

City of Charlotte

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



Meeting Agenda

Tuesday, May 28, 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

**6:00 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

AWARDS AND RECOGNITIONS

1. ALS Awareness Month

Action:

Mayor Lyles will read a proclamation recognizing May as ALS Awareness Month.

CONSIDERATION OF CONSENT ITEMS

2. 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.

[2024-05-28 Council Agenda QA](#)

3. Consent agenda items 12 through 23 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.

4. Closed Session (as necessary)

PUBLIC FORUM

5. Public Forum

PUBLIC HEARING

6. Public Hearing and Decision on Oak Lake Townhomes 2 Area Voluntary Annexation

Action:

- A. Conduct a public hearing for Oak Lake Townhomes 2 Area voluntary annexation, and
- B. Adopt an annexation ordinance with an effective date of May 28, 2024, to extend the corporate limits to include this property and assign it to the adjacent City Council District 4.

Staff Resource(s):

Alyson Craig, Planning, Design & Development
Holly Cramer, Planning, Design & Development
Emma Knauerhase, Planning, Design & Development

Explanation

- Public hearings to obtain community input are required prior to City Council taking action on annexation requests.
- A petition has been received from the owners of this 12.95-acre property located along the east side of Oakdale Road and west of I-485 in northwestern Mecklenburg County.
- The property is owned by Oakdale Phase 2 Owner, LP.
- The site is currently developed with four single family homes that will be removed prior to redevelopment. The annexation area is zoned R-8MF(CD) (multi-family residential, conditional).
 - Rezoning petition 2022-170 rezoned this site in May 2023 from R-3 (single family residential).
 - The site's entitlements under the approved R-8MF(CD) site plan allows for the development of a townhome community.
 - The first phase of this development was annexed in June 2023 as Oak Lake Area Voluntary Annexation.
- The petitioned area consists of four parcels; parcel identification numbers: 033-281-02, 033-281-03, 033-281-04, and 033-281-05.
- The property is located within Charlotte's extraterritorial jurisdiction and shares boundaries with current city limits.
- The intent of the annexation is to extend municipal services to the site to support the development of 82 attached dwelling units.
- In the evaluation of this annexation area, Charlotte-Mecklenburg Stormwater Services, Charlotte-Mecklenburg Police Department, Charlotte Department of Transportation, and Charlotte Solid Waste Services noted that this annexation area would have minimal to no impacts to the departments' resources.
- In reviewing the developer's proposed uses and service needs, the Charlotte Fire Department noted that the site is currently outside of a four-minute travel time and will be more expeditiously serviced with the completion of Firehouse #46 at Beatties Ford Road and Miranda Road.
- The potential revenue generated from this annexation area is projected to exceed the estimated cost of extending municipal services to the site.

Consistent with City Council Policies

- The annexation is consistent with voluntary annexation policy approved by City Council on March 24, 2003; more specifically this annexation:
 - Will not adversely affect the city's ability to undertake future annexations;
 - Will not have undue negative impact on city finances or services;
 - Will not result in a situation where unincorporated areas will be encompassed by new city limits.

Attachment(s)

Map (GIS)
Map (Survey)

Rezoning Petition 2022-170 Approved Site Plan
Annexation Ordinance

[Map - Oak Lake Townhomes 2 Area Annexation](#)

[Map - Oak Lake Townhomes 2 Area Annexation Survey](#)

[Approved Site Plan - 2022-170](#)

[Ordinance - Oak Lake Townhomes 2 Area Annexation](#)

POLICY

7. City Manager's Report

[05.28.2024 City Manager's Memo](#)

8. Fiscal Year 2025 Annual Action Plan for Housing and Community Development

Action:

Adopt the Fiscal Year 2025 Annual Action Plan for Housing and Community Development.

Staff Resource(s):

Rebecca Hefner, Housing & Neighborhood Services

Warren Wooten, Housing & Neighborhood Services

Explanation

- The U.S. Department of Housing and Urban Development (HUD) mandates the development of an Annual Action Plan (Plan) to receive federal funding for housing and community development activities.
- In Fiscal Year (FY) 2025, the city expects to receive the following federal funding allocations, totaling \$12,684,722:
 - Community Development Block Grant (CDBG): \$5,542,450
 - HOME Investment Partnerships Grant (HOME Program): \$2,896,775
 - Emergency Solution Grants (ESG): \$493,780
 - Housing Opportunity for Persons with AIDS (HOPWA): \$3,751,717
- The Plan describes the city's use of HUD funding during FY 2025 and is consistent with the city's Housing Charlotte Framework to preserve existing housing, expand the supply of low- and moderate-income housing, and support family self-sufficiency.
- The Plan includes housing and community development needs and resources for the city and the Charlotte-Mecklenburg Regional Housing Consortium (Consortium).
- The Consortium, authorized by HUD pursuant to HOME Program guidelines, is a partnership among the city, Mecklenburg County, and the towns of Cornelius, Davidson, Huntersville, Matthews, Mint Hill, and Pineville.
- Community engagement on the Plan included:
 - Publishing a draft copy of the Plan to the city's website with paper copies available by request in English and Spanish.
 - Holding an in-person public forum on February 15, 2024, and a virtual public forum on February 20, 2024. During the forums, staff were available to provide an overview of the Plan, answer questions, and provide participants with opportunities to make comments.
 - Holding a public hearing at the April 8, 2024, Council business meeting.
- The Plan must be submitted to HUD no later than July 7, 2024.

Attachment(s)

FY 2025 Annual Action Plan for Housing and Community Development - Executive Summary

[FY 2025 Annual Action Plan Executive Summary](#)

BUSINESS

9. CATS Transit Governance Interlocal Agreement Amendment

Action:

Adopt a resolution to:

- **Approve a Second Amended and Restated Transit Governance Interlocal Agreement, providing for coordinated transit operations on a county-wide basis through the Charlotte Area Transit System, and**

- **Authorize the City Manager to execute the Second Amended and Restated Transit Governance Interlocal Agreement, subject to the conditions set forth herein.**

Staff Resource(s):

Brent Cagle, CATS

Explanation

- In February 1999, the original Transit Governance Interlocal Agreement was approved by the "Parties," which include the City of Charlotte, Mecklenburg County, and the six Mecklenburg County towns of Cornelius, Davidson, Huntersville, Matthews, Mint Hill, and Pineville.
- In November 2005, an Amended Transit Governance Interlocal Agreement was approved by the Parties.
- The proposed Second Amended and Restated Transit Governance Interlocal Agreement (the "Amended Agreement") includes the following changes:
 - New annual discretionary fund of \$500,000, which the Metropolitan Transit Commission (MTC) may use to fund studies or commission reports related to the Charlotte Area Transit System (CATS);
 - Expanded role for MTC in developing CATS budgets;
 - Enhanced process for selecting and recommending the CATS Chief Executive Officer (CEO);
 - Increased reporting requirements for CATS and CATS's CEO to MTC;
 - Revision of the term of the Amended Agreement to continue through the end of Fiscal Year 2034; and
 - Various other technical and administrative updates.
- Pursuant to Article 20 of Chapter 160A of the NC General Statutes, the city may perform jointly any function that it has the power to perform alone via a contract or agreement with other local governments and may enter into contracts and agreements to specify the details of these joint undertakings.
- The Amended Agreement, as a joint undertaking under Article 20 of Chapter 160A, must be approved by resolution of the City Council.
- The attached resolution would approve the Amended Agreement. In addition, it would authorize the City Manager to execute the agreement if the following conditions are met: (a) the agreement is consistent with the terms presented to City Council and the purpose for which it was approved, (b) the MTC has voted to approve such agreement, and (c) the County and at least three-quarters of the six Mecklenburg towns have approved the agreement.

Attachment(s)

Resolution

Proposed Second Amended and Restated Transit Governance Interlocal Agreement

Chart of Proposed Changes to MTC Interlocal Agreement

[Resolution](#)

[Proposed Second Amended and Restated Transit Governance Interlocal Agreement](#)

[Chart of Proposed Changes to MTC Interlocal Agreement](#)

APPOINTMENTS

10. Appointments to the Charlotte Business INClusion Advisory Committee

Action:

Appoint residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term beginning upon appointment and ending February 28, 2025.
- Two appointments for a three-year term beginning March 1, 2024, and ending February 28, 2027.
 - Cherri Flinn withdrew her application.
 - Candice Gaddy, nominated by Council member Ajmera, Anderson, Brown, and Johnson.
 - Raghunadha Kotha, nominated by Council member Ajmera, Driggs, Graham, Johnson, and Molina.
 - Lakesha Womack, nominated by Council member Anderson, Driggs, Johnson, and Molina.

Attachment(s)

Charlotte Business INClusion Advisory Committee Applications

11. Appointments to the Community Relations Committee

Action:

Appoint residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a three-year term beginning July 1, 2024, and ending June 30, 2027.
 - Miguel Guevara, nominated by Council member Driggs and Molina.

Attachment(s)

Community Relations Committee Applications

CONSENT

12. Police Promotional Processes Services

Action:

- A. Approve a contract with National Testing Network, Inc. for Promotional Processes Services for an initial term of three years, and**
- B. Authorize the City Manager to renew the contracts for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Johnny Jennings, Police
Tammy Pippen, Police
Latoya Dorsey, Police

Explanation

- Charlotte-Mecklenburg Police Department (CMPD) requires a qualified company to assist with yearly rank testing, specifically developing and implementing the testing materials for yearly promotional processes for the ranks of Sergeant, Lieutenant, and Captain.
- Multiple processes may be run over the course of a calendar year depending upon the needs of CMPD, and all processes must adhere to the Commission on Accreditation for Law Enforcement Agencies (CALEA) Standards.
- For each promotional process, the company will perform a job analysis, an assessment plan, and orientation sessions.
- On December 20, 2023, the city issued a Request for Proposals (RFP); two responses were received.
- National Testing Network, Inc. best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- At renewal, 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.
- Annual expenditures are estimated to be \$200,000.

Charlotte Business INClusion

The city negotiates contract participation after the proposal selection process. National Testing Network, Inc. has identified the following certified firm to be utilized as the project evolves:

Driven by Purpose Consulting (MBE, SBE) (7.00%) (assessments, exams, job analysis studies, orientations)

Fiscal Note

Funding: Police Operating Budget

13. Reconnecting the West End Study

Action:

- A. **Authorize the City Manager to negotiate and execute a contract for up to \$1,025,000 with Neighboring Concepts, PLLC (MBE) for Reconnecting the West End, and**
- B. **Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Debbie Smith, Transportation
Katie Witherspoon, Transportation

Explanation

- The Bipartisan Infrastructure Law established the Reconnecting Communities Pilot program, which funds projects that study the removal, retrofit, or mitigation of highways that create a barrier to community connectivity.
- On August 28, 2023, City Council authorized the City Manager to accept a \$1,000,000 Reconnecting Communities planning grant and \$250,000 in local match funds and to execute a grant agreement with the U.S. Department of Transportation.
- This grant enables the study of the existing interchanges of I-77 at West 5th Street and I-77 at West Trade Street in Council District 2.
- The primary objective of the study is to address barriers to access, including safe and equitable mobility choices in support of Charlotte's Strategic Mobility Plan, and connectivity between the West End and Uptown, while balancing the goals of the community and the needs of the I-77 facility.
- The total budget for the Reconnecting the West End grant is \$1,250,000 and includes \$1,000,000 in federal Reconnecting Communities grant funds and \$250,000 in local match funds provided by the Knight Foundation, Wells Fargo, Fifth Third Bank, and the Local Initiative Service Corporation of Charlotte.
- On February 14, 2024, the city issued a Request for Qualifications (RFQ); five responses were received.
- The team led by Neighboring Concepts best meets the city's needs in terms of qualifications, experience, and responsiveness to RFQ requirements including demonstrating significant community partnerships and community trust within the Historic West End.
- Neighboring Concepts is located within the Historic West End and is certified by the City of Charlotte as a Minority Business Enterprise (MBE) and by the State of North Carolina as a Historically Underutilized Business.
- The planning team includes the following sub-consultants: Kittelson & Associates, STV, Historic West End Partners, LandDesign, and Shook Kelley.
- The planning grant is anticipated to be complete by December 31, 2025.

Charlotte Business INclusion

This contract is exempt under the CBI Program. However, Neighboring Concepts, PLLC is a city-certified MBE.

Fiscal Note

Funding: General Capital Investment Plan

14. Professional Planning and Design Services for Various Storm Water Services Projects

Action:

- A. Approve a contract for up to \$1,300,000 with McAdams for planning and design services for the East Worthington Storm Drainage Improvement Project,
- B. Approve a contract for up to \$1,300,000 with WithersRavenel, Inc. for planning and design services for the Altondale Storm Drainage Improvement Project,
- C. Approve a contract for up to \$2,000,000 with WK Dickson and Co., Inc. for planning and design services for the Marlowe Storm Drainage Improvement Project, and
- D. Authorize the City Manager to amend the contracts consistent with the purpose for which the contract was approved.

Staff Resource(s):

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

Explanation

- Professional engineering services will include evaluation of infrastructure and reported storm drainage concerns to determine and design needed improvements to the existing drainage system.
- Specific planning tasks may include, but are not limited to:
 - Site assessment activities,
 - Hydrologic and hydraulic analyses,
 - Determination of alternatives to address the applicable drainage issues,
 - Recommendations of a preferred solution,
 - Evaluation of downstream impacts, and
 - Selection of project delivery method.
- Specific design tasks may include, but are not limited to:
 - Design of repairs and/or improvements,
 - Preparation of construction documents, and
 - Construction administration.
- On December 22, 2023, the city issued a Request for Qualifications (RFQ); 22 responses were received.

Action A

- The East Worthington Storm Drainage Improvement Project (SDIP) is located along East Worthington Avenue and is bordered by East Boulevard to the north, East Tremont Avenue to the south, Lennox Avenue to the east and Euclid Avenue to the west in Council District 1.

Action B

- The Altondale SDIP is bordered by Altondale Avenue to the north, Huntley Place to the south, Cherokee Road to the east, and Providence Road to the west in Council District 6.

Action C

- The Marlowe SDIP is bordered by Dublin Road to the north, Wilkinson Boulevard to the south, Weyland Avenue to the east, and Ashley Road to the west in Council Districts 2 and 3.

Charlotte Business INclusion

The city negotiates subcontracting participation after the proposal selection process. Each of the Primes has identified certified firm(s) for participation as project scopes are defined:

McAdams

- Barry Lambert Engineering, PC. (SBE) (structural design support)

- Carolina Wetland Services (WBE, SBE) (environmental support)
- Froehling & Robertson, Inc. (MBE) (geotechnical engineering services)
- The Survey Company, Inc. (SBE) (surveying)

WithersRavenel

- Alpha & Omega Group, PC (SBE) (structural engineering)
- Capstone Civil Engineering (SBE) (geotechnical investigation services)
- Tidemark Land Services (SBE) (surveying service and easement mapping)

WK Dickson and Co.

- Froehling & Robertson, Inc. (MBE) (geotechnical engineering services)
- Stewart Engineering, Inc. (MBE) (surveying, utility locating, and plat preparation services)
- Tidemark Land Services (SBE) (surveying services)

Fiscal Note

Funding: Storm Water Capital Investment Plan

Attachment(s)

Maps

[Map - East Worthington SDIP](#)

[Map - Altondale SDIP](#)

[Map - Marlowe SDIP](#)

15. South Tryon Street Chiller Replacement

Action:

- A. **Approve contract amendment #2 in an amount up to \$76,450 to the contract with STR Mechanical, LLC for the 3145 South Tryon Street Chiller Replacement Project, and**
- B. **Authorize the City manager to renew the contract for up to one, one-year term and amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Brent Cagle, CATS

Craig Fox, CATS

Explanation

- On January 10, 2022, the city entered into a contract in the amount of \$474,379.30 with STR Mechanical, LLC for the 3145 South Tryon Street Chiller Replacement Project.
- On December 8, 2023, the contract was amended to extend the Term of the Contract through March 31, 2024.
- Amendment #2 is needed for additional piping and welding work inside walls that was not visible until demolition occurred for the chiller replacement, and to cover overtime for work that needed to occur outside of normal operating hours to avoid disruption of service to normal transit operations. Neither of these expenses were foreseen to be included within the original contract value.
- The new total value of the contract is \$550,829.30.

Disadvantaged Business Enterprise

Established DBE Goal: 3.00%

Committed DBE Goal: 8.30%

All additional work involved with this amendment will be performed by STR Mechanical and their existing subcontractor.

- Besco Electric (DBE, MBE) (\$45,722) (electrical contractor)

Fiscal Note

Funding: CATS Capital Investment Plan

16. Airport Concourse A Expansion Phase 2 Change Order

Action:

Approve change order #3 for \$4,670,042.19 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.
- At the request of the airlines, the project added a new baggage handling system (BHS) Make-up Device (MU8) Expansion at Concourse A. 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.
- 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.
- On January 8, 2024, City Council approved contract amendment #2 in the amount of \$4,832,230.44 to JE Dunn-McFarland, A Joint Venture, for the remainder of the building expansion required for housing the MU8 expansion.
- This change order will provide for the purchase and installation of the BHS equipment. This is the final change order anticipated for the additional scope requested by the airlines.
- The new total value of the contract is \$185,651,098.22.

Disadvantaged Business Enterprise

The DBE goal for this project is 10.00%.

All additional work involved with this change order will be performed by JE Dunn-McFarland, A Joint Venture and their existing subconsultants and subcontractors.

Fiscal Note

Funding: Aviation Capital Investment Plan

17. Airport Fall Protection Systems

Action:

- A. **Approve a contract with Atlantic Fall Protection, Inc. for fall protection systems for an initial term of three 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.**

Staff Resource(s):

Haley Gentry, Aviation

Jack Christine, Aviation

Explanation

- Aviation is installing fall protection devices in various airport areas, including passenger boarding bridges and roofs.
- This contract will provide design and installation services for specialized trolley systems, including guardrails and anchorage points.
- 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 the need for having a single, vetted vendor to ensure consistency with the type of fall protection currently designed and installed, limiting the need for additional training, and fall protection equipment.
- The products that have been installed at the airport are custom built products by the vendor and Atlantic Fall Protection, Inc. is the only vendor that can supply the replacement parts, certify, and guarantee the fall protection systems.
- At renewal, 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.
- Annual estimated expenditures are \$100,000.

Charlotte Business INCLUSION

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

Fiscal Note

Funding: Aviation Operating Budget

18. Airport Materials Testing and Inspection Services

Action:

- A. Approve contracts with the following vendors for materials testing and inspection services for an initial term of three years:**
- Kleinfelder, Inc.,
 - S&ME, Inc.,
 - Terracon Consultants, Inc., and
- B. Authorize the City Manager to renew 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):

Haley Gentry, Aviation
Jack Christine, Aviation

Explanation

- Aviation requires material testing for asphalt, concrete, soil, steel, water, and sewer at the airfield and other airport facilities.
- Inspection services are also required for the airfield and other airport facilities of soil bearing, compaction moisture content, cast-in-place concrete, pavement subgrade, backfill, welded and bolted connections, Floor Flatness and Levelness Testing, and special inspections as requested by Code Enforcement.
- On February 19, 2024, the city issued a Request for Proposals (RFP); 10 responses were received.
- The firms selected meet the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Pricing for these services will be based on the size and nature of the project.
- At renewal, 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.
- Annual estimated expenditures are \$300,000.

Charlotte Business INclusion

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

Kleinfelder, Inc.

- Materials Managers and Engineers, Inc. (MBE) (materials testing)

S&ME, Inc.

- Materials Managers and Engineers, Inc. (MBE) (materials testing)
- On-Spec Engineering (SBE) (materials testing)

Terracon Consultants, Inc.

- Passive Fire Engineering, PLLC. (WBE) (fire inspections)
- Garmon Engineering, Inc. (SBE) (special inspections and testing)

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 contract. The following certified firms have been identified to be utilized as the project evolves:

Kleinfelder, Inc.

- Materials Managers and Engineers, Inc. (DBE, MBE) (construction and materials testing)

S&ME, Inc.

- Materials Managers and Engineers, Inc. (DBE, MBE) (construction and materials testing)
- On-Spec Engineering (DBE, SBE) (construction and materials testing)

Fiscal Note

Funding: Aviation Capital Investment Plan

19. Airport Moving Walkways Construction

Action:

Approve a contract in the amount of \$3,675,650 to the lowest responsive bidder Edison Foard, LLC for the Concourse E Moving Walkways project.

Staff Resource(s):

Haley Gentry, Aviation

Jack Christine, Aviation

Explanation

- This project will replace three pairs of moving walkways on Concourse E.
- The existing moving walkways are original to the concourse and have exceeded their useful lifecycle, with replacement parts no longer being manufactured.
- On February 29, 2024, the city issued an Invitation to Bid (ITB); two bids were 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 March 26, 2024, the city re-issued an ITB; three bids were received.
- Edison Foard, LLC was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by first quarter Fiscal Year 2028.

Charlotte Business INclusion

Contract goals were not established on this contract as there were no viable subcontracting opportunities. However, Edison Foard, LLC has committed 0.64% (\$23,488) of the total contract amount to the following certified firm(s):

- Besco Electric Corporation (MBE) (\$23,488) (electrical)

Fiscal Note

Funding: Aviation Capital Investment Plan

20. Airport Ramp Dual Taxilanes Construction

Action:

- A. Approve a contract in the amount of \$22,784,995 to the lowest responsive bidder Zachry Construction Corporation for the West Ramp Dual Taxilanes project, and**
- B. Approve contract amendment #1 for \$1,015,915 to the contract with RS&H Architects-Engineers-Planners, Inc. for construction administration services for the construction phase of the West Ramp Dual Taxilanes project.**

Staff Resource(s):

Haley Gentry, Aviation

Jack Christine, Aviation

Background

- The project will provide the capacity to simultaneously taxi two aircraft around the west perimeter of Concourse A to alleviate congestion of aircraft taxi operations.
- The project is anticipated to be complete by fourth quarter Fiscal Year 2026.

Explanation

Action A

- The contract consists of pavement demolition, grading, paving, pavement marking, drainage structures, reinforced concrete pipe installation, airfield lighting, and signage.
- On March 1, 2024, the city issued an Invitation to Bid; three bids were received.
- Zachry Construction Corporation was selected as the lowest responsive, responsible bidder.

Action B

- On June 26, 2023, City Council approved a contract with RS&H Architects-Engineers-Planners, Inc. in the amount of \$1,306,818 to provide design services for the West Dual Taxilanes project.
- Amendment #1 includes construction administration services, including design-related items such as submittal reviews, Request for Information responses, as-built final drawings, and material acceptance.
- The new value of the contract is \$2,322,733.

Disadvantaged Business Enterprise

Established DBE Goal: 23.00%

Committed DBE Goal: 23.02%

Zachry Construction Corporation exceeded the established contract goal, and has committed 23.02% (\$5,245,036) of the bid amount to the following certified firm(s):

- 24K Hauling Inc (DBE) (\$2,622,871) (aggregate supply, trucking)
- American Construction Supplies (DBE) (\$136,915) (rebar supply)
- Bullseye Equipment & Supply (DBE) (\$63,180) (low profile barricade)
- Chambers Express Trucking Inc (DBE) (\$30,900) (asphalt hauling)
- Dan Kel Concrete Cutting Inc (DBE) (\$1,372,275) (concrete cutting, demolition, saw and sealing)
- Dixon Paving Inc (DBE) (\$259,895) (milling)
- Martin Landscaping CO Inc (DBE) (\$131,500) (erosion control)
- Materials Managers and Engineers, INC (DBE) (\$627,500) (quality control)

Fiscal Note

Funding: Aviation Capital Investment Plan

21. Airport Runway Decommissioning and Taxiway Rehabilitation

Action:

Approve a contract in the amount of \$16,561,010 to the lowest responsive bidder Blythe Brothers Asphalt Co., LLC for the Runway 5-23 Decommissioning and Rehabilitation project.

Staff Resource(s):

Haley Gentry, Aviation

Jack Christine, Aviation

Explanation

- The project consists of decommissioning the existing navigational aids for Runway 5-23 and converting the runway into a taxiway. The contract includes taxiway marking, lighting, and signage, rehabilitating the asphalt pavement, and replacing concrete slabs.
- On February 13, 2024, 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 March 13, 2024, the city re-issued an ITB; one bid was received.
- Blythe Brothers Asphalt Co., LLC was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by third quarter Fiscal Year 2025.

Disadvantaged Business Enterprise

Established DBE Goal: 20.00%

Committed DBE Goal: 20.80%

Blythe Brothers Asphalt Co., LLC met the established contract goal and has committed 20.80% (\$3,445,791) of the bid amount to the following certified firms:

- B+N Grading (DBE) (milling, paving) (\$985,000)
- Express Logistics (DBE) (hauling) (\$536,626)
- Native Transportation Supply (DBE) (electrical) (\$570,000)
- Southeastern Public Safety (DBE) (flaggers) (\$1,354,165)

Fiscal Note

Funding: Aviation Capital Investment Plan

22. Reimbursement Agreement for Utility Relocation

Action:

- A. Authorize the City Manager to execute a reimbursement agreement with the Piedmont Natural Gas Company, Inc. for Utility Relocation, and**

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

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.
- The construction of the runway will conflict with existing gas transmission pipelines and facilities.
- This reimbursable agreement will relocate the pipelines and facilities to allow for Piedmont Natural Gas Company, Inc. (PNG) to continue to occupy, operate, and maintain the pipeline and facilities.
- The city will reimburse PNG for the cost of the work, which is estimated to be \$8,200,000.

Charlotte Business INClusion

This agreement is exempt under the CBI Program.

Fiscal Note

Funding: Aviation Capital Investment Plan

CONSENT - PROPERTY TRANSACTIONS

23. Property Transactions - Severn-Tyndale Avenue Storm Drainage Improvement Project, Parcel # 18

Action: Approve the following Acquisition: Severn-Tyndale Avenue Storm Drainage Improvement Project, Parcel # 18

Project: Severn-Tyndale Avenue Storm Drainage Improvement Project (SDIP), Parcel # 18

Program: Severn-Tyndale Avenue SDIP

Owner(s): Sara Kathryn Thomas

Property Address: 3826 Severn Avenue

Total Parcel Area: 17,789 sq. ft. (0.408 ac.)

Property to be acquired by Easements: 2,240 sq. ft. (0.051 ac.) Storm Drainage Easement

Structures/Improvements to be impacted: Sidewalk

Landscaping to be impacted: In-Ground Irrigation

Zoned: N1-A

Use: Neighborhood 1 Zoning District

Parcel Identification Number: 179-074-12
<https://polaris3g.mecklenburgcountync.gov/xv/1448904.3166.509721.5899/>

Purchase Price: \$20,000

Council District: 6

Adjournment

REFERENCES

24. Reference - Charlotte Business INclusion Program

The following excerpts from the City of Charlotte's Charlotte Business INclusion Administrative Procedures Manual are intended to provide further explanation for those agenda items that reference the Charlotte Business INclusion Program in the business meeting agenda.

Section 7.11 Small Business Market Strategy

Section 7.11: The Business Inclusion Officer may develop a market strategy for SBEs that may consist of setting aside certain classes or sizes of contracts for targeted Solicitations to SBEs.

Section 3.1 Contract Goals

Section 3.1.2: Contract Goals: One or more contract goals may be established for all Contracts of \$100,000 or more.

Section 3.1.3: Types of Contract Goals: A Contract Goal can be a (i) MWSBE Goal, (ii) MBE Goal, (iii) SBE Goal, (iv) WBE Goal, (v) MSBE Goal, (vi) WSBE Goal or (vii) MWBE Goal.

Section 3.1.4: Participation Plan for Specific City Agreements:

3.1.4.1: Participation Plans shall be used for Contracts using the Infrastructure Reimbursements Agreements, Developer Agreements, Financial Partner agreements, design-build construction delivery method, construction manager at-risk delivery method, and public-private partnership construction delivery method. The Business Inclusion Officer may require a Participation Plan for other Contracts not specified in this section.

3.1.4.2: The Business Inclusion Officer shall draft a Participation Plan describing what outreach and other efforts the Contractor will be required to undertake to meet the Contract Goals established for the Contract. Any revisions to a Participation Plan after submission shall be approved in writing by the Business Inclusion Officer.

Section 3.1.5: Negotiated Contract Goals:

3.1.5.1: The City may negotiate with a Business Enterprise regarding prospective MWSBE utilization on a Contract prior to its Solicitation. In such instances, the negotiation regarding any Contract Goals may involve scopes of work that are undefined prior to Solicitation but will consist of an overall City expenditure of funds that is known.

Section 3.1.6: No Contract Goals: Contract Goals will not be established on a Contract if (i) there are no MWSBEs to perform the work for the Contract or (ii) it is an Exempt Contract.

Section 8.0 Definitions

Section 8.15: Contract: Any written agreement between the City and Business Enterprise, or any modification thereof, obligating the Business Enterprise to furnish goods or services to the City or perform construction activities for the City. This term shall not include exempt contracts.

Section 8.21: Exempt Contracts: The following Contracts are exempt from all aspects of the CBI Program unless a Department elects otherwise:

8.21.1 Federal Funded Agreements: 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.

8.21.2 Financial Partner Agreements: Contracts with a Financial Partner that has an existing MWSBE program or DBE program that the Financial Partner uses regularly and can provide evidence thereof.

8.21.3 Interlocal Agreements: Contracts with other units of federal, state, or local government.

8.21.4 Legal Services: Contracts to provide legal services on behalf of the City or its employees or elected officials.

8.21.5 No Competitive Process: Contracts 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 agreements 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 North Carolina General Statutes § 143-129(e)(3), or using the emergency procurement procedures established by the North Carolina General Statutes.

8.21.6 Real Estate Leasing and Acquisition: Contracts for the acquisition or lease of real estate.

8.21.7 Special Exemptions: Contracts where the Department and the Business Inclusion Officer agree that there was no discretion to hire an MWSBE including, but not limited to, payments or reimbursements to City employees or the procurement of utilities.

8.21.8 State Funded Agreements. Contracts that are subject to an MWBE Goal set by the State of North Carolina pursuant to North Carolina General Statutes § 143- 128.2

Section 5.0: Responsibilities After Contract Award

Section 5.4: New Subcontracting Opportunities

5.4.1: If a Contract has a previously unidentified opportunity for MWSBE participation or if a scope of work has been enlarged or increased, then the Contractor shall notify the Department Head.

5.4.2 Notice: Contractor shall promptly notify the Department Head of the new opportunity for MWSBE participation and whether existing MWSBE Subcontractors on the Contract can and/or will perform the new work.

5.4.3 Response: Upon receipt of the notice under Section 5.4.2, the Department Head shall notify the Contractor that (i) there will be no Supplemental Goal or (ii) there will be a Supplemental Goal based on MWSBE availability.

Section 7.12: Financial Partners

7.12.1 Exemption: If a Financial Partner currently administers a program for MWSBEs, then the Financial Partner may seek an exemption from the Business Inclusion Officer by communicating an intent to use the Financial Partner's existing program in lieu of adhering to the CBI Program. Determinations are made on a case-by-case basis by Business Inclusion Officer.

7.12.2 Contract Goals: A Financial Partner shall be subject to Section 3 (Goals) and Section 4 (Good Faith Efforts) if the Financial Partner has not been exempted pursuant to Section 7.11.1.

25. 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.

26. 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.