

# City of Charlotte

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



## Meeting Agenda

**Monday, January 8, 2024**

**Council Chamber**

### **City Council Business Meeting**

*Mayor Vi Lyles*  
*Mayor Pro Tem Danté Anderson*  
*Council Member Dimple Ajmera*  
*Council Member Tariq Scott Bokhari*  
*Council Member Tiawana Brown*  
*Council Member Ed Driggs*  
*Council Member Malcolm Graham*  
*Council Member Reneé Johnson*  
*Council Member LaWana Mayfield*  
*Council Member James Mitchell*  
*Council Member Marjorie Molina*  
*Council Member Victoria Watlington*

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

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

### ***Call to Order***

### ***Introductions***

### ***Invocation***

### ***Pledge of Allegiance***

## **1. Mayor and Council Consent Item Questions and Answers**

### **Staff Resource(s):**

Marie Harris, Strategy and Budget

**Time:** 5 minutes

### **Synopsis**

Mayor and Council may ask questions about Consent agenda items.

[2024-01-08 Council Agenda QA](#)

## **2. Consent agenda items 13 through 52 may be considered in one motion except for those items removed by a Council member. Items are removed by notifying the City Clerk.**

**Time:** 10 minutes

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.

## **3. Closed Session (as necessary)**

## **PUBLIC FORUM**

### **4. Public Forum**

## PUBLIC HEARING

### 5. Public Hearing and Decision on an Amendment to the Ordinance that Adopted the City of Charlotte Unified Development Ordinance

**Action:**

- A. Conduct a public hearing on recommended amendments to the Ordinance that adopted the City of Charlotte Unified Development Ordinance, and
- B. Adopt an ordinance amending the Ordinance that adopted the City of Charlotte Unified Development Ordinance.

**Staff Resource(s):**

Alyson Craig, Planning, Design & Development  
Dave Pettine, Planning, Design & Development

**Explanation**

- The City of Charlotte Unified Development Ordinance (UDO) is a set of regulations designed to guide the city's future growth and development.
- The Ordinance adopting the UDO was approved by Council on August 22, 2022 and included the provision that rezoning applications submitted ahead of the February 1, 2023 deadline that request a zoning map amendment to a pre-UDO zoning district must have a decision occur no later than March 1, 2024.
- Many of the projects impacted by this deadline are complex and involve transportation studies, coordination with city and state departments, and most importantly, require collaboration with the community.
- This amendment would modify the language on the deadline for rezoning decisions for pre-UDO filed petitions to require such petitions to have their public hearing held no later than April 15, 2024, with a decision on the petition no later than December 16, 2024. The petition will become null and void if those deadlines are not met.
- The purpose of the ordinance change is to provide additional time for community input and collaboration, review of transportation studies and infrastructure improvements, specific development details, and staff analysis.
- The ordinance change only impacts rezoning applications submitted prior to February 1, 2023 and therefore will not increase the number of projects that fall under pre-UDO standards.

**Proposed Changes**

- Amend Ordinance to state:
  - Conditional and optional rezoning applications for a zoning map amendment to a pre-UDO zoning district will be accepted by City staff and processed under the pre-UDO zoning regulations, if a complete application is filed by February 1, 2023, even if the decision is made after the effective date. However, petitions must have their public hearing held no later than April 15, 2024, with a decision on the petition no later than December 16, 2024. The petition will become null and void if no decision is reached within that time frame.

**Attachment(s)**

Ordinance - redlined  
Proposed Ordinance

[Ordinance to Adopt the UDO - Proposed Amendment Redline](#)

[Ordinance to Adopt the UDO - Amended](#)

## **POLICY**

### **6. City Manager's Report**

## BUSINESS

### 7. Appropriate Private Developer Funds

**Action:**

**Adopt a budget ordinance appropriating \$76,937.28 in private developer funds from Polymers Center of Excellence, Inc. for the I-85 North Bridge project to the General Capital Projects Fund.**

**Staff Resource(s):**

Phil Reiger, General Services

Jennifer Smith, General Services

Keith Bryant, General Services

**Explanation**

- These improvements are required by the city's zoning requirements. Private developer appropriations are needed when a developer is providing funds to the city for the city to make improvements.
- The \$76,937.28 in private developer contributions will be used for roadway improvements on Research Drive and Louis Rose Place with the I-85 North Bridge project, located in Council District 4.
- These funds must be appropriated prior to the city's initiation of construction.

**Fiscal Note**

Funding: Private Developer Contributions

**Attachment(s)**

Map

Budget Ordinance

[Map - Appropriate Private Developer Funds](#)

[Budget Ordinance - Appropriate Private Developer Funds](#)

## 8. Duke Energy Green Source Advantage Bridge Program

### Action:

- A. Authorize the City Manager to negotiate and execute a service agreement for solar energy generation with Duke Energy Corporation, Cypress Creek Renewables Inc., South Davidson Solar, LLC, and their respective subsidiaries and affiliates for the city's participation in Duke Energy's Green Source Advantage Bridge Program, for a term of twenty years, and**
- B. Authorize the City Manager to amend the agreement consistent with the purpose for which the agreement was approved.**

### **Staff Resource(s):**

Sarah Hazel, Office of Sustainability & Resilience

### **Explanation**

- Duke Energy's Green Source Advantage Bridge program (GSA) is a renewable energy program for large North Carolina customers who want to support the development of renewable resources while meeting their sustainability goals and lowering their carbon emissions.
- The GSA program offers large customers the flexibility of selecting and negotiating all price terms directly with a solar developer of their choice, including the purchase of renewable energy certificates generated by that facility.
- The GSA Program allows the city the option to partner with a solar developer for the development of a utility-scale solar installation to mitigate a portion of the City of Charlotte's carbon emissions associated with the city's energy use.
- On May 3, 2023, the city issued a Request for Proposals (RFP); three proposals were received.
- The 80 megawatt (MW) South Davidson Solar Project proposed by Cypress Creek Renewables, located in Davidson County, best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to the RFP requirements.
- The average annual cost of this project is modeled to be \$1.169 million per year for twenty years which will be split between enterprise funds and the General Fund.
- The South Davidson Solar Project, once operational, is expected to produce approximately 151,536 MWh of renewable energy per year which is the equivalent of powering 13,535 homes or planting 1,775,718 trees annually.
- This average annual premium for solar energy produced is 3.4 percent of the city's annual energy spend, which totaled \$34,100,000 in 2022.
- The city will not incur any expenditures until the solar farm is completed and the energy comes online.
- This new project under GSA Bridge is projected to bring the city within 19 percent of achieving our Strategic Energy Action Plan (SEAP) 2030 zero carbon building's goal. With this project, and additional investments, the city will be firmly on a trajectory to meet the SEAP 2030 zero carbon building's goal.

### **Fiscal Note**

Funding: Various Departments' Operating Budgets

### **Attachment(s)**

Map

[Map - Green Source Advantage Program 2.0](#)

## 9. Federal Fiscal Year 2023 Lead-Based Paint Hazard Reduction Grant

### Action:

- A. **Authorize the City Manager to accept a Lead-Based Paint Hazard Reduction grant in the amount of \$3,573,037 from the U.S. Department of Housing and Urban Development's Office of Lead Hazard Control and Healthy Homes, and**
  
- B. **Adopt a budget ordinance appropriating \$3,573,037 from the U.S. Department of Housing and Urban Development's Office of Lead Hazard Control and Healthy Homes to the Neighborhood Development Grants Fund for program activities.**

### **Staff Resource(s):**

Rebecca Hefner, Housing & Neighborhood Services  
Warren Wooten, Housing & Neighborhood Services

### **Explanation**

- The U.S. Department of Housing and Urban Development (HUD) provides the Lead-Based Paint Hazard Reduction Grant to cities to fund the testing, risk evaluation, control, and reduction of lead paint hazards in low-income housing.
- The National Center for Healthy Housing estimates 39 percent of homes built in North Carolina were built prior to 1978 and are at risk of containing lead-based paint.
- Lead, a toxic heavy metal, was a major component in paint prior to 1978. Lead-based paint is still present in many older residential properties and poses a danger, especially for children age six or younger who reside in these homes.
- LeadSafe Charlotte provides grants to assist low-income homeowners with addressing unsafe lead paint conditions that pose a potential health hazard to young children.
- Housing and Neighborhood Services will use HUD's grant in the amount of \$3,573,037 to fund LeadSafe Charlotte, the city's lead abatement program. Since 1995, HUD's grant program has been the primary funding source for the LeadSafe Charlotte program.
- The program is designed to assist owners of single and multi-family dwellings and landlords with properties having two or more bedrooms. To date, LeadSafe Charlotte has identified and removed lead hazards in 2,265 residential properties.
- The city's previous lead-based paint grant was completed on November 16, 2023. This new funding will allow LeadSafe Charlotte to test more than 180 housing units for lead and remove lead hazards from up to 100 housing units over the next four years.

### **Fiscal Note**

Funding: Neighborhood Development Grants Fund (U.S. Department of Housing and Urban Development Grant)

### **Attachment(s)**

Budget Ordinance

[Budget Ordinance - Lead Based Paint Grant](#)

## 10. Lease of Office and Warehouse Space for Charlotte Water Customer Service

### Action:

- A. **Approve a ten-year lease with FIVF III NC 1, LLC for office and warehouse space located at 2200 Executive Street for use by Charlotte Water, and**
- B. **Authorize the City Manager to execute any documents necessary to complete this transaction and to seek approval from the Local Government Commission for the lease.**

### **Staff Resource(s):**

Angela Charles, Charlotte Water

Jon Behrendt, Charlotte Water

### **Explanation**

- Charlotte Water needs additional office and warehouse space to provide efficient service to customers in central and northwestern Charlotte and to relieve crowding at its Customer Service facility.
- A long-term lease is the preferred option for this need with the ability to purchase the facility.
- The proposed lease is for a ten-year term with an option to purchase office and warehouse space for Charlotte Water staff at 2200 Executive Street, Charlotte, North Carolina (Council District 2).
- This site will be used by Charlotte Water's Customer Service Division to provide services such as meter calibration, meter testing, and equipment storage.
- The lease is for approximately 23,000 square feet of combined office and warehouse space, and parking on 2.64 acres with direct access to Interstate-85.
- The proposed terms of the lease agreement are as follows:
  - A ten-year (120 month) term with annual rent increase of three percent,
  - Rent in the amount of \$24,875 monthly (base \$13.00/square foot),
  - Estimated monthly taxes, insurance, common-area maintenance in an amount up to \$4,420, and
  - A security deposit of \$29,295 (one-month base rent plus tax, insurance, and common-area maintenance).

### **Fiscal Note**

Funding: Charlotte Water Capital Investment Plan and Charlotte Water Operating Budget

## 11. Extension of Option and Ground Lease for Affordable Housing

### Action:

- A. Adopt a resolution approving an extension to the option for a ground lease of city-owned property located on Providence Road West and Ballancroft Parkway (parcel identification number 223-132-40 and a portion of 223-132-39) with CSE Communities, LLC through June 30, 2024, with an option to further extend up to six additional months as needed, and extend the ground lease term and affordability period to 75 years, and**
- B. Authorize the City Manager, or his designee, to negotiate and execute all documents necessary to complete the above amendments to the option and ground lease of the property.**

### **Staff Resource(s):**

Rebecca Hefner, Housing & Neighborhood Services  
Phil Reiger, General Services  
Greg Crawford, General Services

### **Explanation**

- On June 12, 2023, City Council approved a 60-year ground lease transaction and granted CSE Communities, LLC (Crosland) an option to ground lease (Option) approximately 3.37 acres of city-owned property at Providence Road West and Ballancroft Parkway (parcel identification number 223-132-40 and a portion of 223-132-39) (Property) in Council District 7 upon certain terms and conditions, including affordability restrictions to support the Evoke Living at Ballantyne multi-family affordable housing development.
- This action will extend both the option to ground lease and the ground lease term.
- Option to Ground Lease:
  - The Option is currently set to expire on January 18, 2024.
  - Crosland has requested, and staff recommends, extending the Option through June 30, 2024, to allow additional time for Crosland to finalize their overall project financing and obtain final permits.
  - Due to continuing uncertainty in commercial financial markets and complexities associated with federal funding requirements, this action provides additional flexibility to further extend the Option for an additional six months if needed.
  - Crosland anticipates finalizing and closing on their financing by June 30, 2024. A further extension would be contingent upon Crosland demonstrating substantial progress in finalizing their financing.
- Ground Lease Term:
  - To satisfy certain lender terms, Crosland has requested, and staff recommends, extending the ground lease term from 60 years to 75 years, including a corresponding extension to the affordability period.
  - This action satisfies the lender terms and will help Crosland to finalize their overall project financing, while simultaneously extending the affordability period.

### **Background**

- On February 14, 2022, in response to a Request for Proposals, City Council authorized the City Manager and staff to work with Crosland to finalize a preliminary affordable housing proposal and negotiate a long-term ground lease for an affordable multi-family rental housing development known as Evoke Living at Ballantyne.
- Due to the unique characteristics of the Property, it took Crosland longer than originally anticipated to finalize the building and site plans. Staff worked with Crosland throughout the design process to arrive at the best building configuration that will deliver the most housing units.
- On April 24, 2023, City Council approved a \$3,100,000 Housing Trust Fund allocation for the Evoke

- Living at Ballantyne affordable housing development, consisting of 60 for-rent apartment units affordable to households earning 80 percent and below the area median income.
- In conjunction with the Housing Trust Fund allocation, Crosland has applied for four percent low-income housing tax credits and a housing bond allocation capacity from the North Carolina Housing Finance Agency (NCHFA) to help with construction of the development. The NCHFA has accepted Crosland's funding request.

**Attachment(s)**

Map

Resolution

[Map - Lease of City-Owned Property](#)[Resolution - Extend Option and Lease Term](#)

## 12. Option and Lease of City-Owned Property for Affordable Housing

### Action:

- A. **Adopt a resolution approving an option to ground lease agreement and a 99-year ground lease of 1.73 acres of city-owned property located at 7605 University City Boulevard (parcel identification number 049-241-15) with Merit AH, LLC, and**
- B. **Authorize the City Manager, or his designee, to negotiate and execute all documents necessary to complete the option and ground lease of the property.**

### **Staff Resource(s):**

Rebecca Hefner, Housing & Neighborhood Services  
Phil Reiger, General Services  
Gregory Crawford, General Services

### **Explanation**

- On February 14, 2022, City Council authorized the City Manager and staff to work with Merit AH, LLC, a North Carolina limited liability company (Merit), and an affiliate of DreamKey Partners, Inc. and Conifer Realty, LLC, to finalize a preliminary affordable housing proposal and negotiate a long-term ground lease for an affordable multi-family rental housing development proposed to be called The Merit Apartments (Development).
- The Development is proposed to consist of 68-units and will be located on approximately 1.73 acres of city-owned property at 7605 University City Boulevard (parcel identification number 049-241-15) zoned TOD-NC and in Council District 4 (Property).
- Merit has requested a one-year Option to Ground Lease (Option) the Property with two, six-month extension options (collectively, the Option Period). During the Option Period, Merit will perform due diligence and secure financial commitments before exercising the Option.
- The extension options will be conditioned upon Merit successfully receiving a 2024 Low Income Housing Tax Credit Award from the North Carolina Housing Finance Agency as applicable and demonstrating substantial progress in finalizing their overall project financing.
- The terms of the Ground Lease are as follows:
  - Lease Term: 99 years
  - Affordability Period: 99 years
  - Rent: \$1.00/year
  - Housing Units: Merit will be responsible for the development and operation of affordable housing consisting of a minimum of 68 rental housing units all of which shall adhere to Low Income Housing Tax Credit and all city funding requirements, as applicable, and include the following proposed unit mix:
    - 17 units ≤30 percent Area Median Income
    - 19 units 31-50 percent Area Median Income
    - 16 units 51-60 percent Area Median Income
    - 16 units 61-80 percent Area Median Income

### **Background**

- On August 27, 2018, City Council adopted the Housing Charlotte Framework (Framework), which recommends expanding the supply of high-quality rental housing by using publicly owned land for housing development.
- On November 9, 2021, the city issued a Request for Proposals (RFP) seeking developers to construct affordable housing on city-owned property, including the 7605 University City Boulevard parcel. Council received a briefing of the recommended proposals on February 7, 2022, including Merit's development proposal.
- This action is consistent with the Framework and Council-adopted City-Owned Real Estate and Facilities Policy and Guidelines for Evaluation and Disposition of City-Owned Land for Affordable

Housing.

**Attachment(s)**

Map

Resolution

[Map - Option to Lease and Ground Lease](#)

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

## CONSENT

### 13. Sexual Assault Kits and Secondary Evidence Testing Services

**Action:**

- A. Approve contracts with the following companies for Sexual Assault Kits and Secondary Evidence Testing Services for an initial term of one year:**
- Bode Technology,
  - DNA Labs International, and
- B. Authorize the City Manager to renew the contracts for up to two, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

**Staff Resource(s):**

Johnny Jennings, Police  
Matthew Mathis, Police  
Jacquelyn Bryley, Police

**Explanation**

- The Charlotte-Mecklenburg Police Department requires services for performing the DNA testing of sexual assault kits (SAKs), partially tested SAKs, and secondary evidence from sexual assault cases.
- On August 30, 2023, the city issued a Request for Proposals (RFP); two responses were received.
- Bode Technology and DNA Labs International were selected to meet the city's needs in terms of qualifications, experience, cost, and responsiveness to the RFP requirements.
- Annual aggregate expenditures are estimated to be \$1,676,000.
- Funds received from the U.S. Department of Justice's Bureau of Justice Assistance through the Sexual Assault Kit Initiative (SAKI) grant will be used toward funding this contract.
- Price adjustments may be considered based on legitimate and justified increases in the cost of doing business.

**Charlotte Business INclusion**

Contract goals were not established on these Contracts because there are no MWSBEs available to perform the work for this Contract.

**Fiscal Note**

Funding: General Grants Fund (U.S Department of Justice's Bureau of Justice Assistance: SAKI grant)

## 14. Tree Pruning and Arborist Services

### Action:

- A. Approve contract amendment #1 in the amount of \$1,000,000 with Schneider Tree Care for Unspecified Tree Pruning and Arborist Services, and**
- B. Authorize the City Manager to extend the contract for a 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):**

Phil Reiger, General Services  
David Wolfe, General Services  
Erin Oliverio, General Services

### **Explanation**

- The city uses tree pruning contracts to respond to the high number of work orders to care for the city's tree canopy.
- Services include but are not limited to pruning, debris removal and disposal, and clean up.
- The initial contract with Schneider Tree Care was approved by the City Manager in September 2022.
- Amendment #1 is needed to provide additional pruning of trees identified by the city as damaged, diseased/deteriorated, or pose a safety hazard to the public.
- In July 2022, the city issued a Request For Proposal (RFP); four proposals were received.
- Schneider Tree Care best met the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- The total value of the contract including this amendment is \$1,450,000.
- Potential price adjustments may be considered based on legitimate and justified increases in the cost of doing business. The ability to consider price adjustments also allows the city to accept decreases, if warranted.

### **Charlotte Business INclusion**

Contract goals were not established on this Amendment as there were no viable subcontracting opportunities.

### **Fiscal Note**

Funding: General Services Operating Budget

## 15. Heating, Ventilation, and Air Conditioning Preventative Maintenance and Repair Services

### Action:

- A. Approve unit price contracts with the following companies for heating, ventilation, and air conditioning preventative maintenance and repair services for an initial term of two years:**
- RedBlue Inc.,
  - Facility Systems Services, Inc., and
- B. Authorize the City Manager to renew the contracts for up to three, one-year renewal terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

### **Staff Resource(s):**

Angela Charles, Charlotte Water  
Ron Hargrove, Charlotte Water  
Travis Hunnicutt, Charlotte Water

### **Explanation**

- These contracts will allow for preventative maintenance and repair services on heating, ventilation, and air conditioning systems within Charlotte Water facilities.
- On November 13, 2023, the city issued a Request for Proposals (RFP); three responses were received.
- The companies selected best meet the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Total annual expenditures are estimated to be \$2,000,000.

### **Charlotte Business INclusion**

Contract goals were not established on these Contracts as there were no viable subcontracting opportunities.

### **Fiscal Note**

Funding: Charlotte Water Operating Budget

## 16. Municipal Agreement for Relocation of Water and Sanitary Sewer Infrastructure

### Action:

- A. **Adopt a resolution authorizing the City Manager to negotiate and execute a municipal agreement with the North Carolina Department of Transportation for construction of water and sanitary sewer line relocations, adjustments, and improvements, and**
- B. **Authorize the City Manager to approve the reimbursement request for the actual cost of the utility construction.**

### **Staff Resource(s):**

Angela Charles, Charlotte Water

David Czerr, Charlotte Water

Carl Wilson, Charlotte Water

### **Explanation**

- This municipal agreement is for the relocation, replacement, and improvements of water and sanitary sewer infrastructure located within the North Carolina Department of Transportation's (NCDOT) highway improvements project (Project U-5108), located along an extension of Northcross Drive between Forest Shadow Circle and Westmoreland Road in the Town of Huntersville (adjacent to Council District 4).
- As required by the NCDOT's encroachment agreements, the city is financially responsible for the cost to relocate city-owned water and sanitary sewer lines within the state-maintained right-of-way.
- The city will reimburse the NCDOT for actual construction costs at the conclusion of the project.
- The total estimated city cost of this construction is \$3,691,386.53.

### **Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

### **Attachment(s)**

Map

Resolution

[Map-Municipal Agreement for Relocation of Water and Sanitary Sewer Infrastructure](#)

[Resolution-Municipal Agreement for Relocation of Water and Sanitary Sewer Infrastructure](#)

## 17. Construction Administration, Inspection, and Management Services

### Action:

- A. Approve unit price contracts with the following companies for construction administration, inspection, and managements services for a term of three years:**
- **A Morton Thomas and Associates, Inc.**
  - **ESP Associates, Inc.**
  - **Gavel & Dorn Engineering, PLLC, and**
- B. 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  
Mike Davis, Storm Water Services  
Logan Oliver, Storm Water Services

### **Explanation**

- These contracts will provide construction administration, inspection, and management services to ensure projects meet construction plans and specification requirements.
- On November 3, 2023, the city issued a Request for Qualifications (RFQ); eight responses were received.
- The companies listed above were determined to be the best qualified firms to meet the city's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- Annual aggregate expenditures are estimated to \$3,500,000.

### **Charlotte Business INclusion**

The city negotiates contract participation after the proposal selection process.

### **Fiscal Note**

Funding: Storm Water Capital Investment Plan

## 18. Construct Brentwood, Glassy Creek, and Parkwood Stream Repair Project

### **Action:**

**Approve a contract in the amount of \$831,533.95 to the lowest responsive bidder OnSite Development, LLC for the Brentwood, Glassy Creek, and Parkwood Stream Repair project.**

### **Staff Resource(s):**

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

### **Explanation**

- The Brentwood, Glassy Creek, Parkwood Stream Repair Project will perform maintenance activities of stream segments at the following locations:
  - Brentwood: in the Irwin Creek watershed between West Boulevard, Revolution Park Drive, and Brentwood Place (Council District 3).
  - Glassy: in the Irwin Creek watershed between Revolution Park Drive, I-77, and Remount Road (Council District 3).
  - Parkwood: in the Upper Little Sugar Creek between Belmont Avenue, North Myers Street, and North Davidson Street (Council District 1).
- Construction will include grading, stream enhancements, curb, gutter, and pavement.
- On November 16, 2023, the city issued an Invitation to Bid; four bids were received.
- OnSite Development, LLC was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by the first quarter of 2025.

### **Charlotte Business INclusion**

Established MBE Goal: 5.00%

Committed MBE Goal: 5.00%

OnSite Development, LLC met the established subcontracting goal and has committed approximately 5.00% (\$41,580) of the contract amount to the following certified firm:

- LJR Concrete (MBE, SBE) (\$10,395) (concrete)
- Streeter Trucking Company (MBE, SBE) (\$10,395) (hauling)
- Sun King Trucking LLC (MBE, SBE) (\$10,395) (hauling)
- Tony's Trucking (MBE, SBE) (\$10,395) (hauling)

Established WBE Goal: 5.00%

Committed WBE Goal: 5.00%

OnSite Development, LLC met the established subcontracting goal and has committed approximately 5.00% (\$41,580) of the contract amount to the following certified firms:

- Pressley Site Works (SBE, WBE) (\$41,580) (public works)

### **Fiscal Note**

Funding: Storm Water Capital Investment Plan

### **Attachment(s)**

Map

[Map - Stream Repair Project](#)

## 19. Airport Concourse A Expansion Phase 2 Change Order

### **Action:**

**Approve change order #2 for \$4,832,230.44 to JE Dunn-McFarland, A Joint Venture, for construction manager at risk services for the Concourse A Expansion Phase 2 project.**

### **Staff Resource(s):**

Haley Gentry, Aviation

Jack Christine, Aviation

### **Explanation**

- On March 28, 2022, City Council approved a contract in the amount of \$172,599,811.11 with JE Dunn-McFarland, A Joint Venture, for construction manager at risk services for the Concourse A Expansion Phase 2 (CAP2) project.
- The project includes constructing a new baggage handling system (BHS) Make-up Device (MU8) Expansion at Concourse A.
- On August 28, 2023, City Council approved contract amendment #1 in the amount of \$3,549,014.48 to JE Dunn-McFarland, A Joint Venture, for the foundations and structure of the mid-connector expansion to enclose the MU8 for the CAP2 project.
- CAP2 was designed in a manner that could be expanded when the Airlines required more baggage make-up space. Passenger numbers now require the added capacity this project will provide.
- This change order will provide for the remainder of the building expansion required for housing the MU8 expansion including the exterior envelope, interior finishes, mechanical systems, fire suppression systems, lighting and electrical systems and telecommunications infrastructure.
- The new total value of the contract is \$180,981,056.03.
- Aviation intends to return to City Council in the third quarter of fiscal year 2024 for the purchase and installation of the BHS equipment.

### **Disadvantaged Business Enterprise**

The DBE goal for this project is 10.00%.

All additional work involved with this amendment will be performed by JE Dunn-McFarland, A Joint Venture and their existing subconsultant(s)/subcontractor(s).

### **Fiscal Note**

Funding: Aviation Capital Investment Plan

## 20. Airport Concrete Slab Replacement

### **Action:**

**Approve a unit price contract to the lowest responsive bidder Hi-Way Paving, Inc. to provide concrete services for a term of three years.**

### **Staff Resource(s):**

Haley Gentry, Aviation

Jack Christine, Aviation

### **Explanation**

- Replacement and rehabilitation of concrete portions of the airfield are required regularly. This contract will provide for the purchase and replacement of concrete and other associated work as needed.
- On September 14, 2023, the city issued an Invitation to Bid (ITB); one bid was received.
  - NC General Statute 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 readvertisements result in fewer than three competitive bids.
- On October 19, 2023, the city re-issued an ITB; one bid was received.
- Hi-Way Paving, Inc. was selected as the lowest responsive, responsible bidder.
- Estimated contract expenditures are \$7,821,250 over the three-year term.

### **Disadvantaged Business Enterprise**

Established Goal: 6.00%

Committed DBE Goal: 6.03%

Hi-Way Paving, Inc. met the established contract goal and has committed 6.03% (\$471,800) of the bid amount to the following certified firm(s):

- DM Conlon Inc. (DBE) (\$220,000) (concrete sawing)
- Express Logistics Services, Inc. (DBE) (\$146,200) (hauling of materials, purchasing of aggregate)
- SB Johnson Construction, LLC (DBE) (\$105,600) (material supply)

### **Fiscal Note**

Funding: Aviation Capital Investment Plan

## 21. Airport Historic Hangar Renovation

### **Action:**

**Approve a contract in the amount of \$778,220.00 to the lowest responsive bidder Carolina Contracting & Investments Inc. for the Historic Hangar Renovation project.**

### **Staff Resource(s):**

Haley Gentry, Aviation  
Jack Christine, Aviation

### **Explanation**

- The Historic Hangar Renovation project consists of the renovation and adaptation of the existing historic hangar in coordination with the Historic Landmark Commission for the purpose of preserving the existing structure. The Hangar is leased to the Sullenberger Aviation Museum.
- Specific work includes the removal and replacement of wall panels, roof recoating, painting, repair of original hangar doors, new concrete curb, and removal and restoration of exterior light fixtures.
- On November 9, 2023, the city issued an Invitation to Bid; three bids were received.
- Carolina Contracting & Investments Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by fourth quarter 2024.

### **Charlotte Business INClusion**

Established MBE Goal: 5.00%

Committed MBE Goal: 5.37%

Carolina Contracting & Investments Inc. exceeded the established contract goal and has committed 5.37% (\$41,817) of the total contract amount to the following certified firm(s):

- Ascendance Electrical, Inc. (MBE) (\$36,152) (electrical)
- Kingdom Pristine, LLC (MBE) (\$5,665) (cleaning, power washing)

Established SBE Goal: 5.00%

Committed SBE Goal: 7.37%

Carolina Contracting & Investments Inc. exceeded the established contract goal and has committed 7.37% (\$57,376) of the total contract amount to the following certified firm(s):

- Arthur Capel & Masonry & Hardscapes, LLC (SBE) (\$57,376) (concrete)

### **Fiscal Note**

Funding: Aviation Capital Investment Plan

## 22. Airport Lease Management System

### **Action:**

- A. Approve a contract with ProDIGIQ, Inc. to provide a Lease Management System and support services necessary to keep the system operational for an initial term of five years,**
- 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, and**
- C. Authorize the City Manager to purchase such additional software, licenses, services, hardware, maintenance, and support as required to maintain the system for as long as the city uses the system.**

### **Staff Resource(s):**

Haley Gentry, Aviation  
Ted Kaplan, Aviation

### **Explanation**

- On June 16, 2023, the city issued a Request for Proposal (RFP) for an Airport property and lease management system; six responses were received.
- ProDIGIQ best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements. ProDIGIQ is widely used at other Airports.
- The contract includes services for implementing and maintaining a property and lease management system and provides options for the Airport to expand use of ProDIGIQ solutions based on future needs of the Airport.
- Possible price adjustments may be considered dependent on software options used, licenses, and current support needs.
- Total estimated contract expenditures are \$1,000,000.

### **Charlotte Business INclusion**

Contract goals were not established on this Contract as there were no viable subcontracting opportunities.

### **Fiscal Note**

Funding: Aviation Operating Budget

## 23. Airport Marking Removal and Repainting

### Action:

- A. **Approve the purchase of services to remove and repaint existing airfield markings and the purchase of paint from a federal contract,**
- B. **Approve a contract with Hi-Lite Markings for the purchase of markings removal and application, and paint for a term of three years under Sourcewell contract # 110122-HLA, and**
- C. **Authorize the City Manager to extend the use of the contract for additional terms as long as the federal contract is in effect, at prices and terms that are the same or more favorable than those offered under the federal contract.**

### **Staff Resource(s):**

Haley Gentry, Aviation  
Jack Christine, Aviation

### **Explanation**

- Aviation is required to maintain all primary movement surfaces in accordance with FAA Part 139. The Airfield currently needs to remove and replace markings and purchase paint.
- NC General Statute Section 143-129(e)(9a) allows local governments to purchase from contracts established by the United States government, including any federal agency, if the contractor is willing to extend the same or more favorable prices, terms, and conditions as those established under the federal contract.
- Hi-Lite Markings is willing to provide markings removal and application, and paint to the city at the same or better terms as established in the federal contract.
- Annual expenditures are estimated to be \$1,250,000.

### **Charlotte Business INclusion**

This contract is being purchased off existing Federal contracts and is exempt from the CBI Program.

### **Fiscal Note**

Funding: Aviation Capital Investment Plan

## 24. Airport On-Call Mechanical, Electrical, and Plumbing Services

### Action:

- A. Approve contracts with the following companies for on-call Mechanical, Electrical, and Plumbing services for five years:**
- AME Consulting Engineers, PC (SBE, DBE)
  - LaBella Associates
  - McKim & Creed, Inc.
  - Syska Hennessy Group, Inc.
  - RS&H Architects - Engineers-Planners, Inc., and
- B. Authorize the City Manager to amend the contracts consistent with the purpose for which the contracts were approved.**

### **Staff Resource(s):**

Haley Gentry, Aviation

Jack Christine, Aviation

### **Explanation**

- The Airport requires on-call Mechanical, Electrical, and Plumbing services for HVAC, plumbing, fire protection, electrical, baggage handling system, and passenger boarding bridges.
- On August 28, 2023, the city issued a Request for Qualifications; nine proposals were received.
- The selected firms best meet the city's needs in terms of qualifications and experience.
- Pricing for these services will be based on the size and nature of the project.
- Annual aggregate expenditures are estimated to be \$2,500,000.

### **Charlotte Business INclusion**

The city negotiates contract participation after the proposal selection process. The specific tasks and contract opportunities associated with these contracts are undefined; however, Prime consultants have identified certified firms to be utilized:

- AME Consulting Engineers, PC (SBE, DBE)
  - Kelso & Easter, Inc. (MBE) (architecture services)
  - Stewart Engineering, Inc. (MBE) (civil, structural, surveying, utility location)
- LaBella Associates
  - Capstone Civil Engineering, Inc. (MBE, SBE) (construction, geotechnical testing)
  - BESCO Electrical (MBE) (electrical testing)
  - ALR Architecture, PC (MBE, SBE) (architecture)
- McKim & Creed, Inc.
  - Neighboring Concepts PLLC (MBE) (architecture)
  - Stewart Engineering, Inc. (MBE) (structural engineering)
- RS&H Architects-Engineers-Planners, Inc.
  - Richa Graphics (MBE, SBE) (graphics, 3D modeling)
  - CES Group Engineers, LLP (WBE) (surveying, utility location, condition assessments)
  - Sweetwater Utility Exploration, LLC (WBE, SBE) (utility location, assessments)

### **Disadvantaged Business Enterprise**

The Federal DBE program does not require a DBE goal for all On-Call Contracts. DBE goals will be negotiated per task order. Aviation will monitor goal achievement throughout the life off the contracts. The following certified firm(s) have been identified to be utilized as the project evolves:

- AME Consulting Engineers, PC (SBE, DBE)
  - Kelso & Easter, Inc., (DBE) (architecture services)
  - Stewart Engineering, Inc., (DBE) (civil, structural, surveying utility location)
- LaBella Associates
  - Capstone Civil Engineering, Inc., (DBE) (construction testing, geotechnical)

- BESCO Electrical, (DBE) (electrical testing)
- ALR Architecture, PC, (DBE) (architecture)
- McKim & Creed, Inc.
  - Neighboring Concepts PLLC, (DBE) (architecture)
- RS&H Architects-Engineers-Planners, Inc.
  - CES Group Engineers, LLP (DBE) (surveying, utility location, condition assessments)
  - Connico, LLC (DBE) (cost estimating)

**Fiscal Note**

Funding: Aviation Capital Investment Plan

## 25. Delta Airport Consultants, Inc. Lease

**Action:**

**Approve a 15-year lease agreement with Delta Airport Consultants, Inc. for office space at the airport.**

**Staff Resource(s):**

Haley Gentry, Aviation

Ted Kaplan, Aviation

**Explanation**

- Delta Airport Consultants, Inc. will lease the property at 4814 West Blvd., Ste. A, which contains 7,371 square feet of office space.
- Term is 15 years beginning June 1, 2024, and ending May 31, 2039.
- Rent is \$4,429.19 per month plus \$900 per month for utilities. The cost of utilities will be updated annually based on the average monthly cost.
- Lessee will expend \$850,000 to upfit the Leased Premises. Should the city terminate the Lease, the lessee will be due a prorated portion of the upfit costs at a rate of \$56,667 per year remaining in the lease.

**Fiscal Note**

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

## 26. Fourth Parallel Runway - Early Grading Change Order

**Action:**

Approve change order #1 for \$3,657,630.53 to ES Wagner Company, LLC for the Fourth Parallel Runway - Early Grading project.

**Staff Resource(s):**

Haley Gentry, Aviation  
Jack Christine, Aviation

**Explanation**

- Aviation is in the design phase for the Fourth Parallel Runway Program which will enhance airfield capacity and operational efficiency.
- On March 13, 2023, City Council approved a contract in the amount of \$44,589,894.76 with ES Wagner Company, LLC for the Fourth Parallel Runway - Early Grading project.
- The project consists of grading, drainage, fencing, erosion and sediment control, tree clearing, sanitary sewer installation, concrete box culvert extension and duct bank installation.
- This change order will provide modifications to proposed communication duct bank and storm drain systems, and the removal of compost stockpiles left by the closed composting facility.
- Including these work elements in the current contract allows for a more compact project schedule as the final design packages are completed over the next six months.
- The new total value of the contract is \$48,247,525.29.

**Disadvantaged Business Enterprise**

Established DBE Goal: 14.00%  
Committed DBE Goal: 14.15%

All work involved in this change order will be performed by ES Wagner Company, LLC and their existing subcontractors.

**Fiscal Note**

Funding: Aviation Capital Investment Plan

## 27. Airport Safety Management System On-Call Consulting Services

### Action:

- A. **Approve a contract with Landry Consulting, LLC (DBE) to provide on-call consulting services for an initial term of three years, and**
  
- B. **Authorize the City Manager to renew the contract up to two, one-year terms with possible prices adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

### **Staff Resource(s):**

Haley Gentry, Aviation

Jerome Woodard, Aviation

### **Explanation**

- On-call consulting services to support the development and implementation of a new, federally required safety management system at the Airport services are required to support the Airport's compliance with Title 14 of the Code of Federal Regulations Part 139, Subpart E, which was published in the Federal Register on February 23, 2023.
- On July 10, 2023, the city issued a Request for Qualifications (RFQ); five responses were received.
- Landry Consulting, LLC (DBE) best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFQ requirements.
- The contract includes services to produce an implementation plan and program manual, and to facilitate safety risk assessment workshops as required throughout the term of the agreement.
- The estimated total cost for this contract is \$950,000.

### **Disadvantaged Business Enterprise**

The Federal DBE program does not require a DBE goal for all On-Call Contracts. DBE goals will be negotiated per task order. Aviation will monitor goal achievement throughout the life of the contracts. However, Prime is a certified DBE.

### **Fiscal Note**

Funding: Aviation Operating Budget and Aviation Capital Investment Plan

## 28. Customer Service Communications Amendment

### Action:

- A. **Approve an amendment to the contract with True Image Interactive, LLC for the ongoing support of a suite of service communications systems for an additional four-year term,**
- B. **Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved, and**
- C. **Authorize the City Manager to purchase such additional software licenses, services, maintenance, support, and upgrades as required to maintain the system for as long as the city uses the system.**

### **Staff Resource(s):**

Markell Storay, Innovation & Technology  
Angela Charles, Charlotte Water  
Rebecca Hefner, Housing & Neighborhood Services

### **Explanation**

- In 2010, City Council approved a large suite of service communications enhancements in an effort to improve access for residents and reduce costs. True Image Interactive, LLC (formerly EidoServe, Inc.) has provided the city with a hosted interactive voice response (IVR) system, mobile applications, web applications, web portal, and professional IT development services, including the following:
  - CharMeck 311 IVR for Charlotte Water billing services and Western Union payments;
  - Charlotte Water outbound calling for late payment and disconnect service notifications;
  - Charlotte Water citizen web portal for billing and payment management; and
  - CATS Special Transportation Services IVR and Web System.
- Since 2010, this contract has been amended for updated service needs, service enhancements, and continued service provision.
- On March 28, 2011 and February 24, 2014, City Council approved contract amendments for the further development of mobile application services and additional system enhancements. The contract was extended for an additional term by City Council on August 28, 2017.
- This contract provides ongoing software maintenance and support, including upgrades and issue resolution support; both of which are essential to ensuring the uninterrupted operation of the multiple support systems.
- A waiver of a competitive solicitation process for services may be granted on a limited basis when deemed appropriate and in the city's best interest. A waiver has been approved for these services based on continuity of service.
- Ongoing annual support and maintenance for existing services is estimated at \$200,000.
- The new estimated value of the contract is \$4,050,000.

### **Charlotte Business INclusion**

This is a contract with a waiver of solicitation and is exempt from the CBI Program.

### **Fiscal Note**

Funding: Various Departments' Operating Budgets

## 29. Resolution of Intent to Abandon a Portion of Alleyway between Scott Avenue and Fountain View Street

### **Action:**

- A. Adopt a Resolution of Intent to abandon a Portion of Alleyway between Scott Avenue and Fountain View Street, and**
  
- B. Set a Public Hearing for February 26, 2024.**

### **Staff Resource(s):**

Debbie Smith, Transportation  
Casey Mashburn, Transportation

### **Explanation**

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition signed by the adjacent property owners to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property. The land will be distributed proportionally between adjacent property owners in accordance with North Carolina General Statute 160A-299.
- The alleyway is located in Council District 1.

### **Petitioners**

SHG East Boulevard, LLC

### **Attachment(s)**

Map  
Resolution

[2023-000881A - Abandonment Map](#)

[2023-000881A - Resolution of Intent](#)

## 30. Refund of Property Taxes

### **Action:**

**Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$36,814.73.**

### **Staff Resource(s):**

Teresa Smith, Finance

### **Explanation**

- Mecklenburg County notified and provided the city the list of Property Tax refund due to clerical or assessment error.

### **Attachment(s)**

Taxpayers and Refunds Requested  
Resolution Property Tax Refunds

[List of Taxpayers](#)

[Resolution Jan 8 2024](#)

## CONSENT - PROPERTY TRANSACTIONS

### 31. Aviation Property Transactions - 8424 Douglas Drive

**Action:** Approve the following Acquisition: Aviation Master Plan

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

**Project:** Aviation Master Plan

**Program:** N/A

**Owner(s):** David B. Zuppo

**Property Address:** 8424 Douglas Drive

**Total Parcel Area:** 28,140 sq. ft. (0.646 ac)

**Property to be acquired by Easements:** None

**Structures/Improvements to be impacted:** Single-family home

**Landscaping to be impacted:** Grass and small shrubs

**Zoned:** N1-A

**Use:** Single-family Residential

**Parcel Identification Number(s):** 141-223-05

<https://polaris3g.mecklenburgcountync.gov/#mat=204447&pid=14122305&gisid=14122305>

**Purchase Price:** \$330,000, and all relocation benefits in compliance with Federal, State or Local regulations.

**Council District:** 3

## 32. Charlotte Water Property Transactions - Clarke Creek Basin Pump Station and Force Main Project, Parcel # 55

**Action:** Approve the following Condemnation: Clarke Creek Basin Pump Station and Force Main Project, Parcel # 55

**Project:** Clarke Creek Basin Pump Station and Force Main Project, Parcel # 55

**Owner(s):** Kimberle A. Burton and Jeffrey T. Burton

**Property Address:** 15555 Huntersville-Concord Road, Huntersville

**Total Parcel Area:** 1,243,159 sq. ft. (28.54 ac.)

**Property to be acquired by Easements:** 320 sq. ft. (0.01 ac.) in Permanent Water Line Easement and 200 sq. ft. (0.01 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Tree

**Zoned:** R

**Use:** Agricultural-Commercial Production

**Parcel Identification Number (s):** 011-131-04

<https://polaris3g.mecklenburgcountync.gov/#pid=01113104&gisid=01113104>

**Appraised Value:** \$1,275

**Property Owner's Concerns:** The property owner is concerned about the potential impacts to the property.

**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.

**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 4

**Attachment(s):** Map

[Map-Charlotte Water Property Transactions - Clarke Creek Basin Pump Station and Force Main Project](#)

### 33. Charlotte Water Property Transactions - Clarke Creek Basin Pump Station and Force Main Project, Parcel # 56

**Action:** Approve the following Condemnation: Clarke Creek Basin Pump Station and Force Main Project, Parcel # 56

**Project:** Clarke Creek Basin Pump Station and Force Main Project, Parcel # 56

**Owner(s):** Ryan M. Blaney

**Property Address:** 15425 McAuley Road, Huntersville

**Total Parcel Area:** 511,394 sq. ft. (11.74 ac.)

**Property to be acquired by Easements:** 1,800 sq. ft. (0.04 ac.) in Permanent Water Line Easement and 10,523 sq. ft. (0.24 ac.) in Proposed Water Line Easement (Inside Road Maintenance Limits) and 7,961 sq. ft. (0.18 ac.) in Proposed Water Line Easement (Within Road Pavement)

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Wooded screening

**Zoned:** R

**Use:** Single Family Residential-Acreage

**Parcel Identification Number(s):** 011-131-05

<https://polaris3g.mecklenburgcountync.gov/#mat=419380&pid=01113105&qisid=01113105>

**Appraised Value:** \$6,075

**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 4

**Attachment(s):** Map

[Map-Charlotte Water Property Transactions - Clarke Creek Basin Pump Station and Force Main Project](#)

### 34. Charlotte Water Property Transactions - Clarke Creek Basin Pump Station and Force Main Project, Parcel # 57

**Action:** Approve the following Condemnation: Clarke Creek Basin Pump Station and Force Main Project, Parcel # 57

**Project:** Clarke Creek Basin Pump Station and Force Main Project, Parcel # 57

**Owner(s):** Seventy Three, LLC

**Property Address:** Huntersville-Concord Road, Huntersville

**Total Parcel Area:** 382,370 sq. ft. (8.78 ac.)

**Property to be acquired by Easements:** 12,090 sq. ft. (0.28 ac.) in Permanent Water Line Easement and 22,174 sq. ft. (0.51 ac.) in Proposed Water Line Easement (Inside Road Maintenance Limits) and 14,260 sq. ft. (0.33 ac.) in Proposed Water Line Easement (Within Road Pavement)

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Trees/Screening

**Zoned:** R

**Use:** Single Family Residential-Acreage

**Parcel Identification Number(s):** 011-122-12  
<https://polaris3g.mecklenburgcountync.gov/#pid=01112212&qisid=01112212>

**Appraised Value:** \$17,075

**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 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 4

**Attachment(s):** Map

[Map-Charlotte Water Property Transactions - Clarke Creek Basin Pump Station and Force Main Project.](#)

## 35. Charlotte Water Property Transactions - Clarke Creek Basin Pump Station and Force Main Project, Parcel # 61

**Action:** Approve the following Condemnation: Clarke Creek Basin Pump Station and Force Main Project, Parcel # 61

**Project:** Clarke Creek Basin Pump Station and Force Main Project, Parcel # 61

**Owner(s):** Jennifer L. Petty and Christopher S. Petty

**Property Address:** 16959 Huntersville-Concord Road, Huntersville

**Total Parcel Area:** 578,715 sq. ft. (13.29 ac.)

**Property to be acquired by Easements:** 10,223 sq. ft. (0.24 ac.) in Permanent Water Line Easement and 17,637 sq. ft. (0.41 ac.) in Proposed Water Line Easement (Inside Road Maintenance Limits) and 10,008 sq. ft. (0.23 ac.) in Proposed Water Line Easement (Within Road Pavement) and 1,346 sq. ft. (0.03 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Trees, screening

**Zoned:** R

**Use:** Single Family Residential-Acreage

**Parcel Identification Number(s):** 011-122-10

<https://polaris3g.mecklenburgcountync.gov/#mat=495094&pid=01112210&qisid=01112210>

**Appraised Value:** \$20,350

**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 4

**Attachment(s):** Map

[Map-Charlotte Water Property Transactions - Clarke Creek Basin Pump Station and Force Main Project](#)

## 36. Property Transactions - Bryant Farms Road Extension Phase 1, Parcel #5

**Action:** Approve the following Acquisition: Bryant Farms Road Extension Phase 1, Parcel # 5

**Project:** Bryant Farms Road Extension Phase 1, Parcel # 5

**Program:** Bryant Farms Road Extension

**Owner(s):** Windsor Oaks Homeowners Association of Mecklenburg, Inc.,

**Property Address:** 8840 Grand Oak Drive

**Total Parcel Area:** 1,325,477 sq. ft. (30.42 ac.)

**Property to be acquired by Fee Simple:** 4,548 sq. ft. (0.104 ac.) Fee Simple

**Property to be acquired by Easements:** 2,394 sq. ft. (0.054 ac.) Storm Drainage Easement, 691 sq. ft. (.015 ac.) Water Line Easement, 44 sq. ft. (.001 ac.) Utility Easement and 40,378 sq. ft. (0.926 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Trees

**Zoned:** R8-MF

**Use:** Condominium Common Area

**Parcel Identification Number:** 229-107-08

<https://polaris3g.mecklenburgcountync.gov/#mat=318694&pid=22910708&qisid=22910C99>

**Purchase Price:** \$350,000

**Council District:** 7

## 37. Property Transactions - McDowell Basin Interceptor Improvements, Parcel # 13

**Action:** Approve the following Acquisition: McDowell Basin Interceptor Improvements, Parcel # 13

**Project:** McDowell Basin Interceptor Improvements, Parcel # 13

**Program:** McDowell Basin Interceptor Improvements

**Owner(s):** Joshua T. Worley and Ashley S. Worley

**Property Address:** 7828 Gilead Road, Huntersville

**Total Parcel Area:** 200,028 sq. ft. (4.592 ac.)

**Property to be acquired by Easements:** 9,128 sq. ft. (0.210 ac.) Sanitary Sewer Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** None

**Zoned:** TR

**Use:** Transitional Residential District

**Parcel Identification Number:** 015-091-05

<https://polaris3g.mecklenburgcountync.gov/#mat=195144&pid=01509105&qisid=01509105>

**Purchase Price:** \$15,000

**Council District:** Adjacent to Council District 4

## 38. Property Transactions - Monroe Road Multiuse Path, Parcel # 1

**Action:** Approve the following Condemnation: Monroe Road Multiuse Path, Parcel # 1

**Project:** Monroe Road Multiuse Path, Parcel # 1

**Program:** Monroe Road Multiuse Path

**Owner(s):** EP 5101 LLC

**Property Address:** 5101 Monroe Road

**Total Parcel Area:** 26,248 sq. ft. (0.603 ac.)

**Property to be acquired by Easements:** 1,474 sq. ft. (0.034 ac.) Sidewalk Utility Easement and 1,872 sq. ft. (0.043 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Trees

**Zoned:** O-6(CD)

**Use:** Office District

**Parcel Identification Number:** 161-063-01

<https://polaris3g.mecklenburgcountync.gov/#mat=142435&pid=16106301&qisid=16106301>

**Appraised Value:** \$34,375

**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 or provide supporting documentation to justify their counteroffer. The city continues to negotiate with the property owner.

**Recommendation:** 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

**Attachment(s):** Map

[15-21710 Map Property Transactions - Monroe Road Multiuse Path, Parcel # 1](#)

## 39. Property Transactions - Monroe Road Multiuse Path, Parcel # 2

**Action:** Approve the following Acquisition: Monroe Road Multiuse Path, Parcel # 2

**Project:** Monroe Road Multiuse Path, Parcel # 2

**Program:** Monroe Road Multiuse Path

**Owner(s):** Eduardo and Clara Piana Family Trust, UTA February 22, 1988

**Property Address:** 5103 Monroe Road

**Total Parcel Area:** 22,643 sq. ft. (0.520 ac.)

**Property to be acquired by Easements:** 1,512 sq. ft. (0.035 ac.) Sidewalk Utility Easement, 128 sq. ft. (0.003 ac.) Permanent Shelter Easement and 1,313 sq. ft. (0.030 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Trees

**Zoned:** OFC

**Use:** Office Flex Campus Zoning District

**Parcel Identification Number:** 161-063-02

<https://polaris3g.mecklenburgcountync.gov/#mat=611973&pid=16106302&qisid=16106302>

**Purchase Price:** \$49,000

**Council District:** 5

## 40. Property Transactions - Monroe Road Multiuse Path, Parcel # 10

**Action:** Approve the following Condemnation: Monroe Road Multiuse Path, Parcel # 10

**Project:** Monroe Road Multiuse Path, Parcel # 10

**Program:** Monroe Road Multiuse Path

**Owner(s):** Sam's Mart, LLC

**Property Address:** 5343 Monroe Road

**Total Parcel Area:** 43,609 sq. ft. (1.001 ac.)

**Property to be acquired by Easements:** 2,591 sq. ft. (0.059 ac.) Sidewalk Utility Easement, 355 sq. ft. (0.008 ac.) Permanent Shelter Easement and 2,734 sq. ft. (0.063 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Irrigation and various plantings

**Zoned:** CG

**Use:** Commercial Zoning

**Parcel Identification Number:** 161-065-03

<https://polaris3g.mecklenburgcountync.gov/#mat=147409&pid=16106503&qisid=16106503>

**Appraised Value:** \$95,275

**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 or provide supporting documentation to justify their counteroffer. The city continues to negotiate with the property owner.

**Recommendation:** 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

**Attachment(s):** Map

[15-21712 Map Property Transactions - Monroe Road Multiuse Path, Parcel # 10](#)

## 41. Property Transactions - Monroe Road Multiuse Path, Parcels # 12 and 13

**Action:** Approve the following Acquisition: Monroe Road Multiuse Path, Parcels # 12 and 13

**Project:** Monroe Road Multiuse Path, Parcels # 12 and 13

**Program:** Monroe Road Multiuse Path

**Owner(s):** Pleasants Holdings II, LLC

**Property Address:** 5419 and 5431 Monroe Road

**Total Parcel Area:** 58,616 sq. ft. (1.346 ac.)

**Property to be acquired by Easements:** 1,514 sq. ft. (0.035 ac.) Sidewalk Utility Easement and 6,116 sq. ft. (0.140 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Various plantings

**Zoned:** CG

**Use:** Commercial Zoning District

**Parcel Identification Number:** 163-021-41 and 163-021-65

<https://polaris3g.mecklenburgcountync.gov/#mat=149599&pid=16302141&qisid=16302141>

<https://polaris3g.mecklenburgcountync.gov/#mat=457734&pid=16302165&qisid=16302165>

**Purchase Price:** \$119,525

**Council District:** 5

## 42. Property Transactions - Monroe Road Multiuse Path, Parcel # 14

**Action:** Approve the following Acquisition: Monroe Road Multiuse Path, Parcel # 14

**Project:** Monroe Road Multiuse Path, Parcel # 14

**Program:** Monroe Road Multiuse Path

**Owner(s):** ELF Realty, LLC & Charles Everage

**Property Address:** 5457 Monroe Road

**Total Parcel Area:** 15,253 sq. ft. (0.350 ac.)

**Property to be acquired by Easements:** 337 sq. ft. (0.008 ac.) Sidewalk Utility Easement and 938 sq. ft. (0.022 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** None

**Zoned:** OFC

**Use:** Office Flex Campus Zoning District

**Parcel Identification Number:** 163-021-42

<https://polaris3g.mecklenburgcountync.gov/#mat=150467&pid=16302142&qisid=16302142>

**Purchase Price:** \$95,000

**Council District:** 5

## 43. Property Transactions - Monroe Road Multiuse Path, Parcel # 16

**Action:** Approve the following Acquisition: Monroe Road Multiuse Path, Parcel # 16

**Project:** Monroe Road Multiuse Path, Parcel # 16

**Program:** Monroe Road Multiuse Path

**Owner(s):** David A. Jones; Henry H. Blanton, Jr. and Rhonda Sue Blanton; H3O Properties, LLC; Lisa Andrews-Lanier and Katherine E. Andrews-Lanier

**Property Address:** 5507, 5509, 5511, 5513 and 5515 Monroe Road

**Total Parcel Area:** 45,189 sq. ft. (1.037 ac.)

**Property to be acquired by Easements:** 1,125 sq. ft. (0.026 ac.) Sidewalk Utility Easement and 4,152 sq. ft. (.095 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** None

**Zoned:** OFC

**Use:** Office Flex Campus Zoning District

**Parcel Identification Number:** 163-021-44

<https://polaris3g.mecklenburgcountync.gov/#pid=16302144&gisid=16302144>

**Purchase Price:** \$31,750

**Council District:** 5

## 44. Property Transactions - Rea Road Widening, Parcel # 5

**Action:** Approve the following Condemnation: Rea Road Widening, Parcel # 5

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

**Project:** Rea Road Widening (I-485 to Williams Pond Lane), Parcel # 5

**Program:** Rea Road Widening (I-485 to Williams Pond Lane)

**Owner(s):** Peter J. Jugis, Bishop of the Roman Catholic Diocese of Charlotte, NC

**Property Address:** 7825 Ballantyne Commons Parkway

**Total Parcel Area:** 111,815 sq. ft. (2.567 ac.)

**Property to be acquired by Easements:** 1,822 sq. ft. (0.042 ac.) Sidewalk Utility Easement, 3,716 sq. ft. (0.085 ac.) Permanent Utility Easement, 320 sq. ft. (0.007 ac.) Storm Drainage Easement and 3,515 sq. ft. (0.081 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Trees and various plantings

**Zoned:** O1-CD

**Use:** Office District

**Parcel Identification Number:** 225-044-33

<https://polaris3g.mecklenburgcountync.gov/#mat=559812&pid=22504433&qisid=22504433>

**Appraised Value:** \$103,475

**Property Owner's Concerns:** None

**City's Response to Property Owner's Concerns:** The city's offer is under review by the property owner.

**Recommendation:** 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:** 7

**Attachment(s):** Map

[Map - Rea Road Widening, Parcel # 5](#)

## 45. Property Transactions - Rea Road Widening, Parcel # 6

**Action:** Approve the following Condemnation: Rea Road Widening, Parcel # 6

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

**Project:** Rea Road Widening (I-485 to Williams Pond Lane), Parcel # 6

**Program:** Rea Road Widening (I-485 to Williams Pond Lane)

**Owner(s):** Peter J. Jugis, Bishop of the Roman Catholic Diocese of Charlotte, NC

**Property Address:** 8015 Ballantyne Commons Parkway

**Total Parcel Area:** 583,372 sq. ft. (13.392 ac.)

**Property to be acquired by Fee Simple:** 83 sq. ft. (0.002 ac.) Fee Simple Outside of Existing Right-of-Way

**Property to be acquired by Easements:** 224 sq. ft. (0.005 ac.) Permanent Shelter Easement, 3,796 sq. ft. (0.087 ac.) Utility Easement, 2,457 sq. ft. (0.056 ac.) Sidewalk Utility Easement, 7,232 sq. ft. (0.166 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Trees and various plantings

**Zoned:** IC-1

**Use:** Industrial

**Parcel Identification Number:** 225-046-03

<https://polaris3g.mecklenburgcountync.gov/#mat=197270&pid=22504603&qjsid=22504603>

**Appraised Value:** \$118,250

**Property Owner's Concerns:** None

**City's Response to Property Owner's Concerns:** The city's offer is under review by the property owner.

**Recommendation:** 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:** 7

**Attachment(s):** Map

[Map - Rea Road Widening, Parcel # 6](#)

## 46. Property Transactions - Rea Road Widening, Parcel # 12

**Action:** Approve the following Condemnation: Rea Road Widening, Parcel # 12

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

**Project:** Rea Road Widening (I-485 to Williams Pond Lane), Parcel # 12

**Program:** Rea Road Widening (I-485 to Williams Pond Lane)

**Owner(s):** Peter J. Jugis, Bishop of the Roman Catholic Diocese of Charlotte, NC

**Property Address:** Williams Pond Lane

**Total Parcel Area:** 121,280 sq. ft. (2.784 ac.)

**Property to be acquired by Fee Simple:** 7 sq. ft. (0.000 ac.) Fee Simple Outside of Right-of-Way

**Property to be acquired by Easements:** 945 sq. ft. (0.022 ac.) Utility Easement, 435 sq. ft. (0.01 ac.) Sidewalk Utility Easement and 1,249 sq. ft. (0.029 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** None

**Zoned:** IC-1

**Use:** Industrial

**Parcel Identification Number:** 225-046-04

<https://polaris3g.mecklenburgcountync.gov/#pid=22504604&gjsid=22504604>

**Appraised Value:** \$17,675

**Property Owner's Concerns:** None

**City's Response to Property Owner's Concerns:** The city's offer is under review by the property owner.

**Recommendation:** 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:** 7

**Attachment(s):** Map

[Map - Rea Road Widening, Parcel 12](#)

## 47. Property Transactions - Rea Road Widening, Parcel # 13

**Action:** Approve the following Condemnation: Rea Road Widening, Parcel # 13

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

**Project:** Rea Road Widening (I-485 to Williams Pond Lane), Parcel # 13

**Program:** Rea Road Widening (I-485 to Williams Pond Lane)

**Owner(s):** Peter J. Jugis, Bishop of the Roman Catholic Diocese of Charlotte, NC

**Property Address:** 7940 Williams Pond Lane

**Total Parcel Area:** 74,167 sq. ft (1.703 ac.)

**Property to be acquired by Easements:** 3,633 sq. ft. (0.083 ac.) Utility Easement, 30 sq. ft. (0.001 ac.) Sidewalk Utility Easement and 23 sq. ft. (0.001 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Trees and various planting

**Zoned:** NS

**Use:** Neighborhood Service District

**Parcel Identification Number:** 225-044-96

<https://polaris3g.mecklenburgcountync.gov/#mat=500361&pid=22504496&qsid=22504496>

**Appraised Value:** \$47,075

**Property Owner's Concerns:** None

**City's Response to Property Owner's Concerns:** The city's offer is under review by the property owner.

**Recommendation:** 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:** 7

**Attachment(s):** Map

[Map - Rea Road Widening, Parcel # 13](#)

## 48. Property Transactions - Regional Solids Conveyance Phase 1A, Parcel # 11

**Action:** Approve the following Condemnation: Regional Solids Conveyance Phase 1A, Parcel # 11

**Project:** Regional Solids Conveyance Phase 1A, Parcel # 11

**Program:** Regional Solids Conveyance Phase 1A

**Owner(s):** Anilkumar N. Pai and Preetha Prabhu Pai

**Property Address:** 10932 Moores Chapel Road

**Total Parcel Area:** 19,904 sq. ft. (0.457 ac.)

**Property to be acquired by Easements:** 2,585 sq. ft. (0.059 ac.) Sanitary Sewer Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Trees

**Zoned:** N1-A

**Use:** Neighborhood 1 Zoning District

**Parcel Identification Number:** 053-082-06

<https://polaris3g.mecklenburgcountync.gov/#mat=11988&pid=05308206&gisid=05308206>

**Appraised Value:** \$12,075

**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 or provide supporting documentation to justify their counteroffer. The city continues to negotiate with the property owner.

**Recommendation:** 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

**Attachment(s):** Map

[15-21713 Map Property Transactions - Regional Solids Conveyance Phase 1A, Parcel # 11](#)

## 49. Property Transactions - Regional Solids Conveyance Phase 1A, Parcel # 15

**Action:** Approve the following Acquisition: Regional Solids Conveyance Phase 1A, Parcel # 15

**Project:** Regional Solids Conveyance Phase 1A, Parcel # 15

**Program:** Regional Solids Conveyance Phase 1A

**Owner(s):** Trustees of the Janice N. Bozardt Irrevocable Trust dated October 31, 2022

**Property Address:** 10910 Moores Chapel Road

**Total Parcel Area:** 52,966 sq. ft. (1.216 ac.)

**Property to be acquired by Easements:** 4,800 sq. ft. (0.110 ac.) Sanitary Sewer Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Trees and various plantings

**Zoned:** N1-A

**Use:** Neighborhood 1 Zoning District

**Parcel Identification Number:** 053-082-12

<https://polaris3g.mecklenburgcountync.gov/#mat=11525&pid=05308212&gisid=05308212>

**Purchase Price:** \$11,250

**Council District:** Adjacent to Council District 3

## 50. Property Transactions - Regional Solids Conveyance Phase 1A, Parcels # 19 and 20

**Action:** Approve the following Acquisition: Regional Solids Conveyance Phase 1A, Parcels # 19 and 20

**Project:** Regional Solids Conveyance Phase 1A, Parcels # 19 and 20

**Program:** Regional Solids Conveyance Phase 1A

**Owner(s):** Ryan Thomas Howard and Jaclyn Suzanne Howard

**Property Address:** 10709 and 10721 Moores Chapel Road

**Total Parcel Area:** 1,007,637 sq. ft. (23.132 ac.)

**Property to be acquired by Easements:** 28,151 sq. ft. (0.646 ac.) Sanitary Sewer Easement and 623 sq. ft. (0.014 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** None

**Zoned:** N1-A

**Use:** Neighborhood 1 Zoning District

**Parcel Identification Number:** 053-201-13 and 053-201-31

<https://polaris3g.mecklenburgcountync.gov/#mat=10130&pid=05320113&qisid=05320113>  
<https://polaris3g.mecklenburgcountync.gov/#mat=522799&pid=05320131&qisid=05320131>

**Purchase Price:** \$30,275

**Council District:** Adjacent to Council District 3

## 51. Property Transactions - Regional Solids Conveyance Phase 1A, Parcel # 21

**Action:** Approve the following Acquisition: Regional Solids Conveyance Phase 1A, Parcel # 21

**Project:** Regional Solids Conveyance Phase 1A, Parcel # 21

**Program:** Regional Solids Conveyance Phase 1A

**Owner(s):** Moores Chapel Church

**Property Address:** 10601 Moores Chapel Road, also known as 1720 Sam Wilson Road

**Total Parcel Area:** 207,551 sq. ft. (4.765 ac.)

**Property to be acquired by Easements:** 8,745 sq. ft. (0.201 ac.) Sanitary Sewer Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** None

**Zoned:** N1-A

**Use:** Neighborhood 1 Zoning District

**Parcel Identification Number:** 053-201-05

<https://polaris3g.mecklenburgcountync.gov/#mat=8984&pid=05320105&qisid=05320105>

**Purchase Price:** \$13,075

**Council District:** Adjacent to Council District 3

## 52. Property Transactions - Thermal Culverts Storm Drainage Improvement Project, Parcels # 1 and 10

**Action:** Approve the following Acquisition: Thermal Culverts Storm Drainage Improvement Project, Parcels # 1 and 10

**Project:** Thermal Culverts Storm Drainage Improvement Project, Parcels # 1 and 10

**Program:** Thermal Culverts Storm Drainage Improvement Project

**Owner(s):** Equity Trust Company Custodian FBO 200432846 IRA, Equity Trust Company Custodian FBO 200206056 IRA, Equity Trust Company Custodian FBO 200600129 HSA & Equity Trust Company Custodian FBO 200206057 IRA

**Property Address:** Thermal Road

**Total Parcel Area:** 25,526 sq. ft. (0.586 ac.)

**Property to be acquired by Easements:** 3,290 sq. ft. (0.076 ac.) Storm Drainage Easement and 1,414 sq. ft. (0.032 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** None

**Zoned:** N1-A

**Use:** Neighborhood 1 Zoning District

**Parcel Identification Number:** 189-251-28 and 189-301-79  
<https://polaris3g.mecklenburgcountync.gov/#pid=18925128&qsid=18925128>  
<https://polaris3g.mecklenburgcountync.gov/#pid=18930179&qsid=18930179>

**Purchase Price:** \$12,425

**Council District:** 6

## Adjournment

## REFERENCES

## 53. 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.

## 54. 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.

## 55. 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.