

# City of Charlotte

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



## Meeting Agenda

**Monday, August 26, 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*

## **5:00 P.M. CITY COUNCIL ACTION REVIEW AND CONSENT AGENDA, CHARLOTTE-MECKLENBURG GOVERNMENT CENTER, REGULAR MEETING ROOM 267**

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

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

**Staff Resource(s):**

Marie Harris, Strategy and Budget

**Time:** 5 minutes

**Synopsis**

Mayor and Council may ask questions about Consent agenda items.

[2024-08-26 Council Agenda QA](#)

### **2. Consent agenda items 27 through 70 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. Action Review Agenda Overview**

**Staff Resource(s):**

Marcus Jones, City Manager

### **4. Action Review Items**

#### **Mobility Update**

**Staff Resource(s):**

Liz Babson, City Manager's Office

**Time:** Presentation - 25 minutes; Discussion - 45 minutes

**Explanation**

- Receive an update on the implementation of the Strategic Mobility Plan.

[Mobility Update Presentation](#)

**5. Closed Session (as necessary)**

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

***Call to Order***

***Introductions***

***Invocation***

***Pledge of Allegiance***

## **PUBLIC FORUM**

### **6. Public Forum**

## PUBLIC HEARING

### 7. Public Hearing and Decision on an Amendment of the Steele Creek Presbyterian Church and Cemetery Historic Landmark Designation

**Action:**

- A. Conduct a public hearing to consider an amendment to the existing ordinance granting historic landmark designation for the property known as the "Steele Creek Presbyterian Church and Cemetery" (Parcel Identification Numbers 141-211-01A, 141-211-01B, 141-211-11, 141-211-29, 141-211-30), and
- B. Adopt an amendment with an effective date of August 26, 2024, de-designating all of the land and structures associated with the property known as the "Steele Creek Presbyterian Church and Cemetery," with the exception of Tax Parcel Numbers 141-211-29 (including the structures, improvements, and features located therein), 141-211-30 (including the interior and exterior of the building), and an approximately 3.546-acre portion of Tax Parcel Number 141-211-01A.

**Staff Resource(s):**

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

**Explanation**

- The city has received a recommendation from the Charlotte-Mecklenburg Historic Landmarks Commission to de-designate a portion of the property comprising the Steele Creek Presbyterian Church and Cemetery local historic landmark.
- The Steele Creek Presbyterian Church and Cemetery is located at 7401 and 7407 Steele Creek Road in Council District 3.
- De-designation of the recommended portion of this property could significantly contribute to long-term preservation of the historic church building and cemetery, which would retain the historic landmark designation.
- The Steele Creek Presbyterian Church and Cemetery property is currently listed cumulatively under Parcel Identification Numbers 141-211-01A, 141-211-01B, 141-211-11, 141-211-29, 141-211-30. The recommended de-designation would leave designated as a local historic landmark an approximately 14.245-acre parcel of land consisting of Tax Parcel Numbers 141-211-29 (including the structures, improvements, and features located therein), 141-211-30 (including the interior and exterior of the building), and a specified approximately 3.546-acre portion of the adjacent Tax Parcel Number 141-211-01A.
- All five tax parcels are zoned ML-2(AND0).
- Tax Parcel Number 141-211-29 is owned by Steele Creek Presbyterian Church. The remaining four tax parcels are owned by the City of Charlotte.
- The amount of deferrable taxes would be reduced in proportion to the approximately 23.33 acres of land recommended for de-designation from the originally designated parcel.

**Attachment(s)**

Ordinance  
Information Sheet  
Designation Report

[Ordinance - Amendment to Steele Creek Presbyterian Church HLD](#)

[Information Sheet - Amendment to Steele Creek Presbyterian Church HLD](#)

## 8. Public Hearing and Decision on the Alexander-Howell House Historic Landmark Designation

### **Action:**

- A. Conduct a public hearing to consider historic landmark designation for the property known as the "Alexander-Howell House" (Parcel Identification Number 155-062-61), and
- B. Adopt an ordinance with an effective date of August 26, 2024, designating the property known as the "Alexander-Howell House" (Parcel Identification Number 155-062-61) as a historic landmark.

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

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

### **Explanation**

- The city has received a recommendation from the Charlotte-Mecklenburg Historic Landmarks Commission to designate the Alexander-Howell House as a local historic landmark.
- Public hearings are required prior to City Council action on designation requests.
- The Alexander-Howell House is located at 250 Cherokee Road in Council District 6.
- Designation of this property could significantly contribute to its long-term preservation.
- The Alexander-Howell House is listed under Parcel Identification Number 155-062-61, and the recommended designation would include the interior and exterior of the main house and the land listed under Tax Parcel Number 155-062-61.
- The property is zoned N1-A.
- The property is owned by Peter A. Larkin, Jr. and Ashley Scott Larkin.
- Based on the current value, the potential amount of deferrable taxes would be approximately \$4,338.76 for the City of Charlotte taxes and \$7,882.75 for Mecklenburg County taxes.

### **Attachment(s)**

Ordinance  
Information Sheet  
Designation Report

[Ordinance - Alexander-Howell House](#)

[Information Sheet - Alexander-Howell House](#)

## 9. Public Hearing and Decision on the John Phillips Little Jr. House Historic Landmark Designation

### Action:

- A. Conduct a public hearing to consider historic landmark designation for the property known as the "John Phillips Little Jr. House" (Parcel Identification Number 153-042-20), and
- B. Adopt an ordinance with an effective date of August 26, 2024, designating the property known as the "John Phillips Little Jr. House" (Parcel Identification Number 153-042-20) as a historic landmark.

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

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

### **Explanation**

- The city has received a recommendation from the Charlotte-Mecklenburg Historic Landmarks Commission to designate the John Phillips Little Jr. House as a local historic landmark.
- Public hearings are required prior to City Council action on designation requests.
- The John Phillips Little Jr. House is located at 1136 Queens Road in Council District 6.
- Designation of this property could significantly contribute to its long-term preservation.
- The John Phillips Little Jr. House is listed under Parcel Identification Number 153-042-20, and the recommended designation would include the interior and exterior of the main house, the exterior of the servant's quarters/guest house, and the land listed under Tax Parcel Number 153-042-20.
- The property is zoned N1-A.
- The property is owned by David and Janina Gordon.
- Based on the current value, the potential amount of deferrable taxes would be approximately \$2,189.32 for the City of Charlotte taxes and \$3,977.60 for Mecklenburg County taxes.

### **Attachment(s)**

Ordinance  
Information Sheet  
Designation Report

[Ordinance - John Phillips Little Jr House](#)

[Information Sheet - John Phillips Little Jr House](#)



## 10. Public Hearing on a Resolution to Close a Portion of Alleyway off Kensington Drive

**Action:**

- A. Conduct a public hearing to close a portion of alleyway off Kensington Drive, and
- B. Adopt a resolution and close a portion of alleyway off Kensington Drive.

**Staff Resource(s):**

Debbie Smith, Transportation

Casey Mashburn, Transportation

**Explanation**

- NC General Statute Section 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation (CDOT) received a petition 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 and attaches it to the adjacent property.
- The attached resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.
- The alleyway to be closed is located in Council District 1.

**Petitioner**

Pamela Grundy

**Right-of-Way to be Abandoned**

Portion of alleyway off Kensington Drive

**Reason**

Per the petition submitted by Pamela Grundy, the abandonment of the opened right-of-way will facilitate continued-use and maintenance from abutting owners. The city has no objections.

**Notification**

As part of the city's notification process, and in compliance with NC General Statute 160A-299, the CDOT submitted this abandonment petition for review by the public and city departments.

**Adjoining property owner(s)**

Edna Otterbourg- No objections

Lena Nimwegen- No objections

Noell Tin- No objections

Bradley Jones- No objections

**City Departments**

- Review by city departments identified no apparent reason this closing would:
  - Be contrary to the public interest;
  - Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to their property as outlined in the statutes; and
  - Be contrary to the adopted policy to preserve existing rights-of-way for connectivity.

**Attachment(s)**

Map

Resolution

[2024-001175A - Abandonment Map](#)

[2024-001175A Resolution to Close 08.26.2024](#)

## **POLICY**

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

[08.26.2024 City Manager's Memo](#)

**BUSINESS****12. Accept Carbon Reduction Program Discretionary Grant****Action:**

- A. Adopt a resolution authorizing the City Manager to execute a Municipal Agreement with the North Carolina Department of Transportation accepting a Carbon Reduction Program Discretionary Grant for Intelligent Transportation Systems in the amount of \$3,917,562, and**
- B. Adopt a budget ordinance appropriating \$3,917,562 in grant funds from the North Carolina Department of Transportation to the General Capital Projects Fund.**

**Staff Resource(s):**

Debbie Smith, Transportation  
David Smith, Transportation  
Ashley Boenisch, Transportation

**Explanation**

- The Charlotte Regional Transportation Planning Organization allocated Carbon Reduction Program (CRP) Discretionary Grant funding to the city for the design and construction of Intelligent Transportation System (ITS) projects.
- The Infrastructure Investment and Jobs Act established the CRP, which provides funds for projects designed to reduce transportation emissions.
- The project supports the Strategic Mobility Plan adopted by City Council in June 2022 by advancing a safe transportation system for all users.
- ITS projects are part of the implementation of the Charlotte Department of Transportation's ITS Master Plan.
- The city has installed 420 miles of fiber optic cable, connecting over 950 traffic signals and 550 video traffic management cameras which provides the ability to remotely adjust traffic signals in response to traffic flow and emergency conditions.
- The grant will be used to design and construct four ITS projects:
  - Idlewild Road in Council District 5,
  - Wilkinson Boulevard in Council District 3,
  - Mt Holly Road in Council District 2, and
  - Sardis Road/Rama Road in Council Districts 6 and 7.
- Total project costs for design and construction are estimated to be \$4,896,953:
  - \$3,917,562 (80%) in CRP Discretionary Grant funding and
  - \$979,391 (20%) in local match.
- Project design is anticipated to begin first quarter 2025.

**Fiscal Note**

Funding: Grant Match from General Capital Investment Plan

**Attachment(s)**

Resolution  
Budget Ordinance

[Resolution - Carbon Reduction Program Discretionary Grant](#)

[Budget Ordinance Air Quality Grant](#)

### 13. Municipal Agreement with North Carolina Department of Transportation

**Action:**

- A. **Adopt a resolution authorizing the City Manager to execute a Municipal Agreement with the North Carolina Department of Transportation in the amount of \$18,183.26 for the installation of poles for a new traffic signal at the intersection of South Tryon Street and General Drive and York Center Drive, and**
- B. **Adopt a budget ordinance appropriating \$18,183.26 from the North Carolina Department of Transportation to the General Capital Projects Fund.**

**Staff Resource(s):**

Debbie Smith, Transportation  
David Smith, Transportation  
Tony Tagliaferri, Transportation

**Explanation**

- The North Carolina Department of Transportation (NCDOT) conducted an evaluation of crash history and traffic at the intersections of South Tryon and Nevada Boulevard and South Tryon and General Drive and York Center Drive in Council District 3.
- NCDOT has authorized the installation of a new traffic signal at the intersection of South Tryon Street and General Drive and York Center Drive, and the installation of concrete medians on South Tryon at Nevada Boulevard to restrict left turns from Nevada Boulevard.
- NCDOT will fully fund the cost of these improvements and will manage construction of the project to install these improvements.
- Within the municipal agreement, the city will coordinate with Duke Energy to have traffic signal poles installed at the South Tryon and General Drive and York Center Drive intersection, and NCDOT will pay for the work.
- This format is consistent with past Municipal Agreements between the city and NCDOT.
- Project construction is anticipated to begin early 2025.

**Fiscal Note**

Funding: NCDOT Funds

**Attachment(s)**

Map  
Resolution  
Budget Ordinance

[Map - Traffic Signal Installation](#)

[Resolution - NCDOT Municipal Agreement](#)

[Budget Ordinance - NCDOT funds](#)

## 14. Lease at McGill Rose Garden

### **Action:**

- A. Adopt a resolution authorizing a lease agreement with McGill Rose Garden, Inc. for lease of approximately 1.36 acres of property located at 940 North Davidson Street (parcel identification number 081-086-02), and**
- B. Authorize the City Manager, or his designee, to negotiate and execute all documents necessary to complete the leasing of the green space.**

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

Phil Reiger, General Services

Greg Crawford, General Services

### **Explanation**

- McGill Rose Garden, Inc. proposes to lease the property as a public park offering its greenspace as a garden for gatherings, art, and horticulture projects as well as a venue for weddings and other events.
- The lease terms include:
  - A five-year term, with one option to renew for an additional five years;
  - Rent in the amount of \$1 annually;
  - Tenant shall have the right to sublease a portion of the property upon the city's approval;
  - Tenant will pay all costs associated with any improvements and maintenance of the property, including insurance; and
  - Tenant will provide annual performance reporting to include metrics that demonstrate community outreach opportunities, partnerships, fundraising activities, and other investments and contributions to the neighborhood.

### **Background**

- Henry and Helen McGill purchased the coal and ice yard at North Davidson Street and East 13th Street in 1950 and, to beautify an industrial area, began planting roses on the property. The garden opened to the public in 1967 on Mother's Day.
- In 1976, the city purchased the property for additional greenspace as part of the First Ward Urban Renewal Area Redevelopment Project. McGill Rose Garden was designated as only one of four American Rose Society gardens in North Carolina and one of 53 in the entire United States.
- In 1995, McGill Rose Garden, Inc. was formed as a 501(c)(3) nonprofit organization, establishing an independent Board of Directors. McGill Rose Garden, Inc. agreed to lease the property from the city in 1996 and has continued to lease since that time.
- Adjacent to the garden and venue is a coffee and wine bar. This addition, and the revenue generated, helps support garden operations, improvements, and maintenance.

### **Attachment(s)**

Resolution

Map

[Resolution - Lease at McGill Rose Garden](#)

[Map - McGill Rose Garden](#)

## 15. Lease of Office Space for Charlotte-Mecklenburg Police Department's North Division Station

### Action:

- A. Approve a lease with AF4 Charlotte Industrial, LLC, for 10,650 square feet of office space located at 10430 Harris Oaks Boulevard, Suite R (parcel identification number 025-111-05) for Charlotte-Mecklenburg Police Department's North Division Station, and
- B. Authorize the City Manager or his designee to negotiate and execute any documents necessary to complete this transaction.

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

Dave Johnson, Police  
Phil Reiger, General Services  
Greg Crawford, General Services

### **Explanation**

- The Charlotte-Mecklenburg Police Department (CMPD) has been leasing space at Harris Oaks Business Park in Council District 4 since 2005.
- The CMPD North Division will be relocating into a permanent facility at 1818 Mt. Holly-Huntersville Road in Council District 2 upon the completion of construction.
- This short-term lease will cover the gap between when the current lease expires and construction of the the Northwest Division Station is completed.
- The terms of the transaction are as follows:
  - 24-month term with two, six-month extension options, and
  - Rent in the amount of \$20,412.50 per month (\$23/square foot), with 4% increases at the end of the first 12 months and with each 6 month renewal. This rate is consistent with market rates.
- This transaction is consistent with the Council-adopted City-Owned Real Estate and Facilities Policy.

### **Fiscal Note**

Funding: Police Operating Budget

### **Attachment(s)**

Map

[Map - Office Space for CMPD North Division Station](#)

## 16. Mecklenburg Soil and Water Conservation District Urban Cost Share Program

**Action:**

**Adopt a resolution ratifying an Urban Cost Share Program agreement with the Mecklenburg Soil and Water Conservation District.**

**Staff Resource(s):**

Angela Charles, Charlotte Water  
Mike Davis, Storm Water Services  
Robert Zink, Storm Water Services

**Explanation**

- This agreement will allow Storm Water Services to provide funds to the Mecklenburg Soil and Water Conservation District (District) to support the Urban Cost Share Program.
- The Urban Cost Share Program provides up to 75 percent of project costs (up to \$7,500) per project to residents in Mecklenburg County to reduce runoff, reduce erosion, and address other non-point source pollution issues.
- The District and the city share the goal of educating residents about the storm drainage system, source pollution, and the effects of stream bank erosion to encourage residents to positively impact surface water quality in Mecklenburg County.
- This agreement provides up to \$59,000 in funding for fiscal year 2025.

**Fiscal Note**

Funding: Storm Water Services Operating Budget

**Attachment(s)**

Resolution

[Resolution - MSWCD Urban Cost Share Agreement FY25](#)



## 17. Charlotte Regional Transportation Planning Organization Memorandum of Understanding

### **Action:**

**Authorize the Mayor to execute the Memorandum of Understanding for the Charlotte Regional Transportation Planning Organization.**

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

Alyson Craig, Planning, Design and Development

Robert Cook, Planning, Design and Development

Neil Burke, Planning, Design and Development

### **Explanation**

- A review of the Charlotte Regional Transportation Planning Organization (CRTPO) Memorandum of Understanding (MOU) was recommended by CRTPO Board leadership to ensure the document continues to reflect current needs.
- Based upon the review, the following revisions were endorsed by the CRTPO Board on July 17, 2024:
  - Revision to the annual cost share calculation to a pro-rata share based upon each jurisdiction's official 2020 census population relative to the planning area population, beginning in fiscal year (FY) 2026.
    - The current MOU uses a combination of corporate limits and Spheres of Influence to calculate the annual cost share for CRTPO jurisdictions within Mecklenburg County.
    - The City of Charlotte's annual cost share will be reduced from \$422,319 to \$390,436 beginning in FY 2026.
  - Technical revisions to the MOU document. These revisions address minor text changes to improve clarity and do not address weighted voting or cost share revisions.
  - Modifications to the weighted vote provision to reflect member jurisdiction populations following the release of the official 2020 census.
    - All members in good standing will receive at least one vote.
      - Good standing is defined as having paid current FY cost share obligation.
    - Total weighted vote count would increase from 68 votes in current MOU to 74 with revisions:
      - Waxhaw's weighted vote will increase from one to two votes because it now exceeds the MOU's 20,000 population threshold for a second vote.
      - Mooresville, Huntersville, Mecklenburg County, Iredell County, and Union County will receive three votes due to a new provision providing a third weighted vote to jurisdictions with a population greater than 50,000.
      - The City of Charlotte remains at 31 votes.
- Action is requested of all 27 voting members of the CRTPO Board to authorize the Mayor or Chief Elected Official to execute the MOU by September 13, 2024.
- The North Carolina Governor must execute the revised MOU before it can be submitted to the Federal Highway Administration to be considered the current MOU.

### **Background**

- The City of Charlotte is the lead planning agency for CRTPO, the Metropolitan Planning Organization for the Charlotte urban area.
- The City of Charlotte is one of 21 municipalities and three counties that have representation on the CRTPO Policy Board, which is responsible for carrying out the metropolitan planning process as specified in federal statutes.
- The CRTPO's Memorandum of Understanding MOU is the governing document for the organization that guides the cooperative, comprehensive, and continuing transportation planning process for the planning area.

- The CRTPO's current MOU has an effective date of October 10, 2013.
- The CRTPO Board authorized a review of the MOU to ensure it addressed current issues.

**Fiscal Note**

Funding: General Operating Fund and CATS Operating Fund

**Attachment(s)**

Revised CRTPO MOU

[Revised CRTPO MOU](#)

## **18. Interlocal Agreement for Youth Diversion Program Grant for Fiscal Year 2025**

**Action:**

**Adopt a resolution authorizing the City Manager, or his designee, to negotiate and execute an interlocal agreement with Mecklenburg County through its Criminal Justice Services to provide an alternative to arrest for youthful offenders while maintaining accountability for delinquent acts and providing support to redirect behavior.**

**Staff Resource(s):**

Johnny Jennings, Police

Julie Barry, Police

Cara Evans-Patterson, Police

**Explanation**

- Each year Mecklenburg County's Juvenile Crime Prevention Council (JCPC) receives funds from the North Carolina Division of Juvenile Justice to support programs that assist youth offenders.
- The Charlotte-Mecklenburg Police Department (CMPD) was awarded \$240,000 in funding from the JCPC to support the fourteenth year of CMPD's Youth Diversion Program.
- Funding will enable school resource officers, patrol, and court counselors from the North Carolina Department of Juvenile Justice and Delinquency Prevention to refer up to 400 first-time juvenile offenders to the Diversion Program.
- Program services administered by CMPD's Youth Diversion Program will include interpersonal skill building, conflict resolution, substance awareness, academics, and career development plan workshops.
- Parental skill training will also be provided to the parents/guardians of program participants.
- Individual offenders who have committed first-time offenses such as simple assault, larceny, public disturbance, trespassing, or damage to property and meet the criteria established by CMPD and the Mecklenburg County District Attorney may be referred to the program.
- Individuals are referred to the program in lieu of being arrested for the offense committed.
- Once an individual has completed the diversion program, the assigned school resource officer engages the individual in weekly conversations to help apply the lessons learned through the program.
- To date, the program has served 4,592 youth, 4,156 of whom did not commit any further offenses within 12 months after program completion.

**Fiscal Note**

Funding: General Grants Fund

**Attachment(s)**

Resolution

[Resolution - Youth Diversion Program Grant FY2025](#)

## NOMINATIONS

### 19. Nominations to the Bicycle Advisory Committee

**Action:**

Nominate 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 December 31, 2024, and a three-year term beginning January 1, 2025, and ending December 31, 2027.
  - Kristen McSorley has resigned.

**Attachment(s)**

Bicycle Advisory Committee Applications

### 20. Nominations to the Business Advisory Committee

**Action:**

Nominate residents to serve as specified.

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a three-year term recommended by the Certified SBE-Hispanic Contractors Association beginning April 29, 2023, and ending April 28, 2026.
  - Domenico Santilli is eligible but not interested in reappointment.

**Attachment(s)**

Business Advisory Committee Applications

### 21. Nominations to the Charlotte Mecklenburg Public Access Corporation

**Action:**

Nominate 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 June 30, 2026.
  - Jakob Gattinger has resigned.

**Attachment(s)**

Charlotte Mecklenburg Public Access Corporation Applications

## 22. Nominations to the Citizens Review Board

**Action:**

**Nominate residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- Two appointments for a three-year term beginning August 1, 2024, and ending July 31, 2027.
  - Tonya Jameson has served two terms and is ineligible for reappointment.
  - Theresa Marascio is eligible for reappointment.

**Attachment(s)**

Citizens Review Board Applications

## 23. Nominations to the Domestic Violence Advisory Board

**Action:**

**Nominate residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a three-year term beginning September 22, 2024, and ending September 21, 2027.
  - Christine Hart is eligible for reappointment.
- One appointment for a partial term beginning upon appointment and ending September 21, 2025.
  - Vimalanathan Thiagaraj has resigned.

**Attachment(s)**

Domestic Violence Advisory Board Applications

## 24. Nominations to the Historic District Commission

**Action:**

**Nominate residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a Resident Owner of Dilworth for a three-year term beginning July 1, 2024, and ending June 30, 2027.
  - Jill Walker has served two terms and is ineligible for reappointment.
- One appointment for a Resident Owner of Fourth Ward for a partial term beginning upon appointment and ending June 30, 2025.
  - Noelle Bell resigned.
- One appointment for a Resident Owner of Hermitage Court for a three-year term beginning July 1, 2024, and ending June 30, 2027.
  - James Jordan has resigned.

**Attachment(s)**

Historic District Commission Applications

## 25. Nominations to the Passenger Vehicle for Hire Board

**Action:**

**Nominate residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a Hospitality / Tourism Industry category representative for a three-year term beginning July 1, 2024, and ending June 30, 2027.
  - Sheila Etheridge-Boddie has served two terms and is ineligible for reappointment.

**Attachment(s)**

Passenger Vehicle for Hire Board Applications

## 26. Nominations to the Storm Water Advisory Committee

**Action:**

**Nominate residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a Financial / Accounting / Legal Professional category representative for a three-year term beginning July 1, 2024, and ending June 30, 2027.
  - Richard Thigpen has served two terms and is ineligible for reappointment.

**Attachment(s)**

Storm Water Advisory Committee Applications

## CONSENT

### 27. Firearm Ammunition

**Action:**

- A. Approve the purchase of firearm ammunition by the sole source exemption,**
- B. Approve a contract with Dana Safety Supply, Inc. for the purchase of firearm ammunition for a term of three years, and**
- C. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which it was approved.**

**Staff Resource(s):**

Johnny Jennings, Police  
Zerubabel Chickoree, Police  
Gene Lim, Police

**Sole Source Exemption**

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

**Explanation**

- Police firearm ammunition is required for law enforcement training and annual firearms qualifications required by the State of North Carolina.
- Dana Safety Supply, Inc. is the sole, factory-authorized law enforcement distributor for Olin Winchester, LLC/Winchester Ammunition in North Carolina.
- The contract prices shall remain fixed for the initial three-year term. At renewal, 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 aggregate expenditures are estimated to be \$400,000.

**Charlotte Business INclusion**

This is a sole source contract and is exempt under the CBI Program.

**Fiscal Note**

Funding: Charlotte Mecklenburg Police Department Operating Budget

## 28. Nuisance Abatement Services

### Action:

- A. **Approve contracts with the following companies for Nuisance Abatement Services for an initial term of three years:**
- Carolina Lawn Services (SBE),
  - CMW Property Group,
  - DJ's Lawn Maintenance (MBE, SBE),
  - EAS Preservation and More, LLC (MBE),
  - GMB Enterprises (SBE),
  - Heroes Lawn Care,
  - Rosy Landscaping Services,
  - Trina Quality Lawn Service, Inc., and
- B. **Authorize the City Manager to renew the contracts for up to two, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

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

Rebecca Hefner, Housing & Neighborhood Services  
Jerry Green, Housing & Neighborhood Services

### **Explanation**

- Housing and Neighborhood Services' Code Enforcement Division hires contractors to abate nuisance violations when a property owner fails to comply after receiving a legal notice of violation.
- Examples of nuisance abatement services include:
  - Mowing tall weeds and grass on vacant or occupied lots,
  - Removing bulky items such as household items, automobile parts, construction-related debris, or yard waste left on vacant or occupied lots,
  - Boarding up vacant residential structures, and
  - Removing graffiti.
- On May 1, 2024, the city issued a Request for Proposals (RFP) for nuisance abatement services; nine responses were received.
- The companies selected best meet the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Multiple contracts are recommended to ensure adequate resources and coverage throughout the city.
- The vendors will be selected for each task based on vendor availability, vendor workload, location of service needed, and vendor performance.
- 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 aggregate expenditures are estimated to be \$550,000.

### **Charlotte Business INclusion**

The following certified Primes have elected to self-perform 100 percent of the work on this contract and have provided the required documentation to demonstrate that they can perform all scopes of work on this contract with their own work forces:

- Carolina Lawn Service (SBE)
- DJ's Lawn Maintenance (MBE, SBE)
- EAS Preservation and More, LLC (MBE)
- GMB Enterprises (SBE)

### **Fiscal Note**

Funding: Housing and Neighborhood Services Operating Budget

## 29. Asphalt for Roadway Surfaces

### Action:

- A. Approve the purchase of plant-mix asphalt from a state contract,
- B. Approve unit price contracts with Ferebee Asphalt Corporation and Blythe Construction, Inc. for the purchase of plant-mix asphalt for a term of two years under the North Carolina Department of Transportation contract #54-SBG-08012024, and
- C. Authorize the City Manager to extend the contracts for additional terms as long as the State contract is in effect, at prices and terms that are the same or more favorable than those offered under the state contract.

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

Debbie Smith, Transportation

Charles Jones, Transportation

### **Explanation**

- The Charlotte Department of Transportation (CDOT) maintains approximately 5,500 lane miles of streets citywide.
- CDOT uses plant-mix asphalt for maintenance and repair of roadway surfaces, including the patching of potholes, repair of utility cuts, and paving activities. Previous purchases have been made through the state contract.
- NC General Statute 143-129(e)(9) allows local governments to purchase from state contracts if the contractor is willing to extend the same or more favorable prices, terms, and conditions as those established under the state contract.
- The amount of asphalt to be purchased will vary between vendors based on the proximity of maintenance activities related to the vendors' plant locations.
- Annual aggregate expenditures are estimated to be \$1,300,000.

### **Charlotte Business Inclusion**

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

### **Fiscal Note**

Funding: Powel Bill Fund



## 30. Equipment for Parking Enforcement

### **Action:**

- A. Approve the purchase of license plate recognition equipment by the sole source exemption,**
- B. Authorize the City Manager to negotiate and execute a contract with Passport Labs, Inc. for the purchase of license plate recognition hardware for the term of three years, and**
- C. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

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

Debbie Smith, Transportation  
Katie Witherspoon, Transportation  
Allison Naftel, Transportation

### **Sole Source Exemption**

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

### **Explanation**

- The on-street parking program currently utilizes License Plate Recognition Equipment (LPR) equipment in four enforcement vehicles. Additional equipment is needed to expand the parking operation.
- LPR equipment automates reading vehicle license plates to determine whether a vehicle complies with city ordinances 14-216(1), permitted parking, and 14-216(8), paid parking.
- LPR equipment is integrated with Passport Labs, Inc. citation management and permit software.
- The equipment improves parking resource accuracy, efficiency, and management, providing real-time enforcement and comprehensive data collection.
- Total expenditures are estimated to be \$200,000.

### **Charlotte Business INclusion**

This is a sole source contract and is exempt from the CBI Program.

### **Fiscal Note**

Funding: General Capital Investment Plan

## 31. Flashing Beacons for Pedestrian Crossings

### **Action:**

- A. Approve a unit price contract with Utilicom Supply Associates, LLC for the purchase of Rectangular Rapid Flashing Beacons for a term of three years, and**
- B. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

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

Debbie Smith, Transportation

Bryan Tarlton, Transportation

### **Explanation**

- The Strategic Mobility Plan, adopted by City Council in June 2022, outlines the mobility policies to achieve a safe, connected, equitable, sustainable, prosperous, and innovative transportation network for Charlotte.
- Rectangular Rapid Flashing Beacons (RRFBs) are pedestrian-activated devices that warn motorists of pedestrians crossing at mid-block locations. RRFBs use a rapid flash pattern to supplement warning signs.
- RRFBs offer significant safety and cost benefits because they achieve high rates of driver-yielding compliance in comparison to other flashing beacons. These devices provide safe crossings for pedestrians in mid-block and other uncontrolled locations.
- On May 23, 2024, the city issued an Invitation to Bid; one bid was received.
- Utilicom Supply Associates, LLC was selected as the lowest responsive, responsible bidder.
- The contract prices shall remain fixed for the initial three-year term. At renewal, 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 \$167,000.

### **Charlotte Business INclusion**

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

### **Fiscal Note**

Funding: Transportation Operating Budget and General Capital Investment Plan

## 32. On-Call Intelligent Transportation Systems Projects

**Action:**

**Approve a contract in the amount not to exceed \$2,910,007.74 to the lowest responsive, responsible bidder STS Cable Services, Inc. for Miscellaneous On-Call Intelligent Transportation Systems Projects Construction.**

**Staff Resource(s):**

Debbie Smith, Transportation  
David Smith, Transportation  
Ashley Boenisch, Transportation

**Explanation**

- The Strategic Mobility Plan, adopted by City Council in June 2022, outlines the mobility policies to achieve a safe, connected, equitable, sustainable, prosperous, and innovative transportation network for Charlotte.
- Intelligent Transportation Systems (ITS) projects are part of the implementation of the Charlotte Department of Transportation's ITS Master Plan.
- The city has installed 420 miles of fiber optic cable, connecting over 950 traffic signals and 550 video traffic management cameras which provides the ability to remotely adjust traffic signals in response to traffic flow and emergency conditions.
- This contract will provide various types of construction including fiber repair and maintenance and relocation of existing fiber optic cable, conduit, aluminum poles, traffic management cameras, and other facilities within the city's ITS infrastructure. This service contract will also increase the city's capacity for responding to emergency repair needs.
- On May 8, 2024, the city issued an Invitation to Bid; one bid was received.
  - N.C. General Statute Section 143-132 prohibits municipalities from awarding construction contracts over \$500,000 without receiving at least three competitive bids from the initial advertisement of the contract. The city may subsequently award the contract even if re-advertisements result in fewer than three competitive bids.
- On June 8, 2024, the Invitation to Bid was re-issued; one bid was received.
- STS Cable Services, Inc. was selected as the lowest responsive, responsible bidder.

**Charlotte Business INclusion**

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

**Fiscal Note**

Funding: General Capital Investment Plan

### 33. Air Filtration Systems and Maintenance

**Action:**

- A. **Approve a contract with Hoffman Mechanical Solutions, Inc. for installation and maintenance of bipolar ionization systems for a term of three years, and**
- B. **Authorize the City Manager to renew the contract for up to one, two-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  
John Mrzygod, General Services

**Explanation**

- General Services oversees more than 100 locations with Global Plasma Solutions, Inc. equipment which uses bipolar ionization technology to remove indoor air pollutants, including airborne viruses, mold, and bacteria.
- This contract includes maintenance services for existing bipolar ionization systems, and the option to repair or install new units, as needed.
- On June 27, 2024, the city issued a Request for Proposals (RFP); two responses were received.
- Hoffman Mechanical Solutions, 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 \$300,000.

**Charlotte Business INclusion**

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

**Fiscal Note**

Funding: General Services Operating Budget

### 34. Construct Replacement Police Boat House

**Action:**

**Approve a contract in the amount of \$926,400 to the lowest responsive, responsible bidder Miles-McClellan Construction Company, Inc. for the Charlotte-Mecklenburg Police Department Boat House at McDowell Nature Center and Preserve project.**

**Staff Resource(s):**

Phil Reiger, General Services  
Kathleen Cishek, General Services  
Mary Herington, General Services  
Dave Johnson, Police

**Explanation**

- This project will include the replacement of Charlotte-Mecklenburg Police Department's boat house at the McDowell Nature Center and Preserve located at 15222 York Road, which is adjacent to the Catawba River and the southwest boundary line for Council District 3.
- The new boat house will be approximately 2,100 square feet and will shelter a maximum of three boats used to patrol Lake Wylie.
- On May 1, 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 May 29, 2024, the city re-issued the ITB; two bids were received.
- Miles-McClellan Construction Company, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by first quarter 2025.

**Charlotte Business INclusion**

Established MWBE Goal: 10.00%

Committed MWBE Goal: 11.45%

MWBE Participation to Date: 11.53%

Miles-McClellan Construction Co. Inc. exceeded the established contract goal and has committed 11.53% (\$106,816) of the total contract amount to the following certified firm(s):

- Superior Mechanical Systems, Inc. (MBE) (\$22,000) (HVAC)
- The Boswell Group (WBE, SBE) (\$84,816) (electrical)

**Fiscal Note**

Funding: CMPD Operating Budget

## 35. Construct Sardis Road North Sidewalk

### **Action:**

- A. Reject the low bid submitted by Carolina Prime Developers, LLC (SBE) for the Sardis Road North Sidewalk, and**
- B. Approve a contract in the amount of \$1,444,390.70 to the lowest responsive, responsible bidder DOT Construction, Inc. (SBE) for the Sardis Road North Sidewalk project.**

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

Phil Reiger, General Services  
Kathleen Cishek, General Services  
Keith Bryant, General Services

### **Explanation**

- The Sardis Road North Sidewalk project was identified in the Sidewalk and Pedestrian Safety Program and will improve safety, connectivity, and pedestrian mobility in Council District 6.
- This contract includes construction of approximately 0.5 miles of sidewalk along Sardis Road North from Ritter Drive to Rittenhouse Circle.
- Work will also include storm drainage, bus waiting pads, curb ramps, curb and gutter, and planting strips.
- On June 13, 2024, the city issued an Invitation to Bid; seven bids were received.
- DOT Construction, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by the second quarter of 2026.

### **Reject Low-Bid Explanation**

The bid from Carolina Prime Developer, LLC in the amount of \$981,342.45 did not meet the North Carolina General Statutes and was found to be non-responsive.

### **Charlotte Business INclusion**

Established MBE Goal: 6.00%

Committed MBE Goal: 6.00%

DOT Construction, Inc met the established contract goal and has committed 6.00% (\$86,664) of the total contract amount to the following certified firm(s):

- Streeter Trucking Company (MBE, SBE) (\$86,664) (hauling)

Established WBE Goal: 4.00%

Committed WBE Goal: 4.00%

DOT Construction, Inc met the established contract goal and has committed 4.00% (\$57,776) of the total contract amount to the following certified firm(s):

- Clear Creek of Salisbury Inc. (WBE, SBE) (\$57,776) (concrete)

### **Fiscal Note**

Funding: General Capital Investment Plan

### **Attachment(s)**

Map

[Map - Sardis Road North Sidewalk](#)

## 36. Credit Card Merchant Services

### **Action:**

- A. **Approve the purchase of credit card merchant services from a State contract as authorized by G.S. 143-129(e)(9),**
- B. **Approve a unit price contract with First Data Merchant Services LLC for the purchase of Merchant Card Services for a term of five years under the NC Office of the State Controller contract #500200-000,**
- C. **Authorize the City Manager to extend the contract for additional terms as long as the State contract is in effect, at prices and terms that are the same or more favorable than those offered under the State contract, and**
- D. **Authorize the City Manager to purchase additional services as needed from time to time to optimize the city's use of the State's merchant services contract, including contract renewals, revisions, and amendments issued by the State.**

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

Phil Reiger, General Services

Shelia Anderson, General Services

### **Explanation**

- Credit card merchant services are used by several city departments across various locations to be able to accept credit and debit card payments.
- NC General Statute Section 143-129(e)(9) allows local governments to purchase from formally organized cooperative purchasing contracts.
- A cooperative purchasing agreement results from the consolidation and competitive solicitation of multiple public agency requirements. By aggregating common needs all agencies are able to leverage economies of scale, such as volume discounts, improved terms and conditions, reduced administrative costs, and access to professional and technical expertise.
- Annual expenditures are estimated to be \$3,730,000 in the first year and \$3,000,000 in the following years.

### **Charlotte Business INclusion**

This contract is being purchased off an existing State contract and is exempt from the CBI Program.

### **Fiscal Note**

Funding: Various Departments' Operating Budgets

## 37. Cross Charlotte Trail Design Services

### **Action:**

- A. Approve contract amendment #1 in the amount of \$70,819 with Alta Planning & Design, Inc. for Cross Charlotte Trail Planning and Design Services, and**
- B. Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.**

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

Phil Reiger, General Services  
Kathleen Cishek, General Services  
Keith Bryant, General Services

### **Explanation**

- The Cross Charlotte Trail (XCLT) is a joint project between the City of Charlotte and Mecklenburg County to create over 30 miles of continuous trail and greenway facilities.
- Segment #8, currently in construction, is approximately 1.38 miles long and runs from Tryon Street to Orr Road in Council District 1.
- On March 2, 2020, the city entered into a design services contract in the amount of \$489,386 with Alta Planning & Design, Inc. for segment #8 of the XCLT.
- Contract amendment #1 will include funding for value engineering and additional construction administration services.
- The new total contract amount including contract amendment #1 is \$560,205.

### **Charlotte Business INclusion**

All additional work involved in this Amendment will be performed by Alta Planning & Design, Inc. and their existing subconsultant(s). Alta Planning & Design, Inc. has committed 10.25% (\$57,425) of the total contract amount of the following certified firm(s):

- The Dodd Studio, LLC, (SBE) (\$15,165) (landscape architecture)
- Stewart Engineering, Inc. (MBE) (\$42,260) (geotechnical and erosion control services)

### **Fiscal Note**

Funding: General Capital Investment Plan

### **Attachment(s)**

Map

[Map - Cross Charlotte Trail Design Services](#)



## 38. Fleet Shop Tools and Equipment

### Action:

- A. Approve a unit price contract with Wotco, Inc. to provide shop tools and equipment for an initial term of one year, and
- B. Authorize the City Manager to renew the contract for up to four, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.

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

Phil Reiger, General Services

Chris Trull, General Services

Shelia Anderson, General Services

### **Explanation**

- General Services' Fleet Management Division requires a qualified vendor to provide shop tools and equipment for the repair and maintenance of the city's fleet.
- On May 1, 2024, the city issued an Invitation to Bid; five responses were received.
- Wotco, Inc. was selected as the lowest, responsive responsible bidder.
- At renewal, 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 \$300,000.

### **Charlotte Business INclusion**

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

### **Fiscal Note**

Funding: Fleet Management Fund

## 39. Engineering Services for Water and Sanitary Sewer Relocations and Improvements

### Action:

- A. Approve unit prices contracts with the following companies for engineering and sanitary sewer relocations and improvement for an initial term of three years:
- Colliers Engineering & Design, CT., P.C.,
  - Hinde Engineering, Inc. (SBE),
  - Kimley-Horn and Associates,
  - Stantec Consulting Services, Inc., and
- B. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.

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

Angela Charles, Charlotte Water

David Czerr, Charlotte Water

Carl Wilson, Charlotte Water

### **Explanation**

- These contracts are needed to provide design and construction administration services to utility coordination on state, city, town, and Mecklenburg County projects related to Charlotte Water's existing and proposed infrastructure along with miscellaneous water and wastewater improvements.
- On April 24, 2024, the city issued a Request for Qualifications (RFQ); eight responses were received.
- The companies selected are 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.
- The vendor for specific projects/tasks will be chosen based on the vendors availability, current projects distribution, and proximity of the assigned project to other projects.
- Annual expenditures are estimated to be \$1,920,000.

### **Charlotte Business INclusion**

The city negotiates contract participation after the proposal selection process. Each of the Primes has committed 10% of the total contract amount to the following certified firm(s):

#### Colliers Engineering & Design

- DiCon Consulting, PC (SBE) (engineering support)
- Hinde Engineering, Inc. (SBE) (engineering support)
- RDL Private Utility Locating, LLC (MBE) (engineering support)
- Stewart Engineering, Inc. (MBE) (engineering support)

#### Hinde Engineering, Inc. (SBE)

- DiCon Consulting, PC (SBE) (construction observation services)

#### Kimley-Horn and Associates

- Capstone Civil Engineering, Inc. (MBE, SBE) (geotechnical engineering)
- Center Line Locating, LLC (WBE, SBE) (underground utility locating, soft digs, cctv)
- DiCon Consulting, PC (SBE) (construction administration, construction observation and inspection)
- James Mauney & Associates, PA (SBE) (surveying and mapping services)
- RDL Private Utility Locating, LLC (MBE) (subsurface utility exploration)
- Stewart Engineering, Inc. (MBE) (surveying and subsurface utility exploration)

#### Stantec Consulting Services, Inc.

- DiCon Consulting, PC (SBE) (inspection, utility construction observation)

### **Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

## 40. Fill Dirt and Topsoil

### **Action:**

- A. Approve a unit price contract with SiteOne Landscape Supply, LLC for fill dirt and topsoil for an initial term of three years, and**
- B. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

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

Angela Charles, Charlotte Water  
Marion Sanders, Charlotte Water

### **Explanation**

- This contract will provide fill dirt and topsoil for use by Charlotte Water's Field Operations Division.
- On May 28, 2024, the city issued an Invitation to Bid; five bids were received.
- SiteOne Landscape Supply, LLC was selected as the lowest responsive, responsible bidder.
- Annual expenditures are estimated to be \$150,178.

### **Charlotte Business INClusion**

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

### **Fiscal Note**

Funding: Charlotte Water Operating Budget

## 41. Instrumentation for Water Testing

### Action:

- A. **Approve the purchase of specialized water testing instrumentation, supplies, and service from a cooperative contract,**
- B. **Approve a contract with Waters Technologies Corporation for the purchase of two liquid chromatograph mass spectrometer systems, related supplies, and service for a term of one year and nine months under United States General Services Administration Contract #GS-07F-0559X, and**
- C. **Authorize the City Manager to extend the contract for additional terms as long as the cooperative contract is in effect, at prices and terms that are the same or more favorable than those offered under the cooperative contract.**

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

Angela Charles, Charlotte Water  
Shawn Coffman, Charlotte Water  
Gina Kimble, Charlotte Water

### **Explanation**

- The Environmental Protection Agency and North Carolina Department of Environmental Quality have begun regulating per- and polyfluoroalkyl substances (PFAS).
- Charlotte Water plans to purchase two liquid chromatograph mass spectrometer systems to analyze samples for the presence of PFAS to protect public health and the environment.
- NC General Statute Section 143-129(e)(3) allows local governments to purchase from formally organized cooperative purchasing contracts.
- A cooperative purchasing agreement results from the consolidation and competitive solicitation of multiple public agency requirements. By aggregating common needs all agencies are able to leverage economies of scale, such as volume discounts, improved terms and conditions, reduced administrative costs, and access to professional and technical expertise.
- Annual expenditures are estimated to be \$1,253,200 in the first year and \$100,000 in each subsequent year.

### **Charlotte Business INclusion**

These are cooperative purchasing contracts and are exempt from the CBI Program.

### **Fiscal Note**

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

## 42. Mallard Creek Sanitary Sewer Phase 1 and Cross Charlotte Trail Construction

### **Action:**

**Approve a guaranteed maximum price of \$69,916,613.02 to RH Price, Inc. for Design-Build construction services for Phase 1 of the Mallard Creek Interceptor and Segments 10 and 11 of the Cross Charlotte Trail.**

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

Angela Charles, Charlotte Water  
David Czerr, Charlotte Water  
Phil Reiger, General Services  
Kathleen Cishek, General Services

### **Explanation**

- On December 13, 2021, City Council approved a contract with RH Price, Inc. for Design-Build design services for the Mallard Creek Interceptor project.
- RH Price, Inc. has developed a guaranteed maximum price for Phase 1 of the construction of the Mallard Creek Interceptor - Mallard Creek Wastewater Treatment Plant to North Tryon Street segment - sanitary sewer project of \$57,507,728.
- The construction will upsize the existing sanitary sewer line to increase capacity in the Mallard Creek Basin in Council District 4. This project consists of approximately 16,512 feet of 60-inch sanitary sewer pipe, 36 manholes, and four tunnels.
- Segments 10 and 11 of the Cross Charlotte Trail overlap with the Mallard Creek Interceptor project. These segments consist of approximately 11,375 feet of 12-foot wide paved trail, 240 feet of 12-foot wide elevated boardwalk, and three bridges across Mallard Creek.
- In an effort to utilize collaborative construction efficiency, the city negotiated with RH Price to include Design-Build construction services for the portion of the Cross Charlotte Trail.
  - A guaranteed maximum price of \$12,408,885.02 was negotiated, which is below the engineers estimate.
- Both Phase 1 of the Mallard Creek Sanitary Sewer project and Segments 10 and 11 of the Cross Charlotte Trail are anticipated to be completed by fourth quarter 2029.

### **Charlotte Business INclusion**

The city negotiates subcontracting participation for Design-Build contracts after scopes of work are defined for construction services. RH Price, Inc. has committed \$7,003,000 or 10.02% of the total contract for construction services to the following certified firm(s):

- AMP Utility Distribution Services LLC (SBE, WBE) (\$4,800,000) (furnishing of pipe and manholes)
- Diamond Trucking of NC Inc. (MBE, SBE) (\$100,000) (hauling)
- Erosion Defence (SBE) (\$175,000) (seeding, matting, and silt fence)
- Martin Landscaping Co. Inc. (MBE, SBE) (\$400,000) (seeding, matting, and live staking)
- MTS Trucking Inc. (MBE, SBE) (\$100,000) (hauling)
- Trull Contracting, LLC (WBE, SBE) (\$1,350,000) (asphalt and concrete)
- Yellow Duck Marketing LLC (WBE, SBE) (\$78,000) (public communications)

### **Fiscal Note**

Funding: Charlotte Water Capital Investment Plan and General Capital Investment Plan

## 43. 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 C-5613J), located in the Town of Cornelius along Highway NC-115 at the intersection with Hickory Street.
- 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 \$340,000.

### **Fiscal Note**

Funding: North Carolina Department of Transportation

### **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](#)

## 44. Paving and Patching Contract Change Order

**Action:**

**Approve change order #1 for \$1,000,000 to OnSite Development, LLC for Pavement and Parking Lot Repair and Resurfacing.**

**Staff Resource(s):**

Angela Charles, Charlotte Water

David Czerr, Charlotte Water

Carl Wilson, Charlotte Water

**Explanation**

- On May 14, 2018, City Council approved a construction contract with On Site Development, LLC for the patching and paving of roadway infrastructure associated primarily with repair work Charlotte Water performs in the road right of way across Mecklenburg County.
- In order to continue to facilitate service delivery and address emergency and immediate road repairs, a change order for \$1,000,000 to this existing contract is needed.
- A competitive procurement process for these services is planned for mid-fiscal year 2025.
- The new total value of the contract is \$12,938,988.68.

**Charlotte Business INclusion**

All additional work involved in this Change Order will be performed by OnSite Development, LLC, and their existing subcontractors. OnSite Development, LLC has committed 7.41% (\$74,100) of the total Change Order to the following certified firm(s):

- Streeter Trucking Company (MBE, SBE) (\$37,050) (hauling)
- LJR Concrete, LLC (MBE, SBE) (\$29,640) (concrete)
- Bird Dog Traffic Control, LLC (SBE, WBE) (\$7,410) (traffic control)

**Fiscal Note**

Funding: Charlotte Water Operating Budget

## 45. Plumbing Services

### **Action:**

- A. **Approve a unit price contract with W. H. Hobbs Plumbing, LLC for plumbing services for an initial term of two years, and**
- B. **Authorize the City Manager to renew the contract for up to three, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

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

Angela Charles, Charlotte Water  
Marion Sanders, Charlotte Water  
Jon Behrendt, Charlotte Water

### **Explanation**

- This contract will provide for performing isolated private plumbing service repairs.
- On June 14, 2024, the city issued a Request for Proposals (RFP); two responses were received.
- W. H. Hobbs Plumbing, LLC best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$250,000.

### **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



## 46. Stowe Regional Water Resource Recovery Facility Construction

### **Action:**

**Approve change order #1 for \$2,427,654 to The Haskell Company for Design-Build construction services of Stowe Regional Water Resource Recovery Facility Influent Pump Station and Headworks project.**

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

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

### **Explanation**

- The Haskell Company has developed a guaranteed maximum price for the construction changes to the final phase of the influent pump station and headworks infrastructure for the future Stowe Regional Water Resource Recovery Facility (SRWRRF) adjacent to Council Districts 2 and 3.
- This scope of work was previously identified for the overall Stowe site and is being added to this contract for efficiency of construction and includes construction of force mains on the Stowe site, electrical upgrades, and a water main tie in to serve the future Stowe RWRRF.
- City Council has previously approved aspects of this project on July 8, 2019, March 28, 2022, and February 27, 2023, for design and construction with a total of \$163,946,855.
- The new total value of the contract, including this change order, is \$166,374,509.
- The project is anticipated to be complete by first quarter 2026.

### **Charlotte Business INclusion**

All additional work involved in this Change Order will be performed by The Haskell Company and their existing subcontractors. The Haskell Company has committed 44.77% (\$1,086,833) of the total Change Order to the following certified firm(s):

- AMP Utility Distribution Services, LLC (WBE, SBE) (\$55,544) (material supplier)
- Bird Dog Traffic Control, LLC (WBE, SBE) (\$18,050) (traffic control services)
- Fuller & Co. Construction, LLC (SBE) (\$1,006,589) (supply and install pipes, jack and bore installation)
- Mercados Construction Clean Up, Inc. (MBE) (\$6,650) (construction debris dumpster services, temporary toilet and hand wash stations)

### **Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

### **Attachment(s)**

Map

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

## 47. Underground Locating Services

### **Action:**

- A. Approve the purchase of underground locating services from a cooperative contract,**
- B. Approve a unit price contract with USIC Locating Services, LLC for underground locating services for a term of one year and three months under BuyBoard Cooperative contract #721-23, and**
- C. Authorize the City Manager to extend the contract for additional terms as long as the cooperative contract is in effect, at prices and terms that are the same or more favorable than those offered under the cooperative contract.**

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

Angela Charles, Charlotte Water  
Marion Sanders, Charlotte Water

### **Explanation**

- This contract will provide additional resources to supplement Charlotte Water staff with performing underground locating service requests for any construction projects that include excavation as required by NC General Statute.
- Currently, Charlotte Water responds to approximately 330,000 locate service requests annually and these requests are anticipated to increase.
- NC General Statute Section 143-129(e)(3) allows local governments to purchase from formally organized cooperative purchasing contracts.
- A cooperative purchasing agreement results from the consolidation and competitive solicitation of multiple public agency requirements. By aggregating common needs all agencies are able to leverage economies of scale, such as volume discounts, improved terms, and conditions, reduced administrative costs, and access to professional and technical expertise.
- Annual expenditures are estimated to be \$1,800,000.

### **Charlotte Business INclusion**

These are cooperative purchasing contracts and are exempt from the CBI Program.

### **Fiscal Note**

Funding: Charlotte Water Operating Budget

## 48. Collective Storm Drainage Improvement Project - Series K

### **Action:**

- A. Approve a contract in the amount of \$2,348,497.80 to the lowest responsive bidder Zoladz Construction for the Collective Storm Drainage Improvement Project K, and**
- B. Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.**

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

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

### **Explanation**

- The contract is part of an ongoing program to provide repairs and/or improvements to storm drainage systems.
- The contract will address storm drainage systems at:
  - 1401 Terissa Drive (Council District 2)
  - 4026 Oakwood Road Drive (Council District 2)
  - 6301 Randy Drive (Council District 5)
- The work includes grading, storm drainage, water/sanitary sewer, asphalt paving, guardrail, and curb and gutter.
- On June 12, 2024, the city issued an Invitation to Bid; four bids were received.
- Zoladz Construction Co., Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by first quarter 2026.

### **Charlotte Business INclusion**

Established MBE Goal: 7.00%

Committed MBE Goal: 7.07%

Zoladz Construction Company, Inc. met the established subcontracting goal and has committed 7.07% (\$166,000) of the total contract amount to the following certified firm(s):

- RRC Concrete, Inc. (MBE) (\$130,000) (concrete)
- Diamond Trucking of NC, Inc. (MBE, SBE) (\$36,000) (hauling)

Established WBE Goal: 4.00%

Committed WBE Goal: 4.26%

Zoladz Construction Company, Inc. met the established subcontracting goal and has committed 4.26% (\$100,000) of the total contract amount to the following certified firm(s):

- On Time Construction, Inc. (WBE, SBE) (\$40,000) (brick masonry structures)
- Pentacle, Inc. (WBE, SBE) (\$30,000) (fencing)
- Trull Contracting, LLC (WBE, SBE) (\$30,000) (asphalt)

### **Fiscal Note**

Funding: Storm Water Capital Investment Plan

### **Attachment(s)**

Map

[Map - Collective SDIP Series K](#)

## 49. Collective Storm Drainage Improvement Project - Series Y

**Action:**

- A. Approve a contract in the amount of \$2,228,152.30 to the lowest responsive bidder United of Carolinas Inc for the Collective Storm Drainage Improvement Project Y, and
- B. Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.

**Staff Resource(s):**

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

**Explanation**

- The contract is part of an ongoing program to provide repairs and/or improvements to storm drainage systems.
- The contract will address storm drainage systems at:
  - 4929 Delivau Drive (Council Districts 1 and 5)
  - 6542 Rosecran Drive (Council District 5)
  - 6624 Barrington Drive (Council Districts 1 and 5)
  - 6726 Barrington Drive (Council Districts 1 and 5)
  - 6818 Markway Drive (Council District 5)
- The work includes grading, storm drainage, water/sanitary sewer, sidewalk, concrete driveways, asphalt paving and curb and gutter.
- On June 3, 2024, the city issued an Invitation to Bid; four bids were received.
- United of Carolinas, Inc was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by first quarter 2026.

**Charlotte Business INclusion**

Established MBE Goal: 6.00%

Committed MBE Goal: 6.06%

United of the Carolinas, Inc. met the established subcontracting goal and has committed 6.06% (\$135,000) of the total contract amount to the following certified firm(s):

- RRC Concrete, Inc. (MBE) (\$105,000) (concrete)
- Cesar A. Leon, LLC (MBE, SBE) (\$30,000) (hauling)

Established WBE Goal: 4.00%

Committed WBE Goal: 4.04%

Prime met the established subcontracting goal and has committed 4.04% (\$90,000) of the total contract amount to the following certified firm(s):

- Parsi Trucking, LLC (WBE) (\$65,000) (hauling)
- Pentacle, Inc. (WBE, SBE) (\$25,000) (fence installation)

**Fiscal Note**

Funding: Storm Water Capital Investment Plan

**Attachment(s)**

Map

[Map - Collective SDIP Series Y](#)

## 50. Construct Lawton Storm Drainage Improvement Project

### **Action:**

- A. Reject the low bid submitted by Nassiri Development LLC, for Lawton Storm Drainage Improvement Project, and**
- B. Approve a contract in the amount of \$5,458,952.40 to the lowest responsive, responsible Zoladz Construction Co., Inc. for the Lawton Storm Drainage Improvement Project.**

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

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

### **Explanation**

- This project will reduce flooding and improve aging infrastructure adjacent to Lawton Road along Worth Place in Council District 2.
- Construction will include grading, storm drainage, asphalt paving, and curb and gutter.
- On June 20, 2024, the city issued an Invitation to Bid; four bids were received.
- Zoladz Construction Co., Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by fourth quarter 2025.

### **Reject Low-Bid Explanation**

- The low bid of \$3,920,582.46 submitted by Nassiri Development LLC. was found not responsive and non-responsible due to a mathematically unbalanced bid and for failing to meet the CBI Good Faith Efforts requirements.

### **Charlotte Business INclusion**

Established MBE Goal: 7.00%

Committed MBE Goal: 7.00%

Zoladz Construction Company, Inc. met the established subcontracting goal and has committed 7.00% (\$382,127) of the total contract amount to the following certified firm(s):

- RRC Concrete, Inc. (MBE) (\$382,127) (concrete)

Established WBE Goal: 4.00%

Committed WBE Goal: 4.00%

Zoladz Construction Company, Inc. met the established subcontracting goal and has committed 4.00% (\$218,400) of the total contract amount to the following certified firm(s):

- Trull Contracting, LLC (WBE, SBE) (\$183,000) (asphalt)
- Pentacle, Inc. (WBE, SBE) (\$26,400) (fencing)
- On Time Construction, Inc. (WBE, SBE) (\$9,000) (brick and concrete)

### **Fiscal Note**

Funding: Storm Water Capital Investment Plan

### **Attachment(s)**

Map

[Map - Lawton SDIP](#)

## 51. Construct Sweden Road Surface Water Quality Enhancement Project

### **Action:**

- A. **Approve a contract in the amount of \$1,274,204.76 to the lowest responsive bidder GreenWater Development, Inc. for the Sweden Road Water Quality Enhancement Project, and**
- B. **Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.**

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

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

### **Explanation**

- Storm Water Services constructs surface water quality enhancement projects to remove pollutants from stormwater runoff before the water is discharged into creeks.
- Many of these creeks do not currently meet water quality standards, and these projects are intended to improve surface water quality towards meeting these standards.
- The Sweden Road Surface Water Quality Enhancement Project includes the construction of stormwater control measures, storm drainage, asphalt paving, and curb and gutter, which will reduce pollutants from a drainage area of eight acres.
- The project is located at the Charlotte Department of Transportation Street Maintenance Division Southwest Facility on Sweden Road in the Lower Little Sugar watershed in Council District 3.
- On June 4, 2024, the city issued an Invitation to Bid; five bids were received.
- GreenWater Development, Inc. was selected as the lowest responsive, responsible bidder.
- Construction of the project is anticipated to be complete by the third quarter of 2025.

### **Charlotte Business INclusion**

Established MBE Goal: 7.00%

Committed MBE Goal: 7.04%

GreenWater Development, Inc. met the established subcontracting goal and has committed 7.04% (\$89,650) of the total contract amount to the following certified firm(s):

- Redstone Materials, Inc. (MBE, SBE) (\$59,800) (hauling)
- RRC Concrete, Inc. (MBE) (\$29,850) (concrete)

Established WBE Goal: 4.00%

Committed WBE Goal: 10.16%

GreenWater Development, Inc. exceeded the established subcontracting goal and has committed 10.16% (\$129,500) of the total contract amount to the following certified firm(s):

- On Time Construction, Inc. (WBE, SBE) (\$129,500) (masonry)

### **Fiscal Note**

Funding: Storm Water Capital Investment Plan

### **Attachment(s)**

Map

[Map - Sweden Road Water Quality Project](#)

## 52. Professional Engineering Services for Minor Storm Drainage Improvement Projects

### Action:

- A. Approve unit price contracts for professional engineering services for an initial term of two years to the following:
- Bolton & Menk, Inc.,
  - EDT, PLLC,
  - ESP Associates, Inc.,
  - Kimley-Horn,
  - LaBella Associates, DPC,
  - LandDesign, Inc.,
  - NV5 Engineers and Consultants, Inc.,
  - The John R. McAdams Company, Inc., and
- B. Authorize the City Manager to renew the contract for up to three, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.

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

Angela Charles, Charlotte Water

Mike Davis, Storm Water Services

Matthew Gustis, Storm Water Services

### **Explanation**

- Storm Water Services is using consultant engineers to provide design services for minor storm drainage projects throughout the city.
- These contracts will provide engineering analysis and design services for projects ranging from single property repairs to area-based drainage solutions.
- On March 27, 2024, the city issued a Request for Qualifications (RFQ); nine proposals were received.
- The firms selected are the best qualified to meet the city's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- Firms will be selected for each individual project based on team size, availability, and experience.
- wal, 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 \$6,500,000.

### **Charlotte Business INclusion**

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

### **Fiscal Note**

Funding: Storm Water Capital Investment Plan

## 53. CATS Bus Pneumatic Parts

### **Action:**

- A. Approve unit price contracts for the purchase of bus pneumatic parts for a three-year term to the following:**
- **Aftermarket Parts Company,**
  - **Muncie Transit Supply,**
  - **Neopart Transit, LLC, and**
- B. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

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

Brent Cagle, CATS

Elizabeth Presutti, CATS

Jennifer Fehribach, CATS

### **Explanation**

- The contracts will provide pneumatic parts for the maintenance of the Charlotte Area Transit System bus fleet.
- On February 13, 2024, the city issued an Invitation to Bid; three bids were received.
- The firms were selected as the lowest responsible bidders within specific categories of parts.
- 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 \$148,000.

### **Charlotte Business INclusion**

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

### **Fiscal Note**

Funding: CATS Operating Budget



## 54. CATS Operations Bus On-Site Inspection Services Contract

### **Action:**

- A. **Authorize the City Manager to approve a contract with Transit Resource Center for Bus On-Site Inspection Services for a term of five years, and**
- B. **Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.**

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

Brent Cagle, CATS

Elizabeth Presutti, CATS

Jennifer Fehribach, CATS

### **Explanation**

- This services contract will ensure that each rolling stock being produced is manufactured in compliance with 49 CFR Part 663 (Pre-Award and Post-Delivery Audits of Rolling Stock Purchases) regulations and 49 CFR 661 (Buy America Requirements), as amended by the Fixing America's Surface Transportation Act.
- The inspections also ensure that the vehicles comply fully with the specifications of the order and ensure that each vehicle is free from defects.
- On February 13, 2024, the city issued a Request for Proposals (RFP); one response was received.
- Transit Resource Center meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$267,500.

### **Charlotte Business INclusion**

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

### **Fiscal Note**

Funding: CATS Operating Budget

## 55. Airport Aircraft Gate Equipment Purchase and Installation

### Action:

- A. Approve a unit price contract with AERO BridgeWorks, Inc. for the purchase and installation of Aircraft Gate Equipment for a term of 923 days, and
- B. Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.

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

Haley Gentry, Aviation

Jack Christine, Aviation

### **Explanation**

- This project will provide for the manufacture or purchase and installation of Aircraft Gate Equipment, including Passenger Boarding Bridges (PBBs), Fixed Walkways, Pre-Conditioned (PC) Air Units, and Ground Power Units (GPUs).
- The contract will provide for an estimated 19 PBBs, 500 linear feet of Fixed Walkways, six PC Air Units, and 23 GPUs.
- On May 29, 2024, the city issued an Invitation to Bid; one bid was received.
- AERO BridgeWorks, Inc. was selected as the lowest responsive, responsible bidder.
- This project is primarily funded by a \$27 million Infrastructure Investment and Jobs Act grant under the competitive Airport Terminals Program.
- Total expenditures are estimated to be \$34,263,125.

### **Disadvantaged Business Enterprise**

Established DBE Goal: 7.50%

Committed DBE Goal: 7.61%

AERO BridgeWorks, Inc. exceeded the established contract goal and has committed 7.61% (\$2,608,109) of the bid amount to the following DBE-certified firm:

- Besco Electric Corporation DBA Besco Electrical (DBE) (\$2,608,109) (electrical)

### **Fiscal Note**

Funding: Aviation Capital Investment Plan

## 56. Airport Concourse A Expansion Phase 3 Professional Services

### Action:

- A. Approve a contract with Gresham Smith for Concourse A Expansion Phase 3 professional services for an initial term of five years, and
- B. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.

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

Haley Gentry, Aviation  
Jack Christine, Aviation

### **Explanation**

- The Airport Master Plan identified a need for additional gates based on passenger forecast analysis.
- Concourse A Expansion Phase 3 (CAP3) will encompass approximately 150,000 square feet and includes seven additional gates and a connector to Concourse A Expansion Phase 2.
- The contract will provide planning, architectural, design, and construction administration services to be performed in multiple phases for the CAP3 project.
- On February 27, 2024, the city issued a Request for Qualifications (RFQ); five responses were received.
- Gresham Smith is the best qualified firm to meet the city's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- 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.
- Total expenditures are estimated to be \$22,000,000.

### **Disadvantaged Business Enterprise**

The city negotiates subcontracting participation after the proposal selection process. Gresham Smith has committed 4.55% (\$1,00,000) of the total contract amount to the following DBE-certified firms:

- Capstone Civil Engineering (DBE) (\$100,000) (geotechnical services)
- CES Group Engineers (DBE) (\$100,000) (survey and subsurface utility engineering)
- Hartranft Lighting Design (DBE) (\$200,000) (architectural lighting design)
- Kelly Taaffe Design, Inc. (DBE) (\$100,000) (terrazzo flooring specialist)
- MAV Consulting Group, LLC (DBE) (\$500,000) (advisory, planning, and architecture)

### **Fiscal Note**

Funding: Aviation Capital Investment Plan

## 57. Airport Fourth Parallel Runway North End-Around Taxiway Extension Construction

### Action:

- A. **Approve a contract in the amount of \$83,081,309.73 to the lowest responsive bidder E.S. Wagner Company LLC/Hi-Way Paving, Inc. Joint Venture for the Fourth Parallel Runway North End-Around Taxiway Extension project, and**
- B. **Approve contract amendment #2 for \$5,535,328 for construction administration services to the contract with Kimley-Horn and Associates, Inc. for the North End-Around Taxiway Extension project.**

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

Haley Gentry, Aviation

Jack Christine, Aviation

### **Background**

- The Fourth Parallel Runway Program will enhance airfield capacity and operational efficiency and reduce the number of active runway crossings.
- The overall program consists of three major design projects. This project will provide aircraft the ability to continuously taxi around the north end of the two center runways.
- The project is anticipated to be complete by the fourth quarter of fiscal year 2027.

### **Explanation**

#### Action A

- This contract will provide for the construction of a new taxiway with two connector taxiways, to include pavement and building demolition, utility removal, mass grading, erosion control, waterline installation, asphalt roadway, pavement markings, airfield electrical including duct banks, cabling, lighting, and signage, and fencing.
- On May 7, 2024, the city issued an Invitation to Bid; four bids were received.
- E.S. Wagner Company LLC/Hi-Way Paving, Inc. Joint Venture was selected as the lowest responsive, responsible bidder.

#### Action B

- On March 13, 2023, City Council approved a contract with Kimley-Horn and Associates, Inc. in the amount of \$5,325,521 to provide design services for the Fourth Parallel Runway Program North End-Around Taxiway Extension Project.
- Contract amendment #1 in the amount of \$647,840 was for additional design services for General Aviation Hangar Site Development to utilize excess soil from the runway for future hangar building sites.
- Amendment #2 includes construction administration services, including design-related items such as submittal reviews, RFI responses, as-built final drawings, and material acceptance.
- The new value of the contract is \$11,508,689.

### **Disadvantaged Business Enterprise**

#### Action A

Established DBE Goal: 16.70%

Committed DBE Goal: 16.71%

E.S. Wagner Company LLC/Hi-Way Paving, Inc. Joint Venture exceeded the established contract goal, and has committed 16.71% (\$13,885,713) of the total contract amount to the following DBE-certified firms:

- Apex Petroleum Corporation (DBE) (\$1,087,720) (fuel supplier)
- Archangel Protective Services, Inc. (DBE) (\$2,379,520) (escort)
- Millennium MISIR Trucking, Inc. (DBE) (\$3,002,570) (hauling)
- Martin Landscaping Co., Inc. (DBE) (\$3,834,900) (erosion control, seeding)

- Express Logistics Services, Inc. (DBE) (\$3,131,050) (aggregate supply, hauling)
- Native Transportation Supply, LLC (DBE) (\$388,903) (electrical supplier)
- Kingdom Trucking, LLC (DBE) (\$61,050) (hauling)

Action B

All additional work involved in the amendment will be performed by Kimley-Horn and Associates, Inc., and their existing subcontractors. Kimley-Horn and Associates, Inc. has committed 13.74% (\$1,581,141) of the total contract amount to the following DBE-certified firms:

- Aviation Alliance, Inc. (DBE) (\$414,803) (airfield electrical)
- CES Group Engineers LLP (DBE) (\$395,200) (surveying)
- Connico, LLC (DBE) (\$191,668) (project scheduling and estimating)
- LKN Engineering and Testing, PC (DBE) (\$110,000) (construction materials testing)
- Materials Managers and Engineers Inc. DBA 2MNEXT (DBE) (\$235,000) (construction materials testing)
- On-Spec Engineering PC (DBE) (\$180,000) (construction materials testing)
- WGR Southeast, LLC (DBE) (\$54,470) (administrative management, document control)

**Fiscal Note**

Funding: Aviation Capital Investment Plan

## 58. Fiscal Year 2024 Tax Collector's Settlement Statement and Fiscal Year 2025 Order of Collection

### **Action:**

- A. Receive as information and record in full in the minutes the Mecklenburg County Tax Collector's Settlement Statement for Fiscal Year 2024, and**
- B. Adopt an Order of Collection, pursuant to NC General Statute Section 105-321(b), authorizing the Mecklenburg County Tax Collector to collect the taxes for Fiscal Year 2025.**

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

Teresa Smith, Finance  
Matthew Hastedt, Finance  
Stephanie Kelly, City Clerk's Office

### **Explanation**

#### **Action A**

- According to NC General Statute Section 105-373:
  - After July 1, and before being charged with collecting taxes for the current fiscal year, the Tax Collector must submit to the governing board an annual report of the amount collected on the preceding fiscal year's taxes with which he/she is charged and the amount remaining uncollected, and
  - The Tax Collector's Settlement Statement must be entered in full into the official record of the governing board.
- The Tax Collector's Settlement Statement is an informational report on property tax collection activity for the preceding fiscal year (July 1, 2023 - June 30, 2024) and previous fiscal years.

#### **Action B**

- According to NC General Statute Section 105-321(b), an order directing the Tax Collector to collect the taxes charged in tax records and receipts must be entered into the official record of the governing board.
- The Order of Collection authorizes the collection of Fiscal Year 2025 real estate and motor vehicle taxes.

### **Attachment(s)**

Fiscal Year 2024 Tax Collector's Settlement Statement and Fiscal Year 2025 Order of Collection

[City of Charlotte Settlement Statement FY 2024](#)

## 59. Meeting Minutes

**Action:**

Approve the titles, motions, and votes reflected in the Clerk's record as the minutes of:

- May 9, 2022, Business Meeting,
- May 11, 2022, Budget Adjustment Meeting,
- May 23, 2022, Special Meeting,
- May 23, 2022, Zoning Meeting,
- May 25, 2022, Straw Votes Meeting, and
- May 31, 2022, Business Meeting.

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- Meeting minutes can be reviewed on the City Clerk's website:  
<https://www.charlottenc.gov/City-Government/Departments/City-Clerk/Meeting-Minutes>

## 60. Set a Public Hearing on Hudspeth Area Voluntary Annexation

**Action:**

**Adopt a resolution setting a public hearing for September 9, 2024, for Hudspeth Area voluntary annexation petition.**

**Staff Resource(s):**

Alyson Craig, Planning, Design and Development

Holly Cramer, Planning, Design and Development

Emma Knauerhase, Planning, Design and Development

**Explanation**

- The city has received a petition for voluntary annexation of private property.
- Public hearings are required prior to City Council action on annexation requests.
- This property is located within Charlotte's extraterritorial jurisdiction.
- The area proposed for annexation does not share boundaries with current city limits.
- Annexation of this area will allow for more orderly development review, extension of city services, capital investments, and future annexation processes.
- The 37.040-acre "Hudspeth" site is east of Interstate 485 along the southeast side of North Tryon Street in northeastern Mecklenburg County.
  - The site is currently vacant.
  - The petitioner has plans to develop 379 multi-family stacked dwelling units. The property is zoned R-12 MF(CD) (multi-family residential, conditional).
    - Rezoning Petition 2021-150 rezoned the site in April of 2022 from R-3 to R-12MF(CD). The site's entitlements under the approved conditional plan allow for multi-family residential uses and any accessory uses permitted in the zoning district.
  - The property is located near Council District 4.
  - The petitioned area consists of two parcels: parcel identification numbers 051-091-01 and 051-091-06.

**Consistency with City Council Policies**

- The annexation is consistent with voluntary annexation policy approved by City Council on March 24, 2003; more specifically this annexation:
  - 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

Resolution

[Map - Hudspeth Area Annexation](#)

[Resolution - Hudspeth Area Annexation](#)



## 61. Resolution of Intent to Abandon a Portion of Jimmy Oehler Road

**Action:**

- A. Adopt a Resolution of Intent to abandon a portion of Jimmy Oehler Road, and
- B. Set a Public Hearing for October 14, 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 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 right-of-way is located in Council District 4.

**Petitioners**

Wilkes Asset Management, LLC

**Attachment(s)**

Map  
Resolution

[2024-001452A - Abandonment Map](#)

[2024-001452A Resolution of Intent 08.26.2024](#)

## 62. Refund of Property Taxes

**Action:**

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$8,205.43.

**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)**

Resolution  
List of Taxpayers

[Resolution - Refund of Property Taxes 8.26.24](#)

[List of Taxpayers 8.26.24](#)

**CONSENT - PROPERTY TRANSACTIONS****63. Aviation Property Transactions - 8400 Douglas Drive**

**Action:** Approve the following Acquisition: 8400 Douglas Drive

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):** Ann H. Sanburg

**Property Address:** 8400 Douglas Drive

**Total Parcel Area:** 0.648 acres (28,227 sq ft)

**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):** 141-223-07

<https://polaris3g.mecklenburgcountync.gov/pid/14122307/>

**Purchase Price:** \$345,000, and all relocation benefits in compliance with Federal, State or Local regulations.

**Council District:** 3

## 64. Property Transactions - 8" Sanitary Sewer to serve 9818 Hood Road, Parcel # 2

**Action:** Approve the following Acquisition: 8" Sanitary Sewer to serve 9818 Hood Road, Parcel # 2

**Project:** 8" Sanitary Sewer to serve 9818 Hood Road, Parcel # 2

**Program:** 8" Sanitary Sewer to serve 9818 Hood Road

**Owner(s):** Natasha Rhea McCauley

**Property Address:** 9806 Hood Road

**Total Parcel Area:** 133,441 sq. ft. (3.063 ac.)

**Property to be acquired by Easements:** 6,796 sq. ft. (0.156 ac.) Sanitary Sewer Easement

**Structures/Improvements to be impacted:** Driveway

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

**Zoned:** N1-A

**Use:** Neighborhood 1 Zoning District

**Parcel Identification Number(s):** 105-153-61  
<https://polaris3g.mecklenburgcountync.gov/xv/1493699.5606.558766.4057/>

**Purchase Price:** \$30,000

**Council District:** 5

## 65. Property Transactions - Elvis Storm Drainage Improvement Project, Parcel # 4

**Action:** Approve the following Condemnation: Elvis Storm Drainage Improvement Project, Parcel # 4

**Project:** Elvis Storm Drainage Improvement Project, Parcel # 4

**Program:** Elvis Storm Drainage Improvement Project

**Owner(s):** Palladian Homes Inc

**Property Address:** 7806 Denbur Drive

**Total Parcel Area:** 36,937 sq. ft. (0.848 ac.)

**Property to be acquired by Easements:** 2,217 sq. ft. (0.051 ac.) Storm Drainage Easement and 4,420 sq. ft. (0.101 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(s):** 111-111-07  
<https://polaris3g.mecklenburgcountync.gov/xv/1502371.0634.540959.1035/>

**Appraised Value:** \$1,375

**Property Owner's Concerns:** The property has outstanding title issues, and the property owner is concerned about the amount of compensation offered.

**City's Response to Property Owner's Concerns:** The city has been unable to reach an agreement or resolve outstanding title issues at this time. 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:** To obtain a clear title, 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

[Map - Elvis SDIP Parcel #4](#)

## 66. Property Transactions - Monroe Road Multi-Use Path, Parcel # 1

**Action:** Approve the following Condemnation: Monroe Road Multi-Use Path, Parcel # 1

**Project:** Monroe Road Multi-Use Path, Parcel # 1

**Program:** Independence Sidewalk and Bikeway Program

**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. (0.073 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** Sign

**Landscaping to be impacted:** Trees

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

**Use:** Office, Conditional Use

**Parcel Identification Number(s):** 161-063-01  
<https://polaris3g.mecklenburgcountync.gov/xv/1469406.0986.529410.7960/>

**Appraised Value:** \$52,350

**Property Owner's Concerns:** The property owner is concerned about the amount of compensation offered and has become unresponsive.

**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

[Map - Monroe Road Multi-Use Path Parcel #1](#)

## 67. Property Transactions - Severn-Tyndale Storm Drainage Improvement Project, Parcel # 6

**Action:** Approve the following Acquisition: Severn-Tyndale Storm Drainage Improvement Project, Parcel # 6

**Project:** Severn-Tyndale Storm Drainage Improvement Project, Parcel # 6

**Program:** Severn-Tyndale Storm Drainage Improvement Project

**Owner(s):** Lisa J. Conley

**Property Address:** 3928 Severn Avenue

**Total Parcel Area:** 14,605 sq. ft. (0.335 ac.)

**Property to be acquired by Easements:** 1,332 sq. ft. (0.031 ac.) Water Line Easement, 235 sq. ft. (0.005 ac.) Storm Drainage Easement and 1,458 sq. ft. (0.033 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** Irrigation

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

**Zoned:** N1-A

**Use:** Neighborhood 1 Zoning District

**Parcel Identification Number(s):** 179-095-11  
<https://polaris3g.mecklenburgcountync.gov/xv/1448668.5455.509296.4956/>

**Purchase Price:** \$21,254

**Council District:** 6

## 68. Property Transactions - Severn-Tyndale Avenue Storm Drainage Improvement Project, Parcel # 12

**Action:** Approve the following Acquisition: Severn-Tyndale Avenue Storm Drainage Improvement Project, Parcel # 12

**Project:** Severn-Tyndale Avenue Storm Drainage Improvement Project, Parcel # 12

**Program:** Severn-Tyndale Avenue Storm Drainage Improvement Project

**Owner(s):** Dana S. Colee

**Property Address:** 3933 Severn Avenue

**Total Parcel Area:** 13,308 sq. ft. (0.305 ac.)

**Property to be acquired by Easements:** 923 sq. ft. (0.021 ac.) Storm Drainage Easement and 458 sq. ft. (0.011 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** Shed

**Landscaping to be impacted:** Trees

**Zoned:** N1-A

**Use:** Neighborhood 1 Zoning District

**Parcel Identification Number(s):** 179-094-05  
<https://polaris3g.mecklenburgcountync.gov/xv/1448834.3969.509156.5267/>

**Purchase Price:** \$12,035

**Council District:** 6

## 69. Property Transactions - Sharon Road at Eastburn Road Improvements, Parcel # 1

**Action:** Approve the following Acquisition: Sharon Road at Eastburn Road Improvements, Parcel # 1

**Project:** Sharon Road at Eastburn Road Improvements, Parcel # 1

**Program:** Sharon Road at Eastburn Road Improvements

**Owner(s):** Southern Magnolia Properties, LLC

**Property Address:** 5422 Sharon Road

**Total Parcel Area:** 19,297 sq. ft. (0.443 ac.)

**Property to be acquired by Easements:** 1,115 sq. ft. (0.026 ac.) Sidewalk Utility Easement and 1,041 sq. ft. (0.024 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(s):** 179-054-15  
<https://polaris3g.mecklenburgcountync.gov/xv/1450580.1481.510982.7185/>

**Purchase Price:** \$13,000

**Council District:** 6



## 70. Property Transactions - South Boulevard at Longleaf Pedestrian Hybrid Beacon, Parcel # 1

**Action:** Approve the following Condemnation: South Boulevard at Longleaf Pedestrian Hybrid Beacon, Parcel # 1

**Project:** South Blvd at Longleaf PHB, Parcel # 1

**Program:** Charlotte Department of Transportation Vision Zero Program

**Owner(s):** SCM Charlotte Realty, LLC

**Property Address:** 9325 South Boulevard

**Total Parcel Area:** 291,094 sq. ft. (6.683 ac.)

**Property to be acquired by Easements:** 140 sq. ft. (0.003 ac.) Utility Easement

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

**Landscaping to be impacted:** None

**Zoned:** CG

**Use:** General Commercial

**Parcel Identification Number(s):** 207-012-01  
<https://polaris3g.mecklenburgcountync.gov/xv/1437475.6249.500344.9377/>

**Appraised Value:** \$1,675

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

**City's Response to Property Owner's Concerns:** The City was able to redesign to accommodate some of the property owner's design requests. 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:** 6

**Attachment(s):** Map

[Map - South Blvd at Longleaf PHB Parcel #1](#)

## Adjournment

## REFERENCES

## 71. 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.

## 72. 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.

## 73. 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.