE) (Safety & Security Training and Support)
- Neighboring Concepts (DBE) (Structural Engineering)

HDR Engineering Inc. of the Carolinas

- CES Group Engineers (DBE) (Surveying, Urban Planning)
- Three Oaks Engineering (DBE) (Environmental and NEPA)

STV Engineers Inc.

- Rohadfox Construction Control Services (DBE) (Buildings Communications)

- Capstone Engineering (DBE) (Geotechnical engineering and materials testing)
- Three Oaks Engineering (DBE) (Environmental Assessment and documentation)

WSP USA Inc.

- Three Oaks Engineering (DBE) (Environmental Assessment and documentation)
- Susan Hatchell Landscape Architecture (DBE) (Landscape Architecture)
- John Davenport Engineering (DBE) (Transportation Engineering)

Fiscal Note

Funding: CATS Operating and Capital Budget and General Capital Investment Plan

29. Airport Centrex Telephone System Support Services

Action:

- A. **Approve a contract extension with AT&T Corp. to provide technician services and maintain the Airport's AT&T Centrex telephone system for a term of two years,**
- B. **Authorize the City Manager to renew the contract for up to two, two-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved, and**
- C. **Authorize the City Manager to purchase such additional services, hardware, maintenance, and support as required to maintain the services for as long as the City uses the system.**

Staff Resource(s):

Haley Gentry, Aviation
Michael Hill, Aviation

Explanation

- Since the terminal opened in 1982, Aviation has contracted for dedicated on-site technicians to maintain its AT&T Centrex telephone system at the request of the airlines, which pay a proportional share of the expense.
- On June 23, 2014, City Council approved a master services agreement with AT&T for the maintenance of the Airport's telecommunications system for a term of two years.
- On November 14, 2016, City Council approved a master services agreement with AT&T for the maintenance of the airport's telecommunications system for a term of two years, plus up to two, two-year renewals.
- The telephone system consists of approximately 3,500 lines. Roughly 10 percent of the lines are used by Aviation staff.
- The airport currently uses two AT&T dedicated technicians that provide assistance and coverage at the Airport five days a week in support of AT&T's master agreement for telephone services.
- The contract also provides for vehicles and maintenance equipment, which the technicians use to perform their work.
- Annual expenditures are estimated to be \$216,000.
- The new estimated value of the contract, including this extension, is \$2,460,683.56.
- A waiver has been approved for these services based on the importance of maintaining continuity of services while the airport transitions to a new telephone system.

Charlotte Business INclusion

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

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

Fiscal Note

Funding: Aviation Operating Budget

30. Airport Extended Reach Deicer

Action:

- A. Approve a unit price contract with Global Ground Support, LLC for the purchase of extended reach deicers for an initial term of three years, and**
- B. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Haley Gentry, Aviation
Jack Christine, Aviation

Explanation

- Aviation deploys aircraft deicers anytime weather conditions go below a 45-degree ground temperature. The Airlines are now flying widebody aircraft which require extended reach capability.
- This contract allows Aviation to purchase up to 12 deicers over a period of three years.
- Aviation intends to purchase four deicer trucks in fiscal year (FY) 2023. Aviation will re-evaluate the needs in FY 2024 and FY 2025 to determine if additional deicers are needed based on activity.
- On April 6, 2022, the City issued an Invitation to Bid; one bid was received.
- Global Ground Support, LLC was selected as the lowest responsive, responsible bidder.
- Annual expenditures are estimated to be \$2,900,000.

Charlotte Business INclusion

Per Charlotte Business INclusion Policy: Part C: Section 2.1(a) The City shall not establish Subcontracting Goals for Contracts where (a) there are no subcontracting opportunities identified for the Contract; or (b) there are no SBEs, MBEs, or WBEs 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: Aviation Capital Investment Plan

31. Airport Financial Consulting

Action:

- A. Approve a contract for Airport financial consulting services with the following companies for an initial term of five years:**
- **Newton and Associates, Inc.,**
 - **Frasca and Associates, LLC,**
 - **Transcendis, LLC,**
 - **Unison Consulting, 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 contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Haley Gentry, Aviation

Michael Hill, Aviation

Explanation

- Aviation has a five-year capital investment plan valued at over \$2.1 billion, an annual operating expense budget of over \$224M, and over \$385M in annual operating and Passenger Facility Charge revenues.
- The Aviation Department uses a combination of full-time staff and consultants to prepare financial statements, financial models and analysis, and to oversee the Airport's fiscal and business operations.
- On April 19, 2022, the City issued a Request for Proposals (RFP); four responses were received.
- The companies selected best meet the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual aggregate expenditures are estimated to be \$1,000,000.

Charlotte Business INclusion

Newton & Associates, Inc. is a City-certified SBE.

The City negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). The companies selected have identified the following certified firm(s) and will use these firm(s) when their contract is activated:

- Project Cost Solutions, Inc (SBE) (financial consulting)
- Charles O. Simmons CPA PLLC (MBE) (financial reporting)

Fiscal Note

Funding: Aviation Operating Budget and Aviation Capital Investment Plan

32. Airport Terminal Lobby Expansion Furniture

Action:

Approve a contract in the amount of \$513,550 to the lowest responsive bidder Forms & Supply, Inc. for the purchase of furniture for the Terminal Lobby Expansion project.

Staff Resource(s):

Haley Gentry, Aviation
Jack Christine, Aviation

Explanation

- The Terminal Lobby Expansion (TLE) project is currently in the construction phase at the Airport.
- The TLE includes expansion and renovation of the basement, baggage, and ticketing levels of the terminal lobby.
- This contract will provide the furnishings, including shipping and installation, to accommodate these new and renovated spaces. These furnishings include, but are not limited to:
 - Charging tables with power, café style tables and seating, soft seating, benches, and trash disposal units.
- On February 23, 2022, the City issued an Invitation to Bid; three bids were received.
- Forms & Supply, Inc. was selected as the lowest responsive, responsible bidder.
- This activity is occurring on Airport property located in Council District 3.

Charlotte Business INclusion

Forms & Supply, Inc. is a City-certified WBE.

Per Charlotte Business INclusion Policy: Part C: Section 2.1(a) The City shall not establish Subcontracting Goals for Contracts where (a) there are no subcontracting opportunities identified for the Contract; or (b) there are no SBEs, MBEs, or WBEs 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: Aviation Capital Investment Plan

33. Airport Terminal Seating Contract

Action:

- A. Approve the purchase of terminal seating by the sole source exemption,
- B. Approve a unit price contract with Arconas Corporation for the purchase of terminal seating for the term of three years, and
- C. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.

Staff Resource(s):

Haley Gentry, Aviation

Jack Christine, Aviation

Sole Source Exemption

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

Explanation

- The Arconas seat was selected during the concourse renovation program for consistency with American Airlines design standards.
- Aviation will purchase new and replacement seating throughout the terminal as part of the continuing concourse renovation projects over the next three years.
- The unit price contract includes assembly, installation, and storage fees.
- Annual expenditures are estimated to be \$2,000,000.
- This activity is occurring on Airport property, located in Council District 3.

Charlotte Business INclusion

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

Fiscal Note

Funding: Aviation Capital Improvement Plan

PROPERTY TRANSACTIONS

34. Aviation Property Transactions - 7809 Cooper Lane

Action: Approve the following Acquisition: Aviation Master Plan

The property is acquired in accordance with Federal Regulations in 49 C.F.R. Part 24 that implement the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration Reimbursement.

Project: Aviation Master Plan

Owner(s): Wayne T. Tidwell & Gina L. Tidwell

Property Address: 7809 Cooper Lane

Total Parcel Area: 1.333 acres

Property to be acquired by Easements: None

Structures/Improvements to be impacted: Single-family Home

Landscaping to be impacted: Grass, small shrubs

Zoned: R-3

Use: Single-family Residential

Parcel Identification Number(s): 141-103-01

<https://polaris3g.mecklenburgcountync.gov/#mat=194665&pid=14110301&qisid=14110301>

Purchase Price: \$300,000, and all relocation benefits in compliance with Federal, State or Local regulations.

Council District: 3

35. Aviation Property Transactions - 9311 Markswood Road

Action: Approve the following Acquisition: EIS Mitigation Land South

The property is acquired in accordance with Federal Regulations in 49 C.F.R. Part 24 that implement the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration Reimbursement.

Project: EIS Mitigation Land South

Owner(s): Mary Ann Hawley, deceased

Property Address: 9311 Markswood Road

Total Parcel Area: 1.056 acres

Property to be acquired by Easements: N/A

Structures/Improvements to be impacted: Single-family Home

Landscaping to be impacted: Grass and shrubs

Zoned: R-3

Use: Single-family Residential

Parcel Identification Number(s): 141-261-10

<https://polaris3g.mecklenburgcountync.gov/#mat=218332&pid=14126110&qjsid=14126110>

Purchase Price: \$295,000, and all relocation benefits in compliance with Federal, State or Local regulations.

Council District: Adjacent to Council District 3

36. Property Transactions - 1615 Burnley Road, Parcel #12

Action: Approve the following Acquisition: 1615 Burnley Road, Parcel #12

Project: 1615 Burnley Road, Parcel #12

Program: 1615 Burnley Road

Owner(s): Susan Aileen Coleman

Property Address: 6244 Netherwood Drive

Total Parcel Area: 16,966 sq. ft. (0.39 ac.)

Property to be acquired by Easements: 1,709 sq. ft. (0.039 ac.) Storm Drainage Easement, 1,096 sq. ft. (0.025 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Split rail fence

Landscaping to be impacted: Trees and various plantings

Zoned: R-4

Use: Single-family Residential

Tax Code: 173-025-14

<https://polaris3g.mecklenburgcountync.gov/#mat=165688&pid=17302514&gisid=17302514>

Purchase Price: \$12,000

Council District: 6

37. Property Transactions - XCLT Tryon to Orr, Parcel #10

Action: Approve the following Acquisition: XCLT Tryon to Orr, Parcel #10

Project: XCLT Tryon to Orr, Parcel #10

Program: XCLT Tryon to Orr

Owner(s): Victoria Forrester

Property Address: 227 Bennett Street

Total Parcel Area: 42,868 sq. ft. (0.98 ac.)

Property to be acquired by Easements: 1,903 sq. ft. (0.044 ac.) Sidewalk Utility Easement, 2,690 sq. ft. (0.062 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees, bushes

Zoned: R-12MF

Use: Multi-family Residential

Tax Code: 089-023-09

<https://polaris3g.mecklenburgcountync.gov/#mat=78392&pid=08902309&qisid=08902309>

Purchase Price: \$20,000

Council District: 1

38. Property Transactions - XCLT Tryon to Orr, Parcel #18, 20, 31, 34

Action: Approve the following Acquisition: XCLT Tryon to Orr, Parcel #18, 20, 31, 34

Project: XCLT Tryon to Orr, Parcel #18, 20, 31, 34

Program: XCLT Tryon to Orr

Owner(s): The Charlotte-Mecklenburg Board of Education

Property Address: 500 Bilmark Avenue

Total Parcel Area: 1,564,841 sq. ft. (35.92 ac.)

Property to be acquired by Easements: 21,003 sq. ft. (0.482 ac.) Greenway Easement, 174 sq. ft. (0.004 ac.) Sidewalk Utility Easement, 13,331 sq. ft. (0.306 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: INST (CD)

Use: Institutional (Conditional Zoning)

Tax Code: 089-103-05, 089-121-03, 089-121-10, 089-111-09

<https://polaris3g.mecklenburgcountync.gov/#pid=08910305&qsid=08910305>

<https://polaris3g.mecklenburgcountync.gov/#pid=08912103&qsid=08912103>

<https://polaris3g.mecklenburgcountync.gov/#pid=08912110&qsid=08912110>

<https://polaris3g.mecklenburgcountync.gov/#mat=131700&pid=08911109&qsid=08911109>

Purchase Price: \$60,300

Council District: 1

Adjournment

REFERENCES

39. 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.

40. 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.

41. 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.