

City of Charlotte

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



Meeting Agenda

Tuesday, May 31, 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

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.

[2022-5-31 Council Agenda QA](#)

2. Action Review Agenda Overview**Staff Resource(s):**

Marcus Jones, City Manager

3. Action Review Items**Spectrum Center Update****Staff Resource(s):**

Tracy Dodson, City Manager's Office

Time: Presentation - 15 minutes; Discussion - 30 minutes

Explanation

- Provide an update on the Spectrum Center.

Property Revaluation Review**Staff Resource(s):**

Ryan Bergman, Strategy and Budget

Time: Presentation - 15 minutes; Discussion - 20 minutes

Explanation

- Mecklenburg County Tax Assessor Ken Joyner will provide an overview of the upcoming property revaluation.

[Spectrum Center Update](#)

[Property Revaluation Review](#)

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 16 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.

AWARDS AND RECOGNITIONS

6. Tourette Syndrome Awareness Day

Action:

Mayor Lyles will read a proclamation recognizing June 4, 2022, as Tourette Syndrome Awareness Day.

POLICY

7. City Manager's Report

8. Fiscal Year 2023 Operating Budget and Fiscal Years 2023-2027 Capital Investment Plan

Action:

Adopt the Fiscal Year (FY) 2023 Appropriations and Tax Levy Ordinance, the FY 2023 Compensation and Benefits Recommendations, and other items related to the Annual Budget Ordinance adoption:

- A. The FY 2023 Operating Appropriations and Tax Levy Ordinance,
- B. The FY 2023 - 2027 Capital Investment Plan,
- C. The FY 2023 General Solid Waste Fee,
- D. The FY 2023 Storm Water Services Fees,
- E. The FY 2023 Transit Operating Budget, FY 2022 Transit Debt Service Budget, and FY 2023 - 2027 Transit Capital Investment Plan which was approved by the Metropolitan Transit Commission on April 27, 2022,
- F. The FY 2023 Charlotte Water Rates,
- G. The FY 2023 Compensation and Benefits Plan and associated Human Resources contracts,
- H. Outside Agency and Municipal Service District contracts,
- I. American Rescue Plan Act Funding, and
- J. Other budget items.

Committee Chair:

Ed Driggs, Budget and Governance Committee

Staff Resource(s):

Marcus Jones, City Manager's Office

Ryan Bergman, Strategy and Budget

Teresa Smith, Finance

Policy

- As required by Chapter 159 of the North Carolina General Statutes, the City of Charlotte adopts annual appropriations and a tax levy ordinance and considers related actions by July 1 of each fiscal year.
- The annual budget is an instrument that establishes policy. The budget identifies and summarizes programs and services provided by the City and how they are funded. It is the annual plan that coordinates the use of revenues and associated expenditures.

Background

- The annual budget ordinance is presented in accordance with the City Manager's Proposed FY 2023 Budget presented on May 2, 2022, and subsequent City Council budget adjustments.
- The FY 2023 Budget is structurally balanced and focuses on five City Council Strategic Priorities: Great Neighborhoods; Safe Communities; Transportation, Planning, and Environment; Workforce and Business Development; and Well-Managed Government.
- The budget development process includes input from the community, City departments, and the Mayor and City Council. To facilitate input, the City held three Budget and Governance Committee meetings on February 3, March 1, and March 31; three Budget Workshops on February 3, March 3, and April 7; a Public Hearing on the Proposed Budget on May 9, 2022; a Budget Adjustments meeting on May 11, 2022; and a Straw Votes meeting on Budget Adjustments on May 25, 2022. Public budget engagement occurred through three virtual budget listening sessions occurring on February 3, February 16, and March 1, 2022, and a budget public input survey that was available from January 19 through March 28, 2022.
- The Mayor and City Council met on May 11 and May 25, 2022, to discuss budget adjustments for consideration to the Proposed FY 2023 Budget. Six budget adjustments were approved by City Council for inclusion in the FY 2023 Budget.
- FY 2023 General Fund and FY 2023 General Capital Investment Plan (CIP) highlights include:

- Includes no proposed tax increase, and no City staff will be furloughed or laid off.
- Maintains services, with no reduction in core services.
- Maintains operating reserve levels; no use of one-time revenues such as operating reserves.
- Delivers a \$10 million investment in Corridors of Opportunity to support housing and neighborhood stabilization and job and economic development initiatives.
- Operationalizes the SAFE Charlotte Plan:
 - Adds two new Alternatives to Violence sites with \$1 million in federal funds;
 - Launches Civilian Assistance: Respond, Engage, Support (CARES) Team for mental health, substance abuse, and homelessness calls for service; and
 - Updates internal operations at the Charlotte-Mecklenburg Police Department by providing \$118,000 for a new Early Intervention System.
- Provides \$48.8 million to construct three fire stations, one of which will be the City's first all-electric fire station.
- Supports the City's Strategic Energy Action Plan by adding 55 fully electric vehicles to the City's fleet.
- Supports \$30 million from the American Rescue Plan Act Tranche 2 for affordable housing initiatives that support strategic partnerships, reduce displacement risk, and advance staying in place.
- Provides \$157.3 million towards new capital roads and intersection infrastructure projects over the next four bonds. FY 2023 includes:
 - \$12.7 million to improve Eastway Drive/Shamrock Drive Intersection, and
 - \$7.3 million to improve Rea Road.
- Proposes the 2022 Bond, highlights include:
 - Provides third consecutive \$50 million allocation to create and preserve affordable housing,
 - More than triples the 2020 Bond funding for the Sidewalk Program, from \$15 million to \$50 million,
 - Doubles the 2020 Bond totals for the Bike Program, from \$4 million to \$8 million,
 - Provides \$17.1 million of funding for Vision Zero strategy:
 - \$12.6 million to enhance Transportation Safety, more than six times the previous bond funding of \$2 million in the 2018 and 2020 bonds,
 - \$4.5 million for street lighting to implement new street lighting projects along high-injury network streets or to enhance existing street lighting by converting existing lights to LED,
 - Invests \$10 million for the Corridors of Opportunity, and
 - Provides \$10 million for congestion mitigation improvements in the South Charlotte, Steele Creek, and University City areas.
- The FY 2023 - 2027 CIP matches the City's highest priority needs with a financing schedule. The General CIP focuses on investing in projects that generate the most community benefit and improve the overall quality of life in Charlotte. The Nongeneral CIPs respond to aging infrastructure and increasing service demands associated with the provision of water and sewer, storm water, transit, and aviation services.

Recommended Changes to the Proposed FY 2023 Budget from the May 25 City Council Budget Straw Votes Meeting

- During the May 25 Budget Straw Votes Meeting, City Council approved the following adjustments:
 - \$42,000 to increase the Planning Commission members' monthly stipend to \$375;
 - \$50,000 to enhance Housing and Neighborhood Services' Community Engagement Program, including expanding the Civic Leadership Academy;
 - \$75,000 to support home-based daycare reimbursement for participants in workforce development programs;
 - \$84,354 to provide funds for the Charlotte-Mecklenburg Historic Landmark Commission;
 - \$100,000 to increase TreesCharlotte funding to develop a broader, more intentional Canopy Care Program, improve community education efforts, and enhance growth; and

- \$78,902 for an additional Planner position in Planning, Design, and Development to enhance the Charlotte Future 2040 Comprehensive Plan and Community Area Planning resources.
- These adjustments are being funded by reducing the undesignated fund balance by \$201,467 and through the elimination of inflationary maintenance increases by \$228,789.

A. Adopt the FY 2023 Operating Appropriations and Tax Levy Ordinance

Budget Overview

- The total FY 2023 budget is \$3.24 billion net of transfers, with \$835.0 million for personnel expenditures, \$825.3 million for operating expenditures, \$1,369.1 million for capital expenditures (all funds), and \$215.5 for debt service expenditures. The General Fund operating budget totals \$784.8 million.
- The total budget includes the following key revenues:
 - A property tax rate of 34.81¢ per \$100 of assessed valuation, which is the same as in FY 2022. The FY 2023 assessed value is estimated at \$155.2 billion, with an estimated collection rate of 99 percent,
 - The FY 2023 Water and Sewer Fee is proposed to increase by 3.54 percent for the typical homeowner, which is an average increase of \$2.49 per month,
 - The four tier Storm Water rate methodology (adopted in FY 2016) is expected to increase by 3.8 percent from FY 2022 across all tiers. This methodology charges detached single-family parcels a flat rate for each tier based on the same per square foot rate (\$0.00375) applied to the median impervious area of each tier. All other parcels (multi-family and commercial) are charged the same rate (\$0.00375) per actual square foot, and
 - Charlotte Area Transit System (CATS) base transit fare remains flat from FY 2022 to FY 2023.

B. Adopt the FY 2023 - 2027 Capital Investment Plan

General CIP

- The General CIP is supported by a portion of the 34.81¢ property tax as follows:
 - 6.77¢ for the Municipal Debt Service Fund, and
 - 0.73¢ for the Pay-As-You-Go (PAYGO) Fund.
- The FY 2023 - 2027 five-year General CIP totals \$1.0 billion and includes General Obligation Bonds, other sources, Municipal Debt Service, reappropriation of prior authorization, and PAYGO funds.

Nongeneral CIPs

- Nongeneral programs are financially self-sustaining and do not rely on property tax support.
- The FY 2023 - 2027 five-year nongeneral CIPs include:
 - Aviation totals \$1.9 billion and is funded by \$1.0 billion in revenue bonds, \$143.4 million in Aviation PAYGO, \$357.8 million in federal grants, \$251.0 million in passenger facility charges and \$25.0 million in customer facility charges.
 - CATS totals \$144.1 million and is funded by \$100.0 million in federal and state grants and \$44.1 million in other sources.
 - Charlotte Water totals \$2.6 billion and is funded by \$1.1 billion in Charlotte Water PAYGO and \$1.5 billion in water and sewer revenue bonds.
 - Storm Water totals \$538.0 million and is funded by \$315.0 million in revenue bonds and \$223.0 million in Storm Water PAYGO and program income.

C. Amend the General Solid Waste Fee

- The annual Solid Waste Fee for residential customers changes from \$75.02 to 86.06 in FY 2023 to help support the increased cost of services.
- These changes become effective on July 1, 2022.
 - The revised fee will be included in the tax bills that will be mailed to property owners by September 2022 and are due by December 31, 2022.

D. Approve the FY 2023 Storm Water Services Fee

- In accordance with the Interlocal Agreement on Storm Water Services, this action will inform Mecklenburg County of the amount to be charged for the City's portion of the fee.
- The FY 2023 Storm Water Services Fee changes include:
 - Detached single family homes with less than 2,000 square feet (sf) of impervious area changes from \$6.04 per month to \$6.27 per month in FY 2023,
 - Detached single family homes with 2,000 to 2,999 sf of impervious area changes from \$8.91 per month to \$9.25 per month in FY 2023,
 - Detached single family homes with 3,000 to 4,999 sf of impervious area changes from \$13.17 per month to \$13.67 per month in FY 2023,
 - Detached single family homes with 5,000 sf or more of impervious area changes from \$21.78 per month to \$22.61 per month in FY 2023, and
 - Commercial and multi-family per acre of impervious area changes from \$157.23 per month to \$163.20 per month in FY 2023.

E. Adopt the FY 2023 Transit Operating Budget, FY 2023 Transit Debt Service Budget, and FY 2023 -2027 Transit Capital Investment Plan which was approved by the Metropolitan Transit Commission on April 27, 2022

Policy

The Transit Governance Interlocal Agreement calls for the Metropolitan Transit Commission (MTC) to annually approve a Transit Operating Program and a Transit Capital Program by April 30. Following the MTC's approval, the Transit Operating and Capital Programs are forwarded to City Council for approval. Upon approval, City Council shall fund the programs through its budget process and/or project ordinances.

Budget Overview

- The FY 2023 Transit Operating and Debt Service Budgets and the FY 2023 - 2027 Transit CIP have been developed in compliance with CATS Financial Policies, including an annual contribution to the Transit Revenue Reserve Fund, year-end fund balance, debt service coverage ratios, and the transfer of balances to the capital program.
- The FY 2023 Budget includes no proposed fare increases and no proposed new fees.
- The FY 2023 Budget for CATS represents three key ideas: responding to customer needs, maintaining a safe and reliable transit system, and planning for the future.

F. Adopt the FY 2023 Charlotte Water Rates

- Water and sewer fees are necessary to maintain current infrastructure, accommodate growth, and respond to changing regulatory requirements.
- FY 2023 rate changes include:
 - Typical resident water and sanitary sewer availability fees at \$10.04 per month, an increase of \$0.05 from Fiscal Year 2022,
 - Typical resident water and sanitary sewer fixed fees at \$10.60 per month, an increase of \$2.16 from Fiscal Year 2022,
 - The typical monthly total water and sanitary sewer bill for residential customers is estimated to be \$72.88 in Fiscal Year 2023, an increase of \$2.49 per month, and
 - The typical bill assumes 5,236 gallons, or seven Ccf, used each month. Based on the current rate structure, users consuming more than the typical level of consumption are charged a higher rate to encourage conservation and responsible use of this resource.

G. Adopt the FY 2023 Compensation and Benefits Plan and Associated Human Resources Contracts

The FY 2023 Pay and Benefits Report includes the following:

Compensation

- On May 2, 2022, the City Manager presented pay and benefits recommendations. This action authorizes the City Manager to implement all of the recommendations as presented in the FY 2023

Compensation and Benefits Recommendations including, but not limited to the following items:

- In the Public Safety Pay Plan:
 - Merit steps of 2.5 percent to five percent to be funded.
 - Revisions to Police steps effective July 2, 2022:
 - Eliminate Police Officer step one, and
 - Increase step two to an amount 2.5 percent less than current step three.
 - Revisions to Fire steps effective July 2, 2022:
 - Eliminate Firefighter I step one, and add a new step to the top of Firefighter I, and
 - Increase step two to an amount 2.5 percent less than the current step three.
 - Two market adjustments to the pay steps, each funded at 1.5 percent. The first adjustment will be effective July 2, 2022. The second adjustment will be effective January 7, 2023.
 - Revisions to Fire steps effective November 12, 2022:
 - Merge Firefighter II steps seven and eight from two 2.5 percent steps to one five percent step,
 - Merge Firefighter II steps nine and ten from two 2.5 percent steps to one five percent step,
 - Merge Firefighter Engineer steps four and five from two 2.5 percent steps to one five percent step, and
 - Merge Firefighter Engineer steps six and seven from 2.5 percent to one five percent step.
- In the Salaried Pay Plan:
 - Merit increase pool funded at 4.0 percent, and
 - Adjust the pay ranges up two percent effective July 2, 2022.
- In the Hourly Pay Plan:
 - Two across-the-board pay increases of four percent each. One effective July 2, 2022, and one January 7, 2023,
 - A new minimum pay rate of \$20.00 per hour as of January 7, 2023,
 - Adjust the market pay ranges up 4.0 percent effective July 2, 2022,
 - A four percent market adjustment to the Hourly Pay Plan ranges,
 - Effective July 2, 2022, a Commercial Driver's License premium of 2.5 percent for employees whose job classifications require this license.
- A shift differential incentive of 2.5 percent beginning in January 2023, for employees in job assignments with multiple shifts, who are permanently assigned to either second or third shifts.

Benefits

- No employee medical plan premium increase.
- No non-Medicare-eligible medical plan premium increase for retirees with 20 years of service.
- Maintain the approved 10-day vacation benefit for new hires, yet change the accrual method to a one-time advancement of five days and accrual of five for the first year of employment.
- Provide the City Manager the authority to make medical plan and wellness incentive design enhancements within the overall health insurance budget.
- Provide the City Manager the authority to approve rate increases and vendor changes as necessary to appropriately fund Medicare-eligible Retiree Health Plans upon receipt of renewal rates from the Administrator of the Medicare-eligible retiree coverage.
- Provide the City Manager the authority to renegotiate the current contracts, or if the contracts are rebid, to select vendors, execute the contracts and future contract amendments and determine plan design within the selected vendors for Employee Assistance Program, Prescription Drug Plan, Flexible Spending Accounts, Health Savings Account Administration, Health Advocacy, Short-Term Disability, Long-Term Disability, Family Medical Leave Administration, Life insurance, Stop Loss insurance, voluntary benefits, and wellness services.

H. Approve Outside Agency and Municipal Service District Contracts

This action authorizes the City Manager to negotiate and execute contracts related to outside agencies and municipal service districts. The outside agency and Municipal Service District contracts

are outlined below.

- 100 Percent Federal Grant Funded Financial Partners:
 - Carolinas Care Partnership: \$2,961,512
- PAYGO/Federal Share Funded Financial Partners:
 - DreamKey Partners (formerly Charlotte-Mecklenburg Housing Partnership, Inc.) - Affordable Housing: \$1,690,000
 - DreamKey Partners (formerly Charlotte-Mecklenburg Housing Partnership, Inc.) - House Charlotte: \$2,231,000
 - In FY 2023, \$2 million in funding is dedicated to home ownership assistance for City of Charlotte employees.

Charlotte Center City Partners (\$6,232,801)

- District 1: Center City
 - Tax Rate remained the same, 1.36¢
 - FY 2023 Contract: \$1,862,870
- District 2: Center City
 - Tax Rate remained the same, 2.27¢
 - FY 2023 Contract: \$1,345,174
- District 3: Center City
 - Tax Rate remained the same, 3.38¢
 - FY 2023 Contract: \$1,976,378
- District 4: South End
 - Tax Rate remained the same, 3.90¢
 - FY 2023 Contract: \$1,314,428

University City Partners

- District 5: University City
 - Tax Rate remained the same, 2.79¢
 - FY 2023 Contract: \$1,239,724

South Park Community Partners

- District 6: South Park
 - Tax Rate, 4.00¢
 - FY 2023 Contract: \$1,353,727
 - This amount is what was included in the Proposed FY 2023 Budget. The contract amount will be adjusted based on the final Mecklenburg County tax assessment.

Public Art

- The Arts & Science Council administers the Public Art Program, which is outlined in Chapter 15 Article IX of the Charlotte City Code.
- The FY 2023 CIP Public Art allocations include:
 - Aviation: \$2,422,928, and
 - Charlotte Water: \$2,119,153.

School Resource Officer Program for Charlotte-Mecklenburg Schools

- The Charlotte-Mecklenburg Police Department (CMPD), through the School Resource Officer (SRO) Program, has a security presence at Charlotte-Mecklenburg Schools (CMS) middle and high schools in their jurisdiction.
- The SROs provide police services to their respective school communities as their primary assignment.
- CMPD will provide approximately 50 Police Officers and one Sergeant to CMS for the 2022 - 2023 school year.
- This action authorizes the City Manager to negotiate and execute the FY 2023 contract with CMS

for continued funding for these SRO positions.

Charlotte Works

- Annual contract for implementing federally funded Workforce Innovation and Opportunity Act.
- This action authorizes the City Manager to negotiate and execute the FY 2023 contract with Charlotte Works for fiscal integrity and performance management.

I. American Rescue Plan Act Funding

- The American Rescue Plan Act of 2021 (ARPA) provided the City with \$141,618,325 through the State and Local Fiscal Recovery Fund.
- The City received the first tranche of this funding, \$70,809,162.50, in May 2021. Investments from this tranche of funding focus on housing and homelessness, workforce development and employment, community vitality, and City operations.
- This action authorizes the use of \$20,800,000 from the second tranche of ARPA funds for investments in employee retention (\$10,800,000), COVID-19-related healthcare costs (\$6,000,000), and IT Infrastructure (\$4,000,000). Any contracts or agreements related to these investments will remain subject to the City's existing procurement policies regarding City Council approval.

J. Approve Other Budget Items

- Various updates to the schedule of regulatory and non-regulatory user fees.
- The budget ordinance included is the City's annual budget operating ordinance. Sections 1 through 14 of this Ordinance reflect the items included in the FY 2023 Budget and all Council adjustments.
- The remainder of the Annual Ordinance (Sections 15 through 103) serves to make budgetary corrections to the current fiscal year for technical, accounting, and other adjustments necessary prior to the fiscal year's end.

Attachment(s)

Annual Budget Ordinance

Resolution by MTC

FY 2023 Compensation and Benefits Recommendations

[FY 2023 Annual Ordinance](#)

[MTC Resolution](#)

[FY 2023 Compensation and Benefits](#)

BUSINESS

9. Eastland Mall Redevelopment Property Transactions

Action:

- A. Adopt a resolution authorizing conveyance of options to purchase certain portions of real property (hereinafter "Private Development Parcels"), pursuant to a Master Development Agreement, to C4 Development, LLC. The Private Development Parcels are located along Central Avenue between North Sharon Amity Road and Wilora Lake Road and comprise of approximately 57.5 acres of the 77.96-acre site (parcel identification numbers 103-041-08 and 103-041-99), commonly known as Eastland Mall, and**
- B. Authorize the City Manager, or his designee, to negotiate and execute any and all documents necessary for the conveyance(s) pursuant to the Master Development Agreement.**

Staff Resource(s):

Tracy Dodson, City Manager's Office
Todd DeLong, Economic Development

Background

- The City purchased approximately 80.4 acres of the former Eastland Mall property in August 2012 as an opportunity to aid economic development and neighborhood revitalization in the area. The mall structure was demolished in 2013.
- The redevelopment principles created by the Eastland Area Strategies Team help guide the redevelopment of the site. Principles include:
 - Enhance the perceptions of the Eastland area and East Charlotte,
 - Unify local communities,
 - Create connectivity and walkability for surrounding neighborhoods,
 - Take advantage of natural features,
 - Create opportunity for civic development, and
 - Increase equitable economic development opportunities.
- In June 2017, the City Council Economic Development Committee (Committee) provided direction to seek a private development partner prior to engaging in additional site preparation work.
- In March 2018, four development teams interested in partnering with the City presented general development concepts to the Committee.
- In September 2018, the Committee voted unanimously (Council members Mitchell, Driggs, Harlow, Mayfield, and Newton) to direct staff to engage exclusively with the development team led by Crosland Southeast, LLC (Developer) to work through the terms of a pre-development agreement, which would outline the necessary site work to start a joint redevelopment effort between the City and the development team.
- Throughout 2019, the City partnered with the Developer to lead a robust and broad outreach effort for more inclusive community engagement.
- In June 2020, City Council approved rezoning the City's approximate 69 acres as well as an additional 7.96 acres under contract by the Developer located at 5745 Central Avenue in Council District 5.
- In September 2020, City Council accepted the assignment from C4 Investments, LLC (a Crosland Southeast affiliate) of the Purchase and Sale Agreement and approved the purchase of the property at 5745 Central Avenue.
- In October 2020, City staff presented City Council with the general terms of a public private partnership with the Developer by virtue of a Master Development Agreement.
- On November 9, 2020, City Council authorized the City Manager to negotiate and execute the necessary agreements for the reimbursement of costs for public infrastructure, public parking, and other public improvements.
 - These agreements include the following:
 - A Master Development Agreement with the Developer setting forth the general terms and conditions of the City and Developer's partnership regarding phased property

transactions, revenue sharing, and community benefits in the Eastland Mall redevelopment.

- Final transfer of properties requires an additional vote from City Council
- A contract for reimbursement of public infrastructure costs in an amount not to exceed \$17.25 million to be reimbursed from the City's Capital Investment Plan.
- A contract for reimbursement of public infrastructure, public parking, and other public improvements in an amount not to exceed \$11 million, which will be reimbursed through 45 percent of the incremental property taxes from a designated area over 20 years, or until fully reimbursed.

Explanation

- This action approves the transfer of properties as outlined in the October 2020 presentation to City Council and the Master Development Agreement.
- The Master Development Agreement contemplates the transfer of Private Development Parcels that have been identified by the City and the Developer to be ready for development in accordance with the following terms:
 - The City will convey to C4 Development, LLC (a Crosland Southeast affiliate) options to purchase certain portions of real property comprising approximately 57.5 acres of the 77.96-acre site.
 - C4 Development, LLC shall deliver to the City a written notice specifying the Private Development Parcels to be acquired in fee simple and the closing date for such conveyance.
 - The closing date must occur within 60 to 90 days from the date of the notice.
 - With each notice C4 Development, LLC shall deposit 10 percent of the purchase price of the applicable parcels subject to the conveyance as earnest money.
 - The City and C4 Development, LLC will enter into a Supplemental Private Improvements Agreement prior to the closing of any parcel.
 - The Supplemental Private Improvements Agreement will define the specific Private Development Parcel to be conveyed, the minimum square footage, an product type that shall be constructed on a parcel and the required completion date.
 - To keep the option to purchase from terminating, each of the following must be satisfied:
 - The closing on the initial acquisition must occur no later than December 31, 2023, and include a minimum of five acres.
 - Thereafter, within 24 months after the initial acquisition, and within 18 month after each subsequent acquisition, C4 Development, LLC must close on at least one additional acquisition comprised of at least two acres.
 - C4 Development, LLC must acquire all parcels no later than 60 months from the date of the initial acquisition.
 - The initial purchase price for parcels conveyed to C4 Development, LLC on or before August 31, 2025, shall equal \$3.19 per square foot of net land area within the parcel(s) conveyed.
 - The purchase price for all parcels conveyed after August 31, 2025, shall equal the greater of the initial purchase price or the then Fair Market Value determined by the parties or three licensed real estate appraisers as defined in the Master Development Agreement.
 - The purchase price for the parcels reserved for use as single-family residence: shall remain the same as the initial purchase price.
 - The City will have the right to reacquire conveyed parcels in the event of the failure to commence or complete the designated improvements on any parcel in accordance with the Master Development Agreement. This right shall be set forth in the applicable special warranty deed.
 - The Private Development Parcels shall be developed for various uses, which may include for-sale residential, commercial, market rate rental residential, and senior

housing rental residential; the senior housing rental component shall be comprised of a minimum of 70 senior affordable units with affordability targets between 30-80 percent of Area Median Income with specific unit sizes and numbers as designed and required by the North Carolina Housing Finance Agency.

- Before beginning construction on any parcel, C4 Development, LLC must submit construction plans to the City for its review in accordance with the Master Development Agreement.

Fiscal Note

Proceeds from the sale will be deposited in the General Capital Investment Plan.

Attachment(s)

Resolution

[Resolution Eastland](#)

10. General Obligation Bond Referendum

Action:

Adopt resolutions authorizing staff to proceed with the necessary actions to conduct a General Obligation Bond Referendum on November 8, 2022.

Staff Resource(s):

Teresa Smith, Finance
Matthew Hastedt, Finance

Explanation

- City Council is scheduled to adopt the Fiscal Year 2023 budget and Fiscal Years 2023-2027 Capital Investment Plan at the May 31, 2022 City Council Business Meeting. The plan includes a \$226,000,000 bond referendum on November 8, 2022.
- This proposed referendum includes \$146,200,000 of street bonds, \$29,800,000 of neighborhood improvement bonds, and \$50,000,000 of housing bonds.
- The statutory requirements for the legal process include applying to the Local Government Commission for approval, holding a public hearing on the proposed bond orders, setting of the special referendum, and certification of the results.
- The current action is the first of four City Council actions associated with the 2022 Bond Referendum. This first action will specifically authorize:
 - Publication of a notice of intent to apply to the Local Government Commission,
 - Application to the Local Government Commission, and
 - Certain statements of facts concerning the proposed bonds.

Next Steps

- On June 27, 2022, the bond orders will be introduced, and Council will be asked to set a public hearing on the bond orders for July 11, 2022.
- On July 11, Council will be asked to hold a public hearing on each of the bond orders, approve the bond orders and set a 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 after the Certificate of Canvass is signed by the Mecklenburg County Board of Elections.

Fiscal Note

Funding: Municipal Debt Service Fund and General Capital Projects Fund

Attachment(s)

Resolutions

[Resolution re Statement of Facts - City of Charlotte 2022 GO \(Transportation, Housing, Neighborhood](#)

[Resolution re Notice of Intent to Apply - City of Charlotte 2022 GO \(Transportation, Housing, Neighbo](#)

11. Municipal Agreement for Pedestrian Hybrid Beacon Signal Installation and Bus Shelter Relocation at Monroe Road and Ashmore Drive

Action:

- A. **Adopt a resolution authorizing the City Manager to execute a Municipal Agreement with the North Carolina Department of Transportation in the amount of \$110,000, and**

- B. **Adopt a budget ordinance appropriating \$110,000 from the North Carolina Department of Transportation for the installation of a pedestrian hybrid beacon signal and bus shelter relocation at Monroe Road and Ashmore Drive.**

Staff Resource(s):

Liz Babson, Transportation
Debbie Smith, Transportation
David Smith, Transportation

Explanation

- The Charlotte Department of Transportation (CDOT) has evaluated a pedestrian crossing request at Monroe Road and Ashmore Drive in Council District 5. The evaluation showed sufficient pedestrian crossing activity to warrant pedestrian improvements.
- The North Carolina Department of Transportation (NCDOT) maintains Monroe Road. NCDOT has approved the installation of the pedestrian hybrid beacon signal and relocation of a nearby bus shelter.
- Total project cost is estimated to be approximately \$265,000.
 - NCDOT will fund construction of the pedestrian hybrid beacon and relocation of the bus shelter in the amount of \$110,000, and
 - CDOT will fund the planning and design, right-of-way acquisition, and construction administration in the amount of approximately \$155,000.
- This format is consistent with past Municipal Agreements between the City and NCDOT.

Fiscal Note

Funding: General Capital Investment Plan

Attachment(s)

Map
Resolution
Budget Ordinance

[Pedestrian Safety Improvements Map](#)

[Resolution for Monroe and Ashmore](#)

[File 15-17949 Monroe Road and Ashmore Drive Budget Ordinance](#)

12. CityLYNX Gold Line Phase 3 Design Services

Action:

- A. Authorize the City Manager to negotiate and execute a contract in the amount of \$4,299,990.14 with AECOM Technical Services of North Carolina, Inc for planning, environmental, and preliminary design services, and**
- B. Adopt a budget ordinance transferring \$4,299,990.14 from the CityLYNX Gold Line Phase 3 Reserve in the General Capital Projects Fund and appropriating \$4,299,990.14 to the CityLYNX Gold Line Design project.**

Staff Resource(s):

John Lewis, Jr., CATS
Kelly Goforth, CATS
David McDonald, CATS

Explanation

- The CityLYNX Gold Line is a 10-mile streetcar that is planned to operate from the Eastland Transit Center on Central Avenue through Uptown Charlotte to the Rosa Parks Transit Center on Beatties Ford Road.
- Phases 1 and 2 of the CityLYNX Gold Line are complete, and service is operating from French Street on Beatties Ford Road to Summit Avenue on Hawthorne Lane (four miles).
- This contract will include design services for Phase 3 of the Gold Line, from French Street to Rosa Parks Center along Beatties Ford Road and from Hawthorne Lane to Eastland Transit Center along Central Avenue in Council Districts 1, 2, and 5.
- The initial design services will update the environmental document; apply lessons learned from the prior projects; and seek updated public input on the project's design, alignment, and vehicle maintenance facility location.
- The work will include assessment of travel time and operational reliability and efficiency and potential expansion of off-wire operations to reduce construction impacts and project delivery time.
- On March 23, 2021, the City issued a Request for Qualifications (RFQ); three responses were received.
- AECOM Technical Services of North Carolina, Inc is the best qualified firm to meet the City's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- Future requests for City Council approval of contract amendments to complete the design of the Gold Line Phase 3 are anticipated.

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 identified MBEs and has committed 4.19% (\$180,107) and has identified SBEs and committed 9.06% (\$389,647) of the total contract amount to the following certified firm(s):

- Zaja PR (MBE) (\$38,362) (Public Involvement)
- Neighboring Concepts (MBE) (\$141,745) (Public Outreach, Developing Project Renderings, GIS Mapping, Conceptual Design of Vehicle Maintenance Facility)
- CES Group Engineers (SBE) (\$306,755) (Surveying and Mapping, Plats)
- Utility Coordination Consultants (SBE) (\$82,892) (Utility Coordination)

Fiscal Note

Funding: CATS Capital Investment Plan with funding from CityLYNX Gold Line Reserves

Attachment(s)

Map
Budget Ordinance

[Gold Line 3 Map](#)

[Gold Line Budget Ordinance](#)

13. Nominations to the Arts and Science Council Advisory Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a District Seven South and East Advisory Council Representative for a partial term beginning upon appointment and ending June 30, 2022, and a two-year term beginning July 1, 2022, and ending June 30, 2024. (Nomination by Council member Edmund Driggs)
 - George Kaperonis has resigned.

Attachment(s)

Arts and Science Council Advisory Committee Applications

14. Appointments to the Charlotte Mecklenburg Public Access Corporation

Action:

Appoint residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a three-year term beginning July 1, 2022, and ending June 30, 2025.
 - Jennifer Bratyanski, nominated by Council members Ajmera, Bokhari, and Graham.
 - Brian Yesowitch, nominated by Council members Bokhari, Egleston, Eiselt, Newton, and Phipps.

Attachment(s)

Charlotte Mecklenburg Public Access Corporation Applications

15. Appointments to the Privatization / Competition Advisory Committee

Action:

Appoint residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a two-year term beginning March 2, 2022, and ending March 1, 2024.
 - James Marascio has served two terms and is ineligible for reappointment. However, the board would like the member to serve for an additional year at the end of his term. See memo for details.
 - James Marascio was nominated by Council members Ajmera, Bokhari, Driggs, Egleston, Eiselt, Graham, Johnson, Newton, Phipps, Watlington, and Winston at the May 9, 2022 City Council meeting. Upon a motion, second and vote, James Marascio could be given a one-year extension to his second term.

Attachment(s)

Privatization / Competition Advisory Committee Applications

CONSENT

16. Deicing Salt for Roadways

Action:

- A. Approve a unit price contract with Cargill, Inc., DBA Deicing Technology Business for the purchase of deicing salt for an initial term of one year, and**
- B. Authorize the City Manager to renew the contract for up to four, 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
Debbie Smith, Transportation
Charles Jones, Transportation

Explanation

- Deicing salt is used by the Charlotte Department of Transportation for the purpose of pretreating and treating roadways during snow and ice conditions.
- On February 22, 2022, the City issued an Invitation to Bid; two bids were received.
- Cargill, Inc., DBA Deicing Technology Business was selected as the lowest responsive, responsible bidder.
- Bidding for this solicitation was conducted using a reverse auction handled by a third-party vendor Peralta Garcia Government Innovations.
 - A reverse auction is a type of auction in which the roles of buyer and seller are reversed, and sellers compete to obtain business from the buyer by decreasing their unit bids over the duration of the auction.
- Annual expenditures are estimated to be \$500,000.

Charlotte Business INclusion

Per Charlotte INclusion Policy: Part B: Section 2.3(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: Powell Bill Fund

17. LED Traffic Signal Bulbs

Action:

- A. **Approve a unit price contract with Utilicom Supply Associates, LLC for the purchase of LED traffic signal bulbs for an initial term of one year, and**

- B. **Authorize the City Manager to renew the contract for up to four, 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
Debbie Smith, Transportation
David Smith, Transportation

Explanation

- The Charlotte Department of Transportation (CDOT) operates and maintains approximately 900 traffic signals across the City, which use light-emitting diode (LED) bulbs.
- LED bulbs use approximately 40 percent less energy than incandescent bulbs, which equates to approximately \$50,000 in cost avoidance per year.
- On March 22, 2022, the City issued an Invitation to Bid; four bids were received.
- Utilicom Supply Associates, LLC was selected as the lowest responsive, responsible bidder.
- Annual expenditures are estimated to be \$250,000.

Charlotte Business INClusion

Per Charlotte Business INClusion Policy: Part B: Section 2.3, the City shall not establish subcontracting goals for contracts where: (a) there are not subcontracting opportunities identified for the contract; or (b) there are no certified SBEs, MBEs, or WBEs (as applicable) 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: Transportation Operating Budget

18. On-Street Parking and Curb Lane Management Services

Action:

- A. Authorize the City Manager to negotiate and execute a contract with SP Plus Corporation for on-street parking and curb lane management 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
Michelle Littlejohn, Transportation
Allison Naftel, Transportation

Explanation

- The City's Park It program was launched in 1997.
- The program includes responsibility for overseeing and enforcing approximately 4,000 parking spaces of which 1,159 are metered, including:
 - Parking enforcement;
 - Citation processing;
 - Appeals process;
 - Collections;
 - Meter maintenance; and
 - Residential parking permits.
- The City is modernizing its on-street parking and curb lane management system and is developing a strategic action plan to guide this progression.
- SP Plus Corporation will be compensated for services performed through a management fee and expenses to enhance the customer experience and to make the City's parking system a first-class model parking operation.
- On September 7, 2021, the City issued a Request for Proposals; five responses were received.
- SP Plus Corporation was selected as the company that best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$875,000.

Charlotte Business INClusion

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

19. Geotechnical, Construction Materials Testing, and Special Inspection Services

Action:

- A. Approve unit price contracts with the following firms for geotechnical, construction materials testing, and special inspection services for a five-year term:
- ESP Associates, Inc.,
 - Kleinfelder, Inc.,
 - S&ME, Inc.,
 - Terracon Consultants, Inc.,
 - SEPI Engineering and Construction, Inc., 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

Tonia Wimberly, General Services

Explanation

- These contracts include geotechnical, construction materials testing, and special inspection services for state and federally funded projects including those funded by the Federal Highway Administration.
- Work may include, but not be limited to, testing of culverts, bridges, sidewalks, roadways, asphalt, and structural steel.
- On July 14, 2021, the City issued a Request for Qualifications (RFQ); ten responses were received.
- The firms selected are the best qualified to meet the City's needs based on demonstrated competence and qualification of professional services in response to the RFQ requirements.
- Annual aggregate expenditures are estimated to be \$3,200,000.

Charlotte Business INCLUSION

This is a state-funded contract and is exempt (Part A: Appendix 1.27 of the Charlotte Business INCLUSION policy).

Fiscal Note

Funding: General Capital Investment Plan

20. Project Engineering Services for Minor Storm Drainage

Action:

- A. Approve a unit price contract with EDT, PLLC for project engineering services for minor storm drainage for an initial term of two years, and**
- B. 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):

Angela Charles, Charlotte Water
Mike Davis, Storm Water Services
Matt Gustis, Storm Water Services

Explanation

- Storm Water Services is using consultant engineers to provide design services for minor storm drainage improvement projects throughout the City. This increases the capacity for Storm Water Services to complete minor projects.
- On February 3, 2022, the City issued a Request for Qualifications (RFQ); one proposal was received.
- The firm selected is the best qualified to meet the City's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- Annual expenditures are estimated to be \$500,000.

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: Storm Water Capital Investment Plan

21. Large Utility Truck Bodies

Action:

- A. Approve a unit price contract with Adkins Truck Equipment Co. for the purchase of large utility truck bodies for an initial term of three years, and**
- B. Authorize the City Manager to renew the contract for up to three, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

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

Explanation

- This contract will provide heavy duty utility truck bodies for field maintenance crew vehicles.
- Utility bodies will be installed onto a cab chassis component which will be purchased separately from vendors already under approved contracts.
- On March 16, 2022, the City issued an Invitation to Bid; one bid was received.
- Adkins Truck Equipment Co. was selected as the lowest responsive, responsible bidder.
- Annual expenditures are estimated to be \$532,000.

Charlotte Business INClusion

Per Charlotte Business INClusion Policy: Part B: Section 2.3, the City shall not establish subcontracting goals for contracts where: (a) there are not subcontracting opportunities identified for the contract; or (b) there are no certified SBEs, MBEs, or WBEs (as applicable) 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: Charlotte Water Capital Equipment Fund

22. Sanitary Sewer Inspection Equipment

Action:

- A. **Approve the purchase of sanitary sewer inspection equipment by the sole source exemption,**
- B. **Approve unit price contracts with Griffin Sales, Inc. dba Rodders and Jets Supply Company and Jet-Vac Equipment Company, LLC for the purchase and repair of sanitary sewer inspection equipment for a term of five years, and**
- C. **Authorize the City Manager 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
Scott Clark, Charlotte Water

Sole Source Exemption

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

Explanation

- These contracts will provide sanitary sewer cameras, cleaning nozzles, accessories, parts, and repair services for equipment used for inspection and condition assessment of sanitary sewer lines.
- Compatible equipment is only available from Griffin Sales, Inc. dba Rodders and Jets Supply Company and Jet-Vac Equipment Company, LLC.
- Annual expenditures are estimated to be \$500,000.

Charlotte Business INclusion

These are sole source contracts and are exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Charlotte Water Operating Budget

23. Stowe Regional Water Resource Recovery Facility Construction Phase 1

Action:

Approve a guaranteed maximum price of \$34,888,414 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 developed a guaranteed maximum price (GMP) for preliminary sitework, final clarifiers, and instrumentation and controls that will be used during the construction 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, City Council approved a GMP of \$15,869,000 for the purchase of specialized equipment necessary for the SRWRRF.
- City Council will receive future requests for the approval of additional construction. 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 (Part G: Section 2.4 of the Charlotte Business INclusion Policy). Crowder/Garney JV has committed \$3,339,038 or approximately 9.57% with the following certified firms:

- CITI, LLC (MBE) (\$2,300,000) (instrumentation and controls)
- All Points Trucking, Inc. (WBE, SBE) (\$400,000) (aggregate hauling and on-site trucking)
- Harrisburg Security, Inc. (SBE) (\$182,688) (site security)
- Diva Dumps, LLC (MBE, SBE) (121,350) (portable toilets, handwash stations, and dumpsters)
- Buffkin Trucking, LLC (MBE, SBE) (\$100,000) (aggregate hauling and on-site trucking)
- Diamond Trucking of NC, Inc. (MBE, SBE) (\$100,000) (aggregate hauling and on-site trucking)
- Froehling & Robertson, Inc. (MBE) (\$35,000) (construction design services)
- Southeastern Consulting Engineers, Inc. (SBE) (\$35,000) (construction electrical design)
- Stewart Engineering, Inc. (MBE) (\$25,000) (landscape, greenway design)
- PicTec, Inc. (WBE, SBE) (\$30,000) (scheduling consultant)
- James Brian Long DBA JB Long Photography (SBE) (\$10,000) (aerial photography)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s):

Map

[Map-Stowe Regional Water Resource Recovery Facility Construction Phase 1](#)

24. Water and Sanitary Sewer Service Installations

Action:

- A. **Approve a unit price contract to the lowest responsive bidder State Utility Contractors, Inc. for small diameter water and sanitary sewer service installations contract #1 for an initial term of one year, 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

Keri Cantrell, Charlotte Water

Explanation

- This contract is for small diameter water and sanitary sewer service installations and service dismantlement.
- On March 11, 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 April 13, 2022, the ITB was re-issued; two bids were received.
- State Utility Contractors, Inc. was selected as the lowest responsive, responsible bidder.
- Annual expenditures are estimated to be \$4,986,982.

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

25. Water, Wastewater, and Lift Station Treatment Chemicals

Action:

- A. **Approve unit price contracts for the purchase of water, wastewater, and lift station treatment chemicals for an initial term of one year to the following:**
 - EWT Holdings III Corporation dba Evoqua Water Technologies LLC, and
 - JCI Jones Chemicals, Inc.,
- B. **Authorize the City Manager to renew the contracts for up to four, one-year terms with possible price adjustments throughout the contract term and to amend the contracts consistent with the purpose for which the contracts were approved,**
- C. **Approve the purchase of magnesium hydroxide by the sole source exemption, and**
- D. **Approve a unit price contract with Premier Magnesia, LLC for the purchase of magnesium hydroxide for the term of one year.**

Staff Resource(s):

Angela Charles, Charlotte Water

Ron Hargrove, Charlotte Water

Sole Source Exemption

- N.C. General Statutes 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 there is only one supply source.
- City Council approval is required for any purchases made under the sole source exception.

Explanation

- Charlotte Water uses a variety of chemicals in the water and wastewater treatment process, and each chemical plays an essential role to ensure the treated water is safe for customers and the environment and to eliminate odor and corrosion in the wastewater collection system.

Actions A and B

- On March 28, 2022, the City issued an Invitation to Bid (ITB) for chlorine gas; two bids were received.
- On March 28, 2022, the City issued an ITB for calcium nitrate and ferrous chloride; one bid was received.
- The companies selected were the lowest responsive, responsible bidders.
- Annual expenditures are estimated to be \$2,300,000.

Action C and D

- Premier Magnesia, LLC is the only source of supply for the required magnesium hydroxide.
- Annual expenditures are estimated to be \$3,200,000.

Charlotte Business INclusion

Action A and B

Per Charlotte INclusion Policy: Part B: Section 2.3(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.

Action C and D

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

Fiscal Note

Funding: Charlotte Water Operating Budget

26. Airport Lease and Site Development for Carolinas Aviation Museum

Action:

- A. **Approve a 49-year ground lease with the Carolinas Aviation Museum (CAM) for 4.77 acres on which the CAM will develop a new museum facility, and**
- B. **Approve a contract in the amount of \$4,228,208 to the lowest responsive bidder Messer Construction Co. for site development at the CAM construction site.**

Staff Resource(s):

Haley Gentry, Aviation
Jack Christine, Aviation
Ted Kaplan, Aviation

Background

- The Carolinas Aviation Museum (CAM) has operated at Charlotte Douglas International Airport for more than 30 years.
- The CAM was formerly housed in an unused corporate hangar that was recently returned to active use due to increased demand of corporate aviation tenants and in compliance with Federal Aviation Administration policy.
- On May 28, 2021, Aviation and the CAM entered into a Letter of Intent (LOI) outlining a proposal for the redevelopment of the CAM's facilities on unused property at the airport.
- As detailed in the LOI, the CAM would enter into a new lease with the City and design and construct a new facility at the museum's expense.
- The City will pay for this work with the Cannon Fund, a bequest given to the airport to be used for aviation education and training.
- This activity is occurring on airport property, located in Council District 3.

Explanation

Action A

- The site includes a newly developed build site adjacent to the existing Southern Airways Historic Hangar and existing aircraft ramp.
- As permitted by federal and state law, the CAM will pay the City a nominal lease rate.
- The CAM shall pay an annual ground rental and a reimbursement fee for costs previously incurred by the City to move the CAM from its former facility.

Action B

- This project consists of site preparation for future development of the CAM. Work includes the demolition of existing facilities, earthwork, grading, utility installation, associated asphalt, concrete masonry work, landscaping, and other miscellaneous work.
- On February 24, 2022, the City issued an Invitation to Bid; one bid was received.
 - In accordance to North Carolina General Statute Section 143-132, if three bids are not received from reputable and qualified contractors, the project must be re-advertised. During the re-advertisement, the contract may be awarded to the lowest responsible bidder even if only one bid is received from an interested service provider.
- On March 24, 2022, the project was re-bid; one bid was received.
- Messer Construction Co. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by first quarter of fiscal year 2024.

Charlotte Business INclusion

Action B

Established SBE Goal: 15.00%
Committed SBE Goal (at time of Bid): 3.08%

SBE Participation to Date: 3.13%

Established MBE Goal: 10.00%

Committed MBE Goal (at time of Bid): 8.64%

MBE Participation to Date: 8.69%

Messer Construction Co. failed to meet the established subcontracting goal but earned the minimum Good Faith Efforts Points (Part B: Section 5 of the Charlotte Business INCLUSION Policy). Messer Construction has committed 11.82% (\$454,362) of the base bid amount to the following certified firm(s):

- All Things Professional Cleaning Inc (MBE) (\$6,000) (Dumpsters)
- Griffin Surveying Services, PA (SBE) (\$15,250) (Survey)
- Ground Effects Inc (SBE) (\$9,000) (Striping)
- Martin Landscaping (MBE) (\$50,000) (Erosion Control)
- Richa Graphics (SBE) (\$1,000) (Printing)
- RRC Concrete Inc (MBE) (\$163,200) (Concrete)
- Skyline Design & Landscape LLC (SBE) (\$86,592) (Landscaping)
- Sun King Trucking LLC (MBE) (\$76,220) (Hauling)
- Sweetwater Utility Exploration LLC (SBE) (\$8,550) (Utility locating)
- Taylor Interiors LLC (MBE) (\$13,650) (Joint Sealants)
- Trifecta Services Company (MBE) (\$23,900) (Demolition)
- United Painting Services Inc. (MBE) (\$1,000) (Painting)

Fiscal Note

Funding: Aviation Capital Investment Plan

27. Bond Issuance Approval for North Tryon Homes

Action:

Adopt a resolution granting INLIVIAN's request to issue multi-family housing revenue bonds, in an amount not to exceed \$2,500,000, to finance the development of an affordable housing development known as North Tryon Homes.

Staff Resource(s):

Shawn Heath, City Manager's Office

Rebecca Hefner, Housing and Neighborhood Services

Explanation

- This action will not obligate the City financially or impact the Capital Investment Plan and is requested to satisfy Section 147(f) of the Internal Revenue Service Code of 1986, which requires the issuance of housing bonds be approved by the local governmental unit with jurisdiction over the area where the development is located.
- INLIVIAN is requesting that City Council adopt a resolution authorizing the issuance of new multi-family housing revenue bonds for North Tryon Homes, a 180-unit new construction affordable housing development, to be developed, owned, and operated by North Tryon Homes, LLC, a North Carolina limited liability company.
- The development is currently under construction, is located at 5301 North Tryon Street in Council District 4, and will serve households earning up to 80 percent of the Area Median Income (AMI) with income averaging of 60 percent of AMI for the entire development.
- This action further supports City Council's July 22, 2019, approval of a \$2,000,000 Housing Trust Fund allocation for the development. Additionally, on July 27, 2020, City Council approved INLIVIAN's request to issue initial multi-family housing revenue bonds in the amount of \$22 million.
- The new INLIVIAN bonds, which are not to exceed \$2,500,000, are being requested for additional expenses experienced by the developer as a result of increasing construction costs and will be used to finance completion of the development.

Background

- The developer applied for four percent low-income housing tax credits and the initial and new housing bond allocation capacity from the North Carolina Housing Finance Agency to finance the land acquisition and construction of the development.
- The North Carolina Housing Finance Agency approved the applications pursuant to its Qualified Allocation Plan and awarded the requested four percent tax credits and initial \$22 million bond allocation and has approved the new additional bond allocation capacity totaling \$2,500,000 for the development. Tax credit and bond allocations are subject to federal income limits and set-aside rules and include deed restrictions.
- INLIVIAN, as a public housing authority, is duly authorized to issue housing bonds to finance developments that serve persons of low and moderate income, including developments in which it does not have a direct interest.

Attachment(s)

City of Charlotte Resolution

[N.Tryon City Resolution and Summary of PH 5.31.2022](#)

28. Set a Public Hearing on Bailey Run Area Voluntary Annexation

Action:

Adopt a resolution setting a public hearing for June 27, 2022, for the Bailey Run Area voluntary annexation petition.

Staff Resource(s):

Alyson Craig, Planning, Design, and Development

Holly Cramer, Planning, Design, and Development

Explanation

- The City has received a petition for voluntary annexation of private property.
- Public hearings are required prior to City Council action on annexation requests.
- This property is located within Charlotte's extraterritorial jurisdiction.
- The area proposed for annexation does not share a boundary with current City limits.
- Annexation of this area will allow for more orderly development review, extension of City services, capital investments, and future annexation processes.
- The 41.322-acre "Bailey Run" site is located along the northeast side of Rocky River Road, west of Back Creek Church Road in Mecklenburg County.
 - Most of the site is currently vacant with some large lot residential uses.
 - The petitioner has plans to develop 200 townhome units on the site.
 - The property is zoned R-8MF(CD) which allows for multi-family and single family residential uses up to eight dwelling units per acre.
 - The property is located adjacent to City Council District 4.
 - The petitioned area consists of three parcels; parcel identification numbers: 105-051-13, 105-051-09, and 105-052-02.

Consistency 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

Resolution

[Bailey Run Area Annexation Map](#)

[Resolution for Bailey Run Area Annexation](#)

29. Set a Public Hearing on The Retreat at Cameron Commons Area Voluntary Annexation

Action:

Adopt a resolution setting a public hearing for June 27, 2022, for The Retreat at Cameron Commons Area voluntary annexation petition.

Staff Resource(s):

Alyson Craig, Planning, Design, and Development
Holly Cramer, Planning, Design, and Development

Explanation

- The City has received a petition for voluntary annexation of private property.
- Public hearings are required prior to City Council action on annexation requests.
- This property is located within Charlotte's extraterritorial jurisdiction.
- The area proposed for annexation shares boundaries with current City limits.
- Annexation of this area will allow for more orderly development review, extension of City services, capital investments, and future annexation processes.
- The 94.334-acre "Retreat at Cameron Commons" site is located along the Cabarrus County Line, north of University City Boulevard in Mecklenburg County.
 - The site is currently vacant.
 - The petitioner has plans to develop 155 single family homes on the site.
 - The property is zoned R-4, which allows for single family residential uses up to four dwelling units per acre.
 - The property is located immediately adjacent to City Council District 4.
 - 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.

Consistency 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
Resolution

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

[Resolution for The Retreat at Cameron Commons Area Annexation](#)

PROPERTY TRANSACTIONS

30. Charlotte Water Property Transactions - Irwin Basin Tributary to Remount Road Sewer Replacement, Parcels #7, 8, and 10

Action: Approve the following Condemnation: Irwin Basin Tributary to Remount Road Sewer Replacement, Parcels #7, 8, and 10

Project: Irwin Basin Tributary to Remount Road Sewer Replacement, Parcels #7, 8, and 10

Owner(s): Brookhill Land, LLC

Property Address: 2548 Remus Road, 494 Remount Road, 596 Brookhill Road

Total Parcel Area: 1,704,929 sq. ft. (39.14 ac.)

Property to be acquired by Easements: 6,953 sq. ft. (0.16 ac.) in Sanitary Sewer Easement, plus 2,376 sq. ft. (0.06 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-22MF

Use: Multi-Family

Tax Code: 119-053-01;119-054-06; 119-061-02

<https://polaris3g.mecklenburgcountync.gov/#mat=613455&pid=11905301&qisid=11905301>

<https://polaris3g.mecklenburgcountync.gov/#mat=399442&pid=11905406&qisid=11905406>

<https://polaris3g.mecklenburgcountync.gov/#mat=603952&pid=11906102&qisid=11906102>

Appraised Value: \$40,500

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

City's Response to Property Owner's Concerns: The City made a counteroffer and responded by discussing proposed easement language revisions.

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

31. Charlotte Water Property Transactions - Irwin Basin Tributary to Remount Road Sewer Replacement, Parcel #12

Action: Approve the following Condemnation: Irwin Basin Tributary to Remount Road Sewer Replacement, Parcel #12

Project: Irwin Basin Tributary to Remount Road Sewer Replacement, Parcel #12

Owner(s): Spangler Properties, LLC

Property Address: 2435 Toomey Avenue

Total Parcel Area: 146,090 sq. ft. (3.35 ac.)

Property to be acquired by Easements: 6,202 sq. ft. (0.14 ac.) in Sanitary Sewer Easement, plus 4,662 sq. ft. (0.11 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: O-2

Use: Office

Tax Code: 119-052-01

<https://polaris3g.mecklenburgcountync.gov/#mat=84203&pid=11905201&gisid=11905201>

Appraised Value: \$226,100

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

City's Response to Property Owner's Concerns: The City made a counteroffer and responded by discussing proposed easement language revisions.

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

32. Property Transactions - Dixie River Road WM Extension, Parcel #10

Action: Approve the following Acquisition: Dixie River Road WM Extension, Parcel #10

Project: Dixie River Road WM Extension, Parcel #10

Program: Dixie River Road WM Extension

Owner(s): Andrea Gilliam

Property Address: 6834 Dixie River Road

Total Parcel Area: 15,427 sq. ft. (0.35 ac.)

Property to be acquired by Easements: 3,382 sq. ft. (0.078 ac.) Utility Easement, 3,610 sq. ft. (0.083 ac.) Waterline Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-5

Use: Single-family Residential

Tax Code: 141-161-29

<https://polaris3g.mecklenburgcountync.gov/#mat=177829&pid=14116129&gisid=14116129>

Purchase Price: \$18,500

Council District: Adjacent to Council District 3

33. Property Transactions - Monroe Road Streetscape, Parcel #23

Action: Approve the following Condemnation: Monroe Road Streetscape, Parcel #23

Project: Monroe Road Streetscape, Parcel #23

Program: Monroe Road Streetscape

Owner(s): Ultimate USA Real Estate Inc.

Property Address: 4335 Monroe Road

Total Parcel Area: 35,759 sq. ft. (0.82 ac.)

Property to be acquired by Easements: 1,285 sq. ft. (0.029 ac.) Sidewalk Utility Easement, 2,764 sq. ft. (0.063 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Parking spaces

Landscaping to be impacted: Trees

Zoned: B-1

Use: Business District

Tax Code: 159-061-16

<https://polaris3g.mecklenburgcountync.gov/#mat=129273&pid=15906116&qisid=15906116>

Appraised Value: \$37,450

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

City's Response to Property Owner's Concerns: The City was able to redesign to accommodate some of the property owner's design requests.

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

Council District: 5

34. Property Transactions - West Blvd Ext- Garrison Road, Parcel #17

Action: Approve the following Condemnation: West Blvd Ext- Garrison Road, Parcel #17

Project: West Blvd Ext- Garrison Road, Parcel #17

Program: West Blvd Ext- Garrison Road

Owner(s): Dong J. Kim and Young S. Kim

Property Address: 10000 Garrison Road

Total Parcel Area: 43,041 sq. ft. (0.98 ac.)

Property to be acquired by Fee: 5,125 sq. ft. (0.12 ac.) Fee Simple

Property to be acquired by Easements: 485 sq. ft. (0.011 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: MUDD-O

Use: Mixed Use Development - Optional

Tax Code: 141-143-10

<https://polaris3g.mecklenburgcountync.gov/#mat=375&pid=14114310&qsid=14114310>

Appraised Value: \$550

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: Adjacent to Council District 3

35. Property Transactions - West Blvd Ext- Garrison Road, Parcel #21 and 22

Action: Approve the following Condemnation: West Blvd Ext- Garrison Road, Parcel #21 and 22

Project: West Blvd Ext- Garrison Road, Parcel #21 and 22

Program: West Blvd Ext- Garrison Road

Owner(s): Joseph Emmanuel Horton and Mark Steven Horton

Property Address: 10029 and 10021 Garrison Road

Total Parcel Area: 33,739 sq. ft. (0.77 ac.)

Property to be acquired by Fee: 4,473 sq. ft. (0.10 ac.) Fee Simple

Property to be acquired by Easements: 771 sq. ft. (0.017 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-3

Use: Single-family Residential

Tax Code: 141-181-13 and 141-181-24

<https://polaris3g.mecklenburgcountync.gov/#pid=14118113&qsid=14118113>

<https://polaris3g.mecklenburgcountync.gov/#pid=14118124&qsid=14118124>

Appraised Value: \$900

Property Owner's Concerns: None

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

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

Council District: Adjacent to Council District 3

36. Property Transactions - West Blvd Ext- Garrison Road, Parcel #23 and 24

Action: Approve the following Condemnation: West Blvd Ext- Garrison Road, Parcel #23 and 24

Project: West Blvd Ext- Garrison Road, Parcel #23 and 24

Program: West Blvd Ext- Garrison Road

Owner(s): Young Kook Kim and Su Jung Park

Property Address: 10017 and 10009 Garrison Road

Total Parcel Area: 43,439 sq. ft. (0.99 ac.)

Property to be acquired by Fee: 5,996 sq. ft. (0.137 ac.) Fee Simple

Property to be acquired by Easements: 2,385 sq. ft. (0.017 ac.) Temporary Construction Easement, 352 sq. ft. (0.008 ac.) Storm Drainage Easement, 63 sq. ft. (0.001 ac.) Utility Easement

Structures/Improvements to be impacted: Parking spaces

Landscaping to be impacted: Trees

Zoned: R-3

Use: Single-family Residential

Tax Code: 141-181-17 and 141-181-11

<https://polaris3g.mecklenburgcountync.gov/#mat=5613&pid=14118117&qsid=14118117>

<https://polaris3g.mecklenburgcountync.gov/#mat=643&pid=14118111&qsid=14118111>

Appraised Value: \$4,225

Property Owner's Concerns: The property owner is concerned about the potential impacts to the property and the amount of compensation.

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

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

Council District: Adjacent to Council District 3

37. Property Transactions - West Blvd Ext- Garrison Road, Parcel #28

Action: Approve the following Acquisition: West Blvd Ext- Garrison Road, Parcel #28

Project: West Blvd Ext- Garrison Road, Parcel #28

Program: West Blvd Ext- Garrison Road

Owner(s): BMO Properties Group LLC

Property Address: 9900 Garrison Road

Total Parcel Area: 13,497 sq. ft. (0.310 ac.)

Property to be acquired by Fee: 4,117 sq. ft. (0.09 ac.) Fee Simple

Property to be acquired by Easements: 1,984 sq. ft. (0.046 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-3

Use: Single-family Residential

Tax Code: 141-181-07

<https://polaris3g.mecklenburgcountync.gov/#pid=14118107&qisid=14118107>

Purchase Price: \$90,000

Council District: Adjacent to Council District 3

38. Property Transactions - XCLT Craighead to Tryon, Parcel #6

Action: Approve the following Acquisition: XCLT Craighead to Tryon, Parcel #6

Project: XCLT Craighead to Tryon, Parcel #6

Program: XCLT Craighead to Tryon

Owner(s): Trailhead 530 Owner LLC

Property Address: 530 East Sugar Creek Road

Total Parcel Area: 196,070 sq. ft. (4.50 ac.)

Property to be acquired by Easements: 1,446 sq. ft. (0.033 ac.) Greenway Easement, 564 sq. ft. (0.013 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: TOD-M(O)

Use: Transit Oriented Development - Mixed use, Optional

Tax Code: 091-071-04

<https://polaris3g.mecklenburgcountync.gov/#pid=09107104&gisid=09107104>

Purchase Price: \$32,825

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.