

City of Charlotte

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



Meeting Agenda

Monday, December 12, 2022

COUNCIL CHAMBERS

City Council Business Meeting

Mayor Vi Lyles

Mayor Pro Tem Braxton Winston II

Council Member Dimple Ajmera

Council Member Danté Anderson

Council Member Tariq Scott Bokhari

Council Member Ed Driggs

Council Member Malcolm Graham

Council Member Reneé Johnson

Council Member LaWana Mayfield

Council Member James Mitchell

Council Member Marjorie Molina

Council Member Victoria Watlington

5:00 P.M. 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.

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.

[2022-12-11 Supplemental info re. Items 30 and 31](#)

2. Action Review Agenda Overview

Staff Resource(s):

Marcus Jones, City Manager

3. Action Review Items

2023 Property Revaluation Process

Staff Resource(s):

Ken Joyner, Mecklenburg County Assessor
Brad Fowler, Mecklenburg County Assessor's Office

Time: Presentation - 15 minutes; Discussion - 40 minutes

Explanation

- The County's property revaluation process will be wrapping up in December, and residents will be notified of their new property values late January. The primary focus of this presentation will be to prepare the Council and residents for the new values.

Overview of North Carolina Opioid Settlement

Staff Resource(s):

Ryan Bergman, City Manager's Office

Time: Presentation - 10 minutes; Discussion - 20 minutes

Explanation

- Overview of the North Carolina Opioid Settlement and the Memorandum of Agreement between the State of North Carolina and local governments on proceeds relating to the settlement.

[2023 Property Revaluation Process Presentation](#)

[Overview of NC Opioid Settlement Presentation](#)

4. Closed Session (as necessary)

**6:30 P.M. CITY COUNCIL BUSINESS MEETING,
CHARLOTTE-MECKLENBURG GOVERNMENT CENTER,
COUNCIL CHAMBER**

Call to Order

Introductions

Invocation

Pledge of Allegiance

CONSENT

- 5. Consent agenda items 14 through 34 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

6. Public Forum

PUBLIC HEARING

7. Public Hearing and Decision on Cardinal Creek Area Voluntary Annexation

Action:

- A. Conduct a public hearing for the Cardinal Creek Area voluntary annexation, and
- B. Adopt an annexation ordinance with an effective date of December 12, 2022, to extend the corporate limits to include this property and assign it to the adjacent City Council District 5.

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 64.8775-acre property located along the north side of Plaza Road, east of Faires Road.
- The property is owned by Vincent J. Cardinal and Faye N. Cardinal.
- The site is currently vacant and is zoned R-3, which allows for single-family residential uses up to three dwelling units per acre.
- The petitioned area consists of three parcels; parcel identification numbers: 105-211-01, 105-222-15, and 105-222-14.
- 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 245 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:
 - Will not adversely affect the city's ability to undertake future annexations;
 - Will not have undue negative impact on city finances or services; and
 - Will not result in a situation where unincorporated areas will be encompassed by new city limits.

Attachment(s)

Map (GIS)
Map (Survey)
Annexation Ordinance

[Cardinal Creek Area Annexation Map](#)

[Cardinal Creek Area Annexation Survey 8.5X11](#)

[Ordinance Cardinal Creek](#)

8. Public Hearing for MSD Reduction by Owner

Action:

Conduct a public hearing for consideration of a request for reduction of the SouthPark Municipal Service District by an owner residing within the district.

Staff Resource(s):

Tracy Dodson, City Manager's Office
Christina Thigpen, Economic Development

Policy

- State law allows cities to create municipal service districts (MSDs) to promote economic development and/or provide services at a higher level in the district than provided for the entire city.
- Urban development/redevelopment areas are one of the municipal services for which a district can be created.
- MSDs are funded through an assessment on all property owners within the district boundaries. All the money raised by the MSD assessment must be spent on district enhancement programs.
- In accordance with NCGS Sec. 160A-536, projects funded through MSD revenue may include (but are not limited to): expansions/improvements to support utility provision, street lighting, streets and sidewalks; construction of pedestrian and bicycle paths, construction of public buildings, improvements to relieve traffic congestion, improvements to reduce the incidence of crime, providing city services or functions in addition to or to a greater extent than those provided for the entire city, sponsoring events, promoting business investment and economic vitality, coordinating public private partnerships, and marketing support.

Explanation

- NCGS Sec. 160A-537(f) provides that, "no ordinance defining a service district as provided for in this section shall be finally adopted until it has been passed at two meetings of the city council by majority vote of the voting members present, and no service district shall be defined except by ordinance."
- City Council reviewed and adopted the ordinance for the SouthPark MSD, MSD 6, on March 28, 2022, and April 11, 2022, by an 11-0 vote each time.
- The MSD was adopted with an effective date of July 1, 2022.
- NCGS Sec. 160A-538.1(a1) states that "a property owner may submit a written request to the City Council to remove the owner's tract or parcel of land from a service district. The owner shall specify the tract or parcel, state with particularity the reasons why the tract or parcel is not in need of the services, facilities, or functions of the proposed district to a demonstrably greater extent than the remainder of the city, and provide any other additional information the owner deems relevant. Upon receipt of the request, the City Council shall hold a public hearing as required by subsection (a) of this section. If the City Council finds that the tract or parcel is not in need of the services, facilities, or functions of the district to a demonstrably greater extent than the remainder of the city, the City Council may, by ordinance, redefine the service district by removing therefrom the tract or parcel."
- On August 20, 2022, the City Clerk's office received a formal request from Adam Oravec, owner of 3920 Sharon Road, Unit 202 for reduction of MSD 6 to exclude his property.
- If after conducting this public hearing, City Council determines that MSD 6 shall remain as currently set forth in the ordinance, no further action is necessary.
- Should City Council wish to consider amending its MSD 6 ordinance, then the amended ordinance will need to be adopted in the same manner as the original ordinance.

Boundaries

- The SouthPark MSD boundary follows property lines and includes properties south of Scofield Road and Wickersham Road, west of Sharon Road and Cameron Valley Parkway, north of Sharon View Road, and east of Park South Drive.

- State law outlines several guidelines for determining boundaries of municipal service districts. Properties within the SouthPark MSD boundaries must satisfy at least one of the following guidelines:
 - Location in or surrounding existing or redeveloping concentrations of retail, office, or significant employment-generating uses,
 - Surrounding major institutional uses, such as a university or hospital, and
 - Location within 1,500 feet of major transportation and transit corridors, except for residential parcels which must be within 150 feet.

Community Input

- SouthPark Community Partners recommended the proposed boundaries, tax rate, and preliminary work plan for a SouthPark MSD, following engagement and support during several planning initiatives focusing on the SouthPark neighborhood that have been completed since 2016.
- In March 2021, SouthPark Community Partners began a four-week process to gauge local appetite. SouthPark Community Partners received letters of support for the creation of the MSD from both large and small property owners, as well as South Park Association of Neighborhoods (SPAN), a non-profit organization established in 2017 to advocate on the area's residential neighborhoods.
- As part of the public notification process, nearly 750 letters were sent in late-January 2022 to property owners within the district notifying them of the proposed MSD and the date, time, and location of the public hearing.
- The Finding of Need (FON) report documenting the MSD proposal is also available in the City Clerk's office and digitally.
- A legal notice about the public hearing and map of the area was published in The Mecklenburg Times on February 8, 2022, and February 15, 2022.
- A public hearing on the proposed SouthPark MSD was held on February 28, 2022. Three members of the public spoke in favor of the proposed MSD. One member of the public spoke against the proposed MSD.
- Following engagement with residential property owners, the Piedmont Row condominium community was excluded from the MSD.
- The Clerk's office received three other requests for exemption from individual property owners, including two owners from the Morrison 721 condominium community and one owner from the Trianon condominium community. Requests for exclusion were not approved.
- Staff and the board for SouthPark Community Partners recommend not approving Adam Oravec's request for exclusion.
- There continues to be communication and collaboration with SouthPark community residents, developers, business owners, and tenants. The existing Loop website (<https://www.theloopclt.org/>) is being expanded to include a page dedicated to the MSD. The webpage will be used to share the latest information and provide a central location to gather input until the SouthPark Community Partners website has been built out.

Attachment(s)

Ordinance

Finding of Need (FON) report on SouthPark MSD

Exhibit A - MSD Map

Exhibit B - Request for Reduction

[Southpark MSD Ordinance](#)

[Finding of Need Report](#)

[Exhibit A - SouthPark MSD Map](#)

[Exhibit B - SouthPark MSD Request for Reduction](#)

POLICY

9. City Manager's Report

- 911 Update

[911 Communications Presentation](#)

BUSINESS

10. Extension to Option for a Ground Lease for Affordable Housing

Action:

- A. Adopt a resolution approving an extension to the option for a ground lease of city-owned property located on DeWitt Lane and South Boulevard (parcel identification numbers 149-012-47 and 149-012-51) with DreamKey Partners, Inc. (formerly Charlotte-Mecklenburg Housing Partnership, Inc.) through March 31, 2023, and**
- B. Authorize the City Manager to negotiate and execute all documents necessary to complete the extension to the option for a ground lease of the property.**

Staff Resource(s):

Shawn Heath, Housing and Neighborhood Services
Phil Reiger, General Services
Greg Crawford, General Services

Explanation

- On July 22, 2019 City Council approved an option for a ground lease in conjunction with Housing Trust Fund support in the amount of \$3,000,000 for South Village Apartments multi-family affordable housing development to be developed, owned and operated by DreamKey Partners, Inc. (DreamKey). The development proposes a long-term ground lease of city-owned land located in Council District 3 on DeWitt Lane and South Boulevard (parcel identification numbers 149-012-47 and 149-012-51) near the LYNX Blue Line Scaleybark station.
- On November 28, 2022, City Council approved additional gap financing support for the development in the amount of \$4,705,245.
- The current ground lease option between the city and DreamKey expires on December 31, 2022.
- DreamKey has requested and staff recommends extending the ground lease option to March 31, 2023.

Background

- On August 27, 2018, City Council adopted the Housing Charlotte Framework, which recommends leveraging city-owned land to expand the supply of high-quality affordable housing.
- On August 2, 2019, DreamKey and the city entered into an option to ground lease agreement pursuant to the July 22, 2019 Council action. On February 28, 2022, City Council approved an extension to the ground lease option to December 31, 2022.
- In order for developers to secure financing, the developer must demonstrate some sort of site control. The city enters into an Option to Lease to provide developers time to secure needed financing and conduct all due diligence. Each Option has an expiration date.
- Until such time as the developer determines that it can proceed with the planned development, the city will not enter into a formal Ground Lease.

Attachment(s)

Resolution
Map

[Resolution - Option to Extend Ground Lease](#)

[Map - Ground Lease](#)

11. Resolution to Certify and Declare the Results of the November 8, 2022 Special Bond Referendum

Action:

Adopt a resolution certifying and declaring the results of the November 8, 2022 Special Bond referendum.

Staff Resource(s):

Teresa Smith, Finance

Matt Hastedt, Finance

Explanation

- On June 27, 2022, City Council conducted a public hearing and on July 11, City Council adopted a resolution approving the call for referendum on November 8, 2022.
- In accordance with the Capital Investment Plan for Fiscal Years 2023-2028 the bonds included:
 - \$146,200,000 General Obligation Transportation Bonds,
 - \$50,000,000 General Obligation Housing Bonds, and
 - \$29,800,000 General Obligation Neighborhood Improvement Bonds.
- The referendum was conducted on November 8, 2022, and the Mecklenburg County Board of Elections has presented the Canvass of Results of the Referendum.
- The Mecklenburg County Board of Elections certified the results of the Special Bond Referendum on November 18, 2022.
- The results of the Referendum were:
 - 200,986 in favor of the Transportation Bonds and 59,311 opposed,
 - 192,915 in favor of the Housing Bonds and 67,697 opposed, and
 - 200,879 in favor of the Neighborhood Bonds and 59,364 opposed.
- This City Council action certifies and declares the official results of the voter referendum.
- Following the City Council Action, a Statement of Results will be published for each bond issuance. Publication initiates a 30-day action period to dispute election results.

Fiscal Note

Funding: Municipal Debt Service

Attachment(s)

Certificate of Canvass

Resolution

[Certificate of Canvass of the Mecklenburg Board of Elections City of Charlotte](#)

[Resolution](#)

12. Authorize Flood Mitigation Grant Application

Action:

- A. **Authorize the City Manager, or his designee, to apply for a grant in an amount of up to \$2,196,711.90 with the North Carolina Department of Public Safety for the Craighead-Tryon Flood Mitigation Initiative,**
- B. **Authorize the City Manager, or his designee, to accept a grant in an amount of up to \$2,196,711.90 from the North Carolina Department of Public Safety for the Craighead-Tryon Flood Mitigation Initiative, and**
- C. **Adopt a budget ordinance appropriating \$2,196,711.90 from the North Carolina Department of Public Safety in the Storm Water Capital Projects Fund contingent upon being named a successful grant recipient.**

Staff Resource(s):

Angela Charles, Charlotte Water

Mike Davis, Storm Water Services

Daryl Hammock, Storm Water Services

Explanation

- This action authorizes Storm Water Services to apply for and accept (if awarded) grant funds from the Building Resilient Infrastructure and Communities (BRIC) Program.
- If awarded, funds would be used for the Craighead-Tryon Flood Mitigation Initiative. The BRIC program encourages investments in underserved areas. This project directly reduces flood losses to Hope Haven and its residents, a non-profit recovery facility located in Council District 1.
- The project will reduce flooding of W. Craighead Road and N. Tryon Street, and will improve safety of the traveling public by constructing approximately 2,500 feet of drainage pipe up to 60 inches in diameter.
- If awarded, construction is anticipated to begin late 2024.
- The grant would fund up to 75 percent of the cost of the project and supplant the need to spend local funds on this project. Storm Water Services will fund any amount not funded by the grant with funds from the Storm Water Capital Investment Plan.
- The city will be notified of the award in early 2023.

Background

- The BRIC program is funded by the Federal Emergency Management Agency (FEMA) and administered through a partnership with the Emergency Management Division of the North Carolina Department of Public Safety (NCEM).
- NCEM is responsible for recommending technically feasible and cost-effective sub-applications to FEMA and providing pass-through funding for FEMA-approved and awarded project grants to eligible sub-applicants.
- Storm Water Services submitted a letter of intent for the Craighead-Tryon Flood Mitigation Initiative in September and was subsequently invited in October to submit a full funding application.
- The terms of the grant specify the individual submitting the grant application online must be authorized to transact funds in an amount of up to \$2,196,711.90.

Fiscal Note

Funding: Storm Water Capital Investment Plan

Attachment(s)

Budget Ordinance

[Budget Ordinance](#)

13. Appointment to the Arts and Culture Advisory Board

Action:

Appoint 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 September 30, 2024.
 - Destiny Crawford, nominated by Council member Graham, Mayfield, and Watlington.
 - Melody Gross, nominated by Council member Anderson, Johnson, Mitchell, Molina, and Winston.

Attachment(s)

Arts and Culture Advisory Board Applications

CONSENT

14. Eastway - Shamrock Intersection Project

Action:

- A. **Approve a contract in the amount of \$1,335,300 with AECOM Technical Services of North Carolina, Inc. for design services for the Eastway - Shamrock Intersection Project, and**

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

Staff Resource(s):

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

Explanation

- This project will reconstruct the intersection of Eastway Drive and Shamrock Drive to provide a more safe and efficient intersection for vehicles, pedestrians, and bicyclists located in Council District 1.
- Design services under this contract will include, but are not limited to, traffic analysis, geotechnical analysis, utility coordination, preliminary and final roadway design, permitting and construction administration.
- On October 8, 2021, the city issued a Request for Qualifications (RFQ); nine submittals were received.
- AECOM Technical Services, of North Carolina, Inc. is the best qualified firm to meet the city's needs based on demonstrated competence and qualification of professional services in response to the RFQ requirements.
- The project has completed Advanced Planning; design and construction are being funded with 2022 and 2024 Bonds.

Charlotte Business INclusion

The city negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). AECOM Technical Services, of North Carolina, Inc. has committed 16.52% (\$220,559) of the total contract amount to the following certified firms:

- Vivid Earth Design (SBE) (\$14,525) (geotechnical)
- Stewart Engineering Inc. (MBE) (\$98,342) (engineering consulting)
- Utility Coordination Consultants (SBE) (\$92,050) (utility location)
- Zaja PR (SBE, MBE) (\$15,642) (community engagement)

Fiscal Note

Funding: General Capital Investment Plan

Attachment(s)

Map

[Map - Design Eastway: Shamrock Intersection Project.pdf](#)

15. Sidewalk Planning and Design Services

Action:

- A. Authorize the City Manager to negotiate and execute unit price contracts for various sidewalk planning and design services with the following firms for five years:**
- **American Engineering Associates-Southeast, P.A.,**
 - **Dewberry Engineers, Inc.,**
 - **LJB Engineering Professional Corporation, and**
- B. Authorize the City Manager to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

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

Explanation

- The scope of work will include planning, design, and preparation of construction documents for various sidewalks identified in the city's Sidewalk Program.
- Project tasks will include community engagement, planning/design, cost estimation and construction administration.
- On October 8, 2021, the city issued a Request for Qualifications (RFQ); 20 submittals were received. Three firms were selected for sidewalk planning and design services.
- The firms selected were the best qualified to meet the city's needs based on demonstrated competence and qualification of professional services in response to the RFQ requirements.
- Total annual expenditures are estimated to be \$500,000.

Charlotte Business INclusion

The city negotiates participation after the firms are selected for this services contract (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). Each of the firms listed have identified MWSBE firms to participate as project scopes are defined, and committed 10.00% of the total contract amount to the following certified firms:

American Engineering Associates-Southeast, PA

- Capstone Civil Engineering, Inc. (MBE) (geotechnical services)
- Wetherill Engineering, Inc. (WBE) (structural design)
- John Davenport Engineering, Inc. (MBE) (traffic consulting)

Dewberry Engineers Inc.

- Froehling & Robertson, Inc. (MBE) (geotechnical, pavement design)
- John Davenport Engineering, Inc. (MBE) (traffic engineering, analysis)
- Viz, PLLC (SBE) (landscape architecture)

LJB Engineering Professional Corporation

- Exult Engineering, PC (SBE) (multimodal planning)
- BBFoster Consulting, PC (MBE) (utility coordination, community engagement)
- Carolina Geotechnical Group, PLLC (SBE) (geotechnical services)

Fiscal Note

Funding: General Capital Investment Plan

16. Derita Branch Tributary Sewer Construction

Action:

Approve a guaranteed maximum price of \$22,754,433.45 to B.R.S., Inc. for Design-Build construction services for the Derita Branch Tributary Sewer Phase 2 project.

Staff Resource(s):

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

Explanation

- B.R.S., Inc. has developed a guaranteed maximum price for construction of approximately 18,300 linear feet of various size sanitary sewer line which runs north from North Tryon Street, across Craighead Road and Interstate-85, and ends near Graham Street and West Sugar Creek Road Intersection (Council Districts 1, 2, and 4).
- This project will primarily serve the I-85/Sugar Creek Corridor of Opportunity.
- On December 10, 2018, City Council approved a contract for \$5,447,874 with B.R.S., Inc. for Design-Build design services.
- The project is anticipated to be complete by third quarter 2025.

Charlotte Business INclusion

The city negotiates participation for Design-Build contracts after the firm is selected and scopes of work are defined for design and construction services (Part G: Section 2.7 of the Charlotte Business INclusion Policy). B.R.S., Inc. has committed \$3,107,000 or approximately 13.65% of the total contract for construction services to the following certified firms:

- Turn-Key Tunneling (WBE) (\$2,153,000) (tunneling)
- CES Group (WBE) (\$275,000) (surveying)
- Sanders Constructors, Inc (SBE) (\$210,000) (clearing)
- Trull Contracting, Inc (SBE, WBE) (\$150,000) (asphalt, concrete)
- Soggy Bottom Erosion Control (SBE) (\$80,000) (erosion control)
- Diamond Trucking of NC, Inc (MBE, SBE) (\$60,000) (trucking, hauling)
- M&W Transportation, LLC (MBE, SBE) (\$60,000) (trucking, hauling)
- MTS Trucking (MBE, SBE) (\$60,000) (trucking, hauling)
- Pipe Pros (SBE) (\$39,500) (CCTV)
- JB Long Photography (SBE) (\$19,500) (photography)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan and Storm Water Services Capital Investment Plan

Attachment(s)

Map

[Map-Derita Branch Tributary Sewer Construction](#)

17. Soil and Debris Hauling Services

Action:

- A. Approve unit price contracts with the following companies for soil and debris hauling services for an initial term of two years:**
- **K&C Transportation Group LLC (MBE),**
 - **UL Excavating and Grading LLC, and**
- B. Authorize the City Manager to renew the contracts for up to three, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

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

Explanation

- These contracts will provide for hauling of dirt, rocks, tree stumps, and other debris from Charlotte Water construction and repair sites on an as-needed basis and will be used for delivering fill dirt to Charlotte Water Field Operations Zone facilities.
- On October 17, 2022, the city issued a Request for Proposals (RFP); five 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 \$700,000.

Charlotte Business INclusion

K&C Transportation Group LLC is a certified MBE.

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; and (b) there are no MWBEs or SBEs certified to perform the scopes of work that the city regards as realistic opportunities for subcontracting.

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

Fiscal Note

Funding: Charlotte Water Operating Budget

18. Stowe Regional Water Resource Recovery Facility Construction Phase 2

Action:

Approve a guaranteed maximum price of \$91,426,495.00 to Crowder/Garney JV for Design-Build construction services for the Stowe Regional Water Resource Recovery Facility project.

Staff Resource(s):

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

Explanation

- Crowder/Garney JV has developed a guaranteed maximum price (GMP) for major treatment process components to be constructed and utilized as part of the Stowe Regional Water Resource Recovery Facility (SRWRRF) project (adjacent to Council Districts 2 and 3).
- The SRWRRF will treat flows from the existing Long Creek basin and flows from the cities of Mount Holly and Belmont.
- On April 27, 2020, and January 25, 2021, City Council approved contracts totaling \$31,416,107 with Crowder/Garney JV for Design-Build design services.
- On February 14, 2022, May 31, 2022, and September 12, 2022, City Council approved GMPs totaling \$62,269,034 with Crowder/Garney JV for the procurement of equipment, construction infrastructure, and associated site work.
- City Council will receive future requests for the approval of additional construction phases. The SRWRRF is estimated to be in operation by second quarter 2026.

Charlotte Business INclusion

The city negotiates participation for Design-Build contracts after the firm is selected and scopes of work are defined for design and construction services. Crowder/Garney JV has committed (\$9,296,368) or approximately 10.17% of the contract for construction services, design build design services or approved tasks, etc. to the following certified firms (Part G: Section 2.4 of the Charlotte Business INclusion Policy):

- Pedulla Trucking, Excavating, & Paving Inc. (WBE) (\$5,425,577) (site work)
- Camps Construction Company (MBE) (\$1,873,000) (cast in place concrete)
- CITI Inc. (MBE) (\$1,671,311) (instrumentation and controls integration)
- Diva Dumps, LLC (MBE, SBE) (\$111,810) (portable toilets, handwash stations, and dumpsters)
- Buffkin Trucking, Inc. (MBE, SBE) (\$64,344) (aggregate trucking and on-site hauling)
- Diamond Trucking of NC Inc. (MBE, SBE) (\$64,344) (aggregate trucking and on-site hauling)
- The Survey Company, Inc. (SBE) (\$29,885) (land surveyor, global positioning system, and mapping services)
- Harrisburg Security, Inc. (SBE) (\$26,642) (site security)
- GP Supply Company, LLC (MBE) (\$10,000) (mechanical supply)
- PicTec Inc. (WBE, SBE) (\$8,400) (scheduling consultant)
- James Brian Long dba JB Long Photography (SBE) (\$6,055) (job site aerial photographs)
- Charlotte Bolt & Foundation Systems LLC dba Charlotte Bolt (SBE) (\$5,000) (pipe flange accessory kits)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Map

[Map-Stowe Regional Water Resource Recovery Facility Construction Phase 2](#)

19. Utility Relocation Agreement for Dixie River Road Watermain

Action:

- A. Approve a contract for up to \$800,000.00 with Duke Energy for the relocation of power facilities for the Dixie River Road Watermain project.
- B. Authorize the City Manager 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 agreement is for Duke Energy to remove and relocate power lines and 60 poles from the proposed Dixie River Road watermain alignment and future roadway widening, located in the western corridor of Mecklenburg County (adjacent to Council District 3).
- Duke Energy will perform this work in a manner which will minimize outages to their customers and will invoice Charlotte Water after the work is complete for the actual cost of the work.

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Map

[Map-Utility Relocation Agreement for Dixie River Road Watermain](#)

20. Vacuum Truck Receiving Station

Action:

- A. Reject the low bid submitted by Brushy Mountain Builders for the Field Operations Zone 2 Facility Vacuum Truck Receiving Station project, and**
- B. Approve a contract in the amount of \$3,366,235.00 to the lowest responsive bidder Hall Contracting Corporation for the Field Operations Zone 2 Facility Vacuum Truck Receiving Station project.**

Staff Resource(s):

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

Explanation

- This contract will construct a new receiving station used to dispose of materials collected by vacuum trucks when cleaning out the sanitary sewer system, and a new canopy extension over material storage structures at the Field Operations Zone 2 facility (Council District 1).
- On August 2, 2022, the city issued an Invitation to Bid (ITB); two bids were received.
 - N.C. General Statute Section 143-132 prohibits municipalities from awarding construction contracts over \$500,000 without receiving at least three competitive bids from the initial advertisement of the contract. The city may subsequently award the contract even if re-advertisements result in fewer than three competitive bids.
- On August 30, 2022, the ITB was re-issued; two bids were received
- Hall Contracting Corporation was selected as the lowest responsive, responsible bidder.
- The low bid of \$3,177,100.00 from Brushy Mountain Builders was found to be non-responsible for failing to meet the CBI Good Faith Efforts.
- The project is anticipated to be complete by fourth quarter 2023.

Charlotte Business INclusion

Established MBE Goal: 2.00%

Committed MBE Goal: 1.22%

Hall Contracting Corporation failed to meet the established MBE subcontracting goal but earned the minimum Good Faith Efforts (Part B: Section 5 of the Charlotte Business INclusion Policy). Hall Contracting Corporation has committed \$40,983 or approximately 1.22% of the total contract amount to the following certified firms:

- Five Boys Trucking (MBE, SBE) (\$40,983) (hauling)

Established SBE Goal: 5.00%

Committed SBE Goal: 2.83%

Hall Contracting Corporation failed to meet the established SBE subcontracting goal but earned the minimum Good Faith Efforts (Part B: Section 5 of the Charlotte Business INclusion Policy). Hall Contracting Corporation has committed \$95,189 or approximately 2.83% of the total contract amount to the following certified firms:

- Page Power Systems, Inc (SBE, WBE) (\$95,189) (electrical)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

21. CATS Mobile Video System and Service Contract

Action:

- A. Approve the purchase of a mobile video system by the sole source exemption,
- B. Approve a contract with Transit Solutions, LLC for the purchase of a mobile video system for the term of three years,
- 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, and
- D. 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):

Brent Cagle, CATS

David Moskowitz, CATS

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 standardization or compatibility is the overriding consideration.
- City Council approval is required for any purchases made under the sole source exception.

Explanation

- Mobile video surveillance systems on CATS buses, trains, and streetcars are critical for the safety and security of our customers, staff, and city assets. Mobile video is a key part of insurance subrogation and resolving legal claims levied against the city.
- CATS currently contracts with Transit Solutions, LLC to maintain and upgrade the mobile video systems. The contract is scheduled to expire December 31, 2022.
- The mobile video surveillance system is a proprietary video system. Replacement parts for maintenance cannot be obtained through other video system vendors. If another vendor is used, it would require the entire system to be replaced if a part of the video system goes down.
- This system is American-made and meets buy America standards.
- The system is running on the city server and has been through various firewall security updates. The introduction of a new system would impose a technical risk that would require further troubleshooting.
- The total estimated cost for the five-year contract is \$3,785,792.

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: CATS Capital Investment Plan

22. Airport Exterior Surface Cleaning

Action:

- A. Approve a unit price contract with Sunshine Cleaning Systems, Inc., for exterior surface cleaning for an initial term of three years, and**

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

Staff Resource(s):

Haley Gentry, Aviation

Jack Christine, Aviation

Explanation

- This contract will provide trash removal and litter control on all airport roadways, sidewalks, parking lots, and parking decks. It will also provide pressure washing of parking decks and bus shelters, and roadway sweeping.
- On July 29, 2022, the city issued a Request for Proposals (RFP); three responses were received.
- Sunshine Cleaning Systems, Inc., best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Services provided through this contract assist in maintaining the presentation standards and world class experience Charlotte Douglas International Airport aims to provide to all passengers.
- Annual expenditures are estimated to be \$606,206.

Charlotte Business INclusion

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

Sunshine Cleaning Systems, Inc. has committed 16.14% of the total contract amount to the following certified firm:

- Alexander Cleaning Services LLC (SBE) (\$293,485.86) (staffing labor, supervision of labor)

Fiscal Note

Funding: Airport Operating fund

23. Airport North End-Around Taxiway Project Design Amendment

Action:

Approve contract amendment #3 for \$1,021,388 to the contract with Talbert, Bight & Ellington, Inc. for additional design services of the Runway 18C/36C North End-Around Taxiway project.

Staff Resource(s):

Haley Gentry, Aviation

Jack Christine, Aviation

Explanation

- The Runway 18C/36C North End-Around Taxiway (NEAT) Project will increase operational efficiency and enhance safety by reducing runway crossings.
- This contract amendment includes Federal Aviation Administration (FAA) directed design revisions associated with the realignment of the Taxiway V portion of the NEAT project.
- On November 26, 2018, City Council approved a contract in the amount of \$27,127,373 with Talbert, Bright & Ellington, Inc. for design services of the NEAT project.
- On September 28, 2020, City Council approved contract amendment #1 in the amount of \$26,255,945 with Talbert, Bright & Ellington, Inc. for additional design services and construction administration support of the NEAT project.
- Contract amendment #2 in September 2022 included no additional costs and included scope additions and deletions due to design evolution of the NEAT project.
- The new total of the contract, including this amendment, will be \$54,404,706.

Fiscal Note

Funding: Aviation Capital Investment Plan

Disadvantaged Business Enterprise

All additional work involved in this amendment will be performed by the Talbert, Bright & Ellington and their existing sub-consultants.

24. Airport Corporate Hangar License

Action:

A. Approve a five-year license for hangar and office space with Duke Energy Business Services, Inc., and

B. Authorize the City Manager to renew the license for up to one, five-year term.

Staff Resource(s):

Haley Gentry, Aviation

Ted Kaplan, Aviation

Explanation

- Duke Energy Business Services, Inc. is requesting a five-year license with an option to extend for hangar and office space totaling 12,127 square feet.
- Duke Energy Business Services, Inc. has utilized this hangar for seven years in support of its operation.
- The rent is \$169,918 annually for the initial term. Annual rent in the extension term, if applicable, will be set at fair market value.

Fiscal Note

Funding: Revenue to be deposited in Airport Operating fund.

25. Airport Concession Warehouse Lease

Action:

Approve a five-year lease agreement with Host International, Inc. for a warehouse/office facility which will provide support for its concession operation(s) in the terminal.

Staff Resource(s):

Haley Gentry, Aviation
Ted Kaplan, Aviation

Explanation

- Host International Inc. is the food and beverage operator at Charlotte Douglas International Airport.
- The lease with Host International, Inc. is for 3,049 square feet of office and 3,411 square feet of warehouse located at 4800 A West Boulevard.
- The facility will support its operations in the terminal.
- The rent is \$47,997.80 annually.

Fiscal Note

Funding: Revenue to be deposited in Airport Operating fund.

26. Airport Office and Warehouse Lease

Action:

A. Approve the lease agreement with Trego Dugan Aviation with a three-year term for offices and warehouse space at the airport, and

B. Authorize the City Manager to renew the lease for up to two, one-year extensions.

Staff Resource(s):

Haley Gentry, Aviation
Ted Kaplan, Aviation

Explanation

- Trego Dugan Aviation is a contracted cargo handling business that requires facilities to support its operation at the airport.
- The lease with Trego Dugan Aviation is for 7,914 square feet of office and 27,280 square feet of cargo space located at 4100 Yorkmont Road.
- The rent is \$369,956 annually for the initial term.

Fiscal Note

Funding: Revenue to be deposited in Airport Operating fund.

27. Aviation Property Lease with QuikTrip

Action:

- A. Adopt a resolution to approve a fifteen-year lease agreement of city owned property at the northeast intersection of Todd Road and Wilkinson Boulevard with QuikTrip Corporation, and**
- B. Authorize the City Manager to renew the lease for up to six, five-year terms, and one, four-year term.**

Staff Resource(s):

Haley Gentry, Aviation
Ted Kaplan, Aviation

Explanation

- Aviation participates in Federal Aviation Administration's (FAA) Part 150 Noise Program. The FAA Part 150 Noise Program requires airports to purchase properties significantly impacted by noise and put that land back into productive use.
- Aviation is leasing Part 150 Noise land located at the northeast intersection of Todd Road and Wilkinson Boulevard for commercial development.
- The lease is made up of 6.5 acres of land which is part of a larger 31-acre parcel; parcel identification number: 055-371-21. This parcel is zoned I-2, which allows for heavy industrial development. It is in the Innovation and Mixed Use place type.
- On January 13, 2022, the city issued a Request for Proposals (RFP); three responses were received.
- QuikTrip Corporation, best meets the city's needs in terms of compensation, lease terms, development concept, and responsiveness to RFP requirements.
- Aviation has previously contracted with two appraisers to complete independent appraisals to determine fair market value of the property.
- The ground lease is \$225,000 for year one, escalating at a rate of two percent annually for each year thereafter.

Fiscal Note

Funding: Revenue from the lease will be deposited in the Airport Operating fund.

Attachment(s)

Resolution for Land Lease

[Resolution for Lease to QT](#)

28. Digital Navigation Services

Action:

- A. **Authorize the use of American Rescue Plan Act funds for Digital Navigation Services,**
- B. **Authorize the City Manager to negotiate and execute a contract with Queens University of Charlotte for Digital Navigation Services for an initial term of three years, and**
- C. **Authorize the City Manager to renew the contract for up to one, one-year term with possible price adjustments, and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Reenie Askew, City Manager's Office
Randy Moulton, Innovation & Technology

Explanation

- Census data show that approximately 67,000 households in Charlotte lack high-speed internet connection; 12,000 of these households fall within the city's Corridors of Opportunity.
- The lack of high-speed internet connection further exacerbates barriers to economic mobility and community resilience.
- The purpose of the proposed project is to expand the number of households in Charlotte with access to a high-speed internet connection and include, but not limited to:
 - Providing outreach to promote enrollment of qualifying households in the Affordable Connectivity Plan provided by the Federal Communications Commission;
 - Providing qualitative and quantitative data around the digital needs of households in Charlotte and the impacts of the city's investments; and
 - Developing sustainable funding plans around digital inclusion.
- On September 22, 2022, the city issued a Request for Proposals (RFP); one response was received.
- Queens University of Charlotte's Center for Digital Equity best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Digital Navigation Services are anticipated to support the enrollment of at least 10,000 Charlotte households in the Affordable Connectivity Plan.
- Annual expenditures are estimated to be \$290,000.

Charlotte Business INclusion

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

However, Queens University of Charlotte has committed to use the following certified firm(s) to participate:

- Hue House (MBE, SBE) (\$475,000) (marketing)

Fiscal Note

Funding: American Rescue Plan Act (ARPA) Funds

29. Set the Finance Officer's Faithful Performance Bond Amount

Action:

Adopt a resolution to set the Finance Officer's faithful Performance Bond Amount in accordance with state law and authorize the payment of the premium for a bond with coverage in that amount.

Staff Resource(s):

Teresa Smith, Finance

Matt Hastedt, Finance

Explanation

- NC General Statute Section 159-29(a) requires the finance officer of a unit of local government to "give a true accounting and faithful performance bond" in favor of the local government for which the individual serves as a finance officer.
- Effective as of January 1, 2023, the governing board must fix the amount of a finance officer's faithful performance bond to equal or exceed the greater of (1) \$50,000, or (2) an amount equal to 10 percent of the unit or authority's "annually budgeted funds," up to a cap of \$1,000,000.
- For the city, the cap for the finance officer's faithful performance bond is \$1,000,000.
- A faithful performance bond is a surety bond that creates obligations between (1) the finance officer, (2) the bonding company, and (3) a unit of local government.
- Through the faithful performance bond, the bonding company agrees to pay up to a certain amount of money to the unit of government in the event that (1) the finance officer fails to "faithfully perform" the duties of his or her office or honestly account for all monies which may come under the finance officer's control, and (2) the action or inaction of the finance officer causes a loss to the government.

Fiscal Note

Funding: Risk Management Loss Mitigation Fund

Attachment(s)

Resolution

[NCGS 159-29 Faithful Performance Bond Resolution](#)

30. Federal Lobbying Services

Action:

- A. Approve a contract extension for two years to the contract with Holland & Knight, LLP, for federal lobbying services, and**
- B. Authorize the City Manager to renew the contract for up to two, one-year renewal terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract and this extension were approved.**

Staff Resource(s):

Ryan Bergman, City Manager's Office

Dana Fenton, City Manager's Office

Explanation

- Holland & Knight, LLP, has provided federal lobbying representation services with the legislative and executive branches of the federal government for the City of Charlotte since 2004.
- The City Council has periodically approved extensions of the contract with the most recent action taken effective January 1, 2018. The current contract expires on December 31, 2022.
- A waiver has been approved for these services based on the need for continuity of service with Holland & Knight, LLP.
- Estimated contract expenditures are \$216,000 annually based on a monthly retainer of \$18,000 and will be divided across the General, Transit, Aviation, and Water and Sewer Funds.

Charlotte Business INClusion

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

This contract meets the provisions of (b) - No MWBEs or SBEs certified to perform the work.

Fiscal Note

Funding: Various General and Enterprise Funds

31. State Lobbying Services

Action:

- A. Approve a contract extension for two years to the contract with KTS Strategies, LLP, for state lobbying services, and**
- B. Authorize the City Manager to renew the contract for up to two, one-year renewal terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract and this extension were approved.**

Staff Resource(s):

Ryan Bergman, City Manager's Office

Dana Fenton, City Manager's Office

Explanation

- KTS Strategies, LLP, has provided state lobbying representation services with the legislative and executive branches of the state government for the City of Charlotte since 2017.
- The City Council has periodically approved extensions of the contract with the most recent action taken effective January 1, 2019. The current contract expires on December 31, 2022.
- A waiver for the extension has been approved for these services based on the need for continuity of service with KTS Strategies, LLP.
- Estimated contract expenditures are \$122,000 annually based on a \$10,000 monthly retainer and \$2,000 annual reimbursement for lobbyist registration expenses. Expenditures will be divided across the General, Transit, Aviation, and Stormwater Funds.

Charlotte Business INClusion

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

This contract meets the provisions of (b) - No MWBEs or SBEs certified to perform the work.

Fiscal Note

Funding: Various General and Enterprise Funds

PROPERTY TRANSACTIONS

32. Property Transactions - Shamrock Drive Improvements, Parcel # 12

Action: Approve the following Acquisition: Shamrock Drive Improvements, Parcel # 12

Project: Shamrock Drive Improvements, Parcel # 12

Program: Shamrock Drive Improvements

Owner(s): Ronald Charles Dodge and Shawn Marie Dodge

Property Address: 3116 Farley Street

Total Parcel Area: 7,283 sq. ft. (0.17 ac.)

Property to be acquired by Easements: 673 sq. ft. (0.015 ac.) Utility Easement, 165 sq. ft. (0.0038 ac.) Sidewalk/Utility Easement and 842 sq. ft. (0.019 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Tree and various plantings

Zoned: R-8(CD)

Use: Single-family Residential

Parcel Identification Number: 093-102-21

<https://polaris3g.mecklenburgcountync.gov/#mat=527124&pid=09310221&qsid=09310221>

Purchase Price: \$13,304

Council District: 1

33. Property Transactions - South End Rail Trail/I-277 Pedestrian Bridge, Parcel # 1

Action: Approve the following Condemnation: South End Rail Trail/I-277 Pedestrian Bridge, Parcel # 1

This property is acquired in accordance with Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for North Carolina Department of Transportation reimbursement and Federal Transit Administration reimbursement.

Project: South End Rail Trail/I-277 Pedestrian Bridge, Parcel # 1

Program: South End Rail Trail/I-277 Pedestrian Bridge

Owner(s): CSHV 615 College, LLC

Property Address: 615 South College Street

Total Parcel Area: 85,307 sq. ft. (1.96 ac.)

Property to be acquired by Easements: 1,177 sq. ft. (0.027 ac.) Sidewalk Utility Easement and 3,344 sq. ft. (0.077 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Various plantings

Zoned: UMUD-O

Use: Uptown Mixed Use

Parcel Identification Number: 125-125-06

<https://polaris3g.mecklenburgcountync.gov/#mat=421591&pid=12512506&qsid=12512506>

Appraised Value: \$334,525

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

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

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

Council District: 1

34. Property Transactions - Elevated Storage Tanks, Parcel # 1

Action: Approve the following Condemnation: Elevated Storage Tanks, Parcel # 1

Project: Elevated Storage Tanks, Parcel # 1

Program: Elevated Storage Tanks

Owner(s): PEG Charlotte Property, LLC

Property Address: 321 W Woodlawn Road

Total Parcel Area: 158,467 sq. ft. (3.638 ac.)

Property to be acquired by Easements: 28,310 sq. ft. (0.650 ac.) Water Line Easement

Structures/Improvements to be impacted: Light poles and wall

Landscaping to be impacted: Trees and various plantings

Zoned: B-2

Use: Business

Parcel Identification Number: 169-033-01

<https://polaris3g.mecklenburgcountync.gov/#mat=103692&pid=16903301&qsid=16903301>

Appraised Value: \$195,525

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

City's Response to Property Owner's Concerns: The city informed the property owner they could obtain their own appraisal in order to justify a counteroffer.

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

Council District: 3

REFERENCES

35. 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.

36. 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.

37. 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.

Adjournment