

City of Charlotte

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



Meeting Agenda

Monday, February 13, 2023

Council Chamber

City Council Business Meeting

Mayor Vi Lyles

Mayor Pro Tem Braxton Winston II

Council Member Dimple Ajmera

Council Member Danté Anderson

Council Member Tariq Scott Bokhari

Council Member Ed Driggs

Council Member Malcolm Graham

Council Member Reneé Johnson

Council Member LaWana Mayfield

Council Member James Mitchell

Council Member Marjorie Molina

Council Member Victoria Watlington

**5:00 P.M. CITY COUNCIL ACTION REVIEW,
CHARLOTTE-MECKLENBURG GOVERNMENT CENTER,
REGULAR MEETING HOSTED FROM ROOM 267**

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.

[2023-02-13 Council Agenda QA](#)

2. Consent agenda items 10 through 25 may be considered in one motion except for those items removed by a Council member. Items are removed by notifying the City Clerk.

Time: 5 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

Fire Update

Staff Resource(s):

Reginald Johnson, Fire

Time: Presentation - 15 minutes; Discussion - 25 minutes

Explanation

- Receive a year-end update from the Charlotte Fire Department.

Planning for the Future

Staff Resource(s):

Alyson Craig, Planning, Design, and Development
Alysia Osborne, Planning, Design, and Development
Laura Harmon, Planning, Design, and Development

Time: Presentation - 15 minutes; Discussion - 25 minutes

Explanation

- Provide an update on the UDO and Community Area Planning.

[4.1 Fire Update](#)

[4.2 Planning For the Future](#)

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

POLICY

6. City Manager's Report

[02.13.2023 City Manager's Memo](#)

7. 2023 Federal and State Legislative Agendas

Action:

Approve the Budget, Governance, and Intergovernmental Relations Committee recommendation to approve the 2023 Federal and State Legislative Agendas.

Committee Chair:

Dimple Ajmera, Budget, Governance, and Intergovernmental Relations

Staff Resource(s):

Ryan Bergman, City Manager's Office

Dana Fenton, City Manager's Office

Explanation

- On February 6, 2023, the Budget, Governance, and Intergovernmental Relations Committee Chair Ajmera briefed Mayor and City Council on the committee-proposed 2023 Federal and State Legislative Agendas.
- The proposed 2023 Federal Legislative Agenda addresses issues relating to airports, surface transportation, public transportation, immigration, digital inclusion, environment, and sustainability and resilience.
- The proposed 2023 State Legislative Agenda addresses issues relating to affordable housing, mobility, aviation, surface transportation, sustainability and resilience, digital inclusion, environment, and public safety.

Committee Discussion

- On February 6, 2023, the Budget, Governance, and Intergovernmental Relations Committee voted to recommend the issues forward in the 2023 Federal and State Legislative Agendas to the City Council.

Next Steps

- The approved 2023 Federal Legislative Agenda will be presented to the Mecklenburg Congressional Delegation during the National League of Cities Congressional City Conference scheduled for March 26 - 28, 2023.
- The approved 2023 State Legislative Agenda will be presented to the Mecklenburg State Delegation at a future date to be determined.

Attachment(s)

Proposed 2023 Federal Legislative Agenda

Proposed 2023 State Legislative Agenda

[Proposed Federal Agenda](#)

[Proposed State Agenda](#)

8. Adopt a Resolution of Intent to Consider Amending the City Charter by Ordinance to Change the Form of Government

Action:

- A. Adopt a Resolution of Intent to Consider Amending the City Charter by Ordinance to Change the Form of Government by:**
1. Increasing the terms of office of Mayor and City Councilmembers from two years to four years,
 2. Staggering the election terms,
 3. Adding an additional district member, and
- B. Adopt the Resolution of Intent with the condition that any adoption of the ordinance amending the city character shall be effective only upon approval by a vote of the people, and**
- C. Set a public hearing on the above Resolution of Intent for March 13, 2023.**

Committee Chair:

Dimple Ajmera, Budget, Governance and Intergovernmental Relations

Staff Resource(s):

Patrick Baker, City Attorney's Office
Lina James, City Attorney's Office

Explanation

- NC General Statutes 160A-101 authorizes the City Council to change its form of government by adopting a resolution of intent to consider amending its city charter by ordinance; permissible modifications include altering the terms of office of the mayor and councilmembers, staggering terms of office, and adding an additional district member, so long as the number of council members does not exceed 12.
- NC General Statute 160A-102 specifies the procedures for amending the city charter by adopting an ordinance to implement changes allowed by law.
 - By law, the resolution of intent must include the proposed ordinance amendments to the city charter and shall describe each briefly but completely and with reference to the pertinent provisions of N.C.G.S. 160A-101.
 - For this action, Council must decide on the following statutory options:
 - Term of office of the mayor; at least two years, but no more than four years (N.C.G.S. 160A-101(8))
 - Term of office of councilmembers; from two to four years (N.C.G.S. 160A-101(4));
 - Whether district and at-large members hold the same terms of office (N.C.G.S. 160A-101(4));
 - Whether mayor, at-large and district terms are staggered or run concurrently (N.C.G.S. 160A-101(4));
 - If staggered elections, bifurcate by office and set timeframe for when staggering begins (i.e., mayor, at-large, or districts) (N.C.G.S. 160A-101(4));
 - Adding an additional district member to council (N.C.G.S. 160A-101(5)).
- The current form of government includes:
 - Term of office of the mayor: two years
 - Term of office of councilmembers: two years
 - Election cycle: every two years in odd-numbered years for all offices
 - Number of members of council: 12 total elected officials: mayor plus four at-large representatives, and seven district representatives.

Action B

- City Council may, but is not required by law to, make adoption of any ordinance amending the city charter effective only if approved by a vote of the people and may adopt a resolution at that time to call a special election to submit the ordinance to a vote (ballot referendum).
- If the ordinance to change the form of government is adopted without being submitted for a vote of the people and a referendum petition is submitted bearing the signatures of 5,000 qualified voters, state law requires that Council shall submit the ordinance to a vote of the people.
- If a public vote is required, whether by Council action or a referendum petition, state law requires that the vote must take place at the next general election (November 7, 2023).

Action C:

- At adoption of the resolution of intent, Council shall also call a public hearing on the proposed amendments to the city charter and the hearing shall be held within 45 days of adoption.
- A notice of the public hearing shall be published at least once not less than 10 days before the public hearing and shall contain a summary of the proposed amendments.
- Within 60 days of the public hearing, but no sooner than the next regular meeting of City Council, Council may adopt the ordinance amending the city charter to implement what is proposed in the resolution of intent.

Committee Discussion

- In 2020, at the direction of Mayor Vi Lyles and Mayor Pro Tem Julie Eiselt, the Citizen Advisory Committee on Governance (CACG) was established to review the current structure of the Charlotte City Council. The CACG provided a report of recommendations to Council in November 2020 which Council adopted in January 2021.
- The CACG report recommended increasing council terms to four years; staggering election terms and adding an eighth district seat and removing an at-large seat.
- In 2021 and 2022, several of the CACG recommendations were addressed or considered by Council and Council Committees.
- In 2021, the Budget Governance and Intergovernmental Relations (BGIR) Council Committee was tasked with reviewing certain unaddressed CACG recommendations to changes in form of government and to make recommendations for Council to consider.
- On December 5, 2022, and January 3, 2023, based on recommendations from the CACG and the BGIR Council Committee, the City Attorney's Office reviewed the law, provided options and the outlined the procedures to change the form of government.
- On January 3, 2023, the BGIR Council Committee voted unanimously to recommend that full Council consider increasing mayor and council terms to four-years, stagger election terms, add an additional district member to council and to adopt an ordinance amending the city charter subject to a vote of the people. (Approved - 3:0, Anderson and Bokhari absent)

Council Session Discussion

- At the January 3, 2023 City Council Committee Discussion Session, Council received an overview of the BGIR's Committee's recommendations, the legal process, and a timeline for amending the city charter by ordinance.
- A motion was made and seconded to place on an upcoming Council agenda the option to adopt a resolution of intent for City Council to consider amending the city charter by ordinance to change its form of government for terms of office for mayor and councilmembers to four-years, stagger election terms, and add an additional district member to council, all subject to a vote of the people. The motion was carried by the following vote: Council members Ajmera, Mayfield, Mitchell, Molina, Watlington and MPT Winston, voted yes; Council members Bokhari, Driggs, and Graham voted no. (Anderson absent)

Attachment(s)

- Council Budget, Governance, and Intergovernmental Committee presentation January 3, 2023
- Resolution of Intent

[01.03.23 BGIR Committee - Form of Gov Presentation](#)

[Change to Government Resolution of Intent](#)

BUSINESS

9. CATS Bus Service Agreement with the City of Concord

Action:

- A. **Adopt a resolution approving an Interlocal Agreement between the City of Concord and the City of Charlotte for the bus service operated by the Concord Kannapolis Transit System that will connect the City of Concord to the LYNX Blue Line for an initial term of two years, retroactive to July 2022,**
- B. **Authorize the City Manager to negotiate and execute all documents necessary to complete the interlocal agreement,**
- C. **Authorize the City Manager to renew the agreement for up to five, one-year terms, and**
- D. **Authorize the City Manager, or his designee, to amend the interlocal agreement consistent with the purpose for which the agreement was approved.**

Staff Resource(s):

Brent Cagle, CATS

Jason Lawrence, CATS

Pamela White, CATS

Explanation

- The City of Concord will operate bus service connecting to the LYNX Blue Line at the JW Clay Station.
- Charlotte residents will be able to ride the Concord bus service by utilizing bus stop locations along the portion of the bus line that will be in the City of Charlotte.
- The service between the City of Charlotte and the City of Concord provides Charlotte residents with access to jobs, retail, and services.
- The total annual cost of the bus service is \$406,922.83. CATS will reimburse \$196,857.12 to the City of Concord on an annual basis.
- Service is planned to operate seven days per week with 14 roundtrips available each weekday and 11 roundtrips available on Saturday and Sundays.
- Other benefits of the service will include:
 - Improves mobility for residents of both Concord and Charlotte,
 - Maintains passengers access to LYNX Light Rail Blue Line,
 - Maintains transit service to an area of Charlotte, and
 - Assists Charlotte in meeting air quality attainment goals by reducing vehicle miles traveled.

Charlotte Business INclusion

This is an Interlocal Agreement contract and is exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: CATS Operating Budget

Attachment(s)

Route Map

Resolution

Proposed Amendment to Interlocal Agreement

[Exhibit A - CCX Schedule and Map](#)

[Concord Draft Resolution](#)

[2022 Concord CCX Interlocal Agreement v1 \(002\)](#)

CONSENT

10. Governor's Highway Safety Program Grant for Traffic Safety - Driving While Impaired Task Force

Action:

Adopt a resolution authorizing the City Manager, or his designee, to apply for and accept a grant in an amount of up to \$187,566 from the North Carolina Governor's Highway Safety Program for the Driving While Impaired Task Force.

Staff Resource(s):

Johnny Jennings, Police
Christopher Rorie, Police
John Reibold, Police

Explanation

- The Charlotte-Mecklenburg Police Department (CMPD) has been invited to apply for a North Carolina Governor's Highway Safety Program grant for the Driving While Impaired (DWI) Task Force. This is an annual opportunity which has been granted for the past ten years.
- The terms of the grant require that City Council adopt a resolution authorizing CMPD to apply for and accept the grant funding.
- The total cost for the DWI Task Force, made up of six officers and one sergeant, is projected to be \$750,265 in FY 2024. The grant will fund 25 percent of Task Force costs (\$187,566). The city will provide at 75 percent match (\$562,699) from CMPD's operating budget.
- The grant is for a one-year term from October 1, 2023 through September 30, 2024.

Fiscal Note

Funding: General Grants Fund and Police Operating Budget

Attachment(s)

Resolution

[Local Government Resolution NCGHSP DWI Task Force](#)

11. Governor's Highway Safety Program Grant for Traffic Safety - Law Enforcement Liaison

Action:

Authorize the City Manager, or his designee, to apply for and accept a grant in an amount of up to \$50,000 from the North Carolina Governor's Highway Safety Program.

Staff Resource(s):

Johnny Jennings, Police
Christopher Rorie, Police
John Reibold, Police

Explanation

- The Charlotte-Mecklenburg Police Department (CMPD) has been invited to apply for a \$50,000 grant from the NC Governor's Highway Safety Patrol.
- The terms of the grant require that City Council adopt a resolution authorizing CMPD to apply for and accept the grant funding.
- If awarded, this grant will provide:
 - \$17,500 to purchase five LIDAR radar units (handheld pieces of equipment used by certified officers to detect speeding)
 - \$25,000 to purchase one seat belt convincer
 - \$7,500 for the Regional Law Enforcement Liaison's travel, training, and meeting expenses
- The grant is for a one-year term from October 1, 2023 to September 30, 2024.
- No matching funds are required from the city.

Fiscal Note

Funding: General Grants Fund

Attachment(s)

Resolution

[RESOLUTION- NC GHSP - LAW ENFORCEMENT LIAISON FEB 2023](#)

12. Engineering Services for Transportation Projects

Action:

- A. Approve unit price contracts for various Engineering Services with the following firms for five years:**
- **Alpha and Omega Group PC (SBE)**
 - **American Engineering Associates - Southeast, PA**
 - **A. Morton Thomas and Associates Inc.**
 - **ColeJenest and Stone (Bolton & Menk)**
 - **Kisinger Campo & Associates, Corp.**
 - **Kimley-Horn & Associates, Inc.**
 - **NV5 Engineers and Consultants, Inc.**
 - **Parrish and Partners of North Carolina, PLLC**
 - **STV Incorporated**
 - **The John R McAdams Company Inc.**
- B. Authorize the City Manager to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

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

Explanation

- The city uses engineering contracts for a variety of services on transportation projects.
- The scopes of work may include but are not limited to feasibility studies, planning, design, and preparation of construction documents for various transportation projects.
- On October 8, 2021, the city issued a Request for Qualifications (RFQ); 33 submittals were received. Ten firms were selected for miscellaneous engineering services.
- The firms selected are the best qualified to meet the city's needs based on demonstrated competence and qualification of professional services in response to the RFQ requirements.
- Total annual expenditures are estimated to be \$1,440,000.

Charlotte Business INClusion

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

- Alpha and Omega Group, PC (SBE)
- American Engineering Associates - Southeast, PA
 - John Davenport Engineering, Inc. (MBE)
 - Capstone Civil Engineering, Inc. (MBE, SBE)
 - Hinde Engineering, Inc. (SBE)
- A. Morton Thomas and Associates, Inc.
 - Froehling & Robertson, Inc. (MBE)
- ColeJenest and Stone, P.A. (Bolton & Menk)
 - Vivid Earth Design, PLLC (SBE)
 - Amplify Consulting, L.L.C. (SBE)

- Kimley-Horn & Associates, Inc.
 - Boyle Consulting Engineers, PLLC (SBE)
 - Amplify Consulting, L.L.C. (SBE)
 - Hinde Engineering, Inc. (SBE)

- Kisinger Campo & Associates, Corp.
 - Exult Engineering, PC (SBE)
 - Froehling & Robertson, Inc. (MBE)
 - Hearn Real Estate Solutions, L.L.C. (MBE, SBE)

- NV5 Engineers and Consultants, Inc.
 - Carolina Wetland Services, Inc. (SBE)
 - Hinde Engineering, Inc. (SBE)
 - Capstone Civil Engineering, Inc. (MBE, SBE)
 - Avioimage Mapping Services, Inc. (SBE)
 - Brand Equity Marketing (MBE, SBE)

- Parrish and Partners of North Carolina, PLLC
 - Carolina Wetland Services (WBE,SBE)
 - Hinde Engineering, Inc. (SBE)
 - Capstone Civil Engineering, Inc. (MBE,SBE)
 - John Davenport Engineering, Inc. (MBE)
 - Utility Coordination Consultants, LLC (SBE)

- STV Engineering, Inc.
 - Froehling & Robertson, Inc. (MBE)
 - Stewart Engineering, Inc. (MBE)
 - Brand Equity Marketing, LLC (MBE, SBE)

- The John R McAdams Company Inc.
 - Carolina Wetland Services, Inc. (WBE, SBE)
 - Gulf Coast, LLC (SBE)
 - Froehling & Robertson, Inc. (MBE)
 - Neighboring Concepts, PLLC (MBE)
 - John Davenport Engineering, Inc. (MBE)

Fiscal Note

Funding: General Capital Investment Plan

13. Clarke Creek Pump Station and Forcemain Construction

Action:

Approve a guaranteed maximum price of \$21,138,774.00 to State Utility Contractors, Inc. for Design-Build construction services for the Clarke Creek Pump Station and Forcemain project.

Staff Resource(s):

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

Explanation

- State Utility Contractors, Inc. has developed a guaranteed maximum price (GMP) for design services, procurement of materials, and construction related to the proposed Clarke Creek Pump Station and associated improvements, located in the Town of Huntersville (adjacent to Council Districts 2 and 4).
- On February 14, 2022, City Council approved a contract for \$5,668,010 with State Utility Contractors, Inc. for Design-Build design services. Based on the design, GMPs for construction services are developed.
- City Council will receive future requests for the approval of additional GMPs for construction once established.

Charlotte Business INclusion

The city negotiates subcontracting participation for Design-Build contracts after the firm is selected and scopes of work are defined for design and construction services (Part G: Section 2.4 of the Charlotte Business INclusion Policy). State Utility Contractors, Inc. has committed \$2,913,631 or approximately 13.78% of the total contract for construction services to the following certified firms:

- Smart Electric Company, Inc. (WBE) (\$1,458,966) (electrical construction)
- Fuller and Co. Construction, LLC (SBE) (\$483,000) (bore and jack)
- Buffkin Trucking, Inc. (MBE, SBE) (\$186,000) (stone hauling)
- Shoreline Trucking, LLC (MBE, SBE) (\$150,000) (hauling)
- Soggy Bottom Erosion Control, LLC (SBE) (\$98,200) (erosion control)
- Martin Landscaping Co. Inc. (MBE, SBE) (\$88,550) (seeding and matting)
- Ram Pavement Services, Inc. (SBE) (\$80,000) (asphalt paving)
- Sanders Constructors (SBE) (\$76,500) (clearing)
- Gavel & Dorn Engineering, PLLC (SBE) (\$70,000) (soil and concrete testing)
- CITI, LLC (MBE) (\$65,500) (instrumentation/SCADA)
- GDC, Inc. (MBE, SBE) (\$54,515) (traffic control services)
- Maybury Fencing, Inc. (SBE) (\$47,000) (fencing)
- CES Group Engineers, LLP (WBE, SBE) (\$28,400) (site layout and benchmark staking)
- Pipe Pros, LLC (SBE) (\$27,000) (CCTV sewer main)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Map

[Map-Clarke Creek Pump Station and Forcemain Construction](#)

14. Water and Sanitary Sewer Service Installations

Action:

Approve a contract in the amount of \$22,479,240.30 to the lowest responsive bidder Fuller & Co. Construction, LLC (SBE) for water and sanitary sewer service installations.

Staff Resource(s):

Angela Charles, Charlotte Water

David Czerr, Charlotte Water

Keri Cantrell, Charlotte Water

Explanation

- This contract is for large diameter water and sanitary sewer service installations, service dismantlements, and short main extensions.
- On October 27, 2022, the city issued an Invitation to Bid; three bids were received.
- Fuller & Co. Construction, LLC was selected as the lowest responsive, responsible bidder.

Charlotte Business INclusion

Fuller & Co. Construction, LLC is a city certified SBE.

Established MSBE Goal: 5.00%

Committed MSBE Goal: 5.08%

Fuller & Co. Construction, LLC met the established subcontracting goal and has committed 5.08% (\$1,142,962) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- JT Wilson Hardscapes & Concert (SBE) (\$1,113,218) (silt fence, concrete, fencing)
- Gavel and Dorn Engineering (SBE) (\$20,864) (geotechnical testing - soils)
- Martin Landscaping Co., Inc. (MBE, SBE) (\$8,880) (seeding, erosion control, netting)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

15. Environmental Response Services

Action:

A. Approve unit price contracts with the following companies for environmental response services for an initial term of one year:

- Carolina Environmental Response Team Inc.,
- Clean Harbors Environmental Services, Inc.,
- Contaminant Control, Inc. dba CCI Environmental Services,
- Haz-Mat Environmental Services, LLC,
- HEPACO, LLC,
- OCA, LLC (SBE), and

B. Authorize the City Manager to renew the contracts for up to four, 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
Ron Hargrove, Charlotte Water
Mike Davis, Storm Water Services

Explanation

- These contracts will be utilized to prevent environmental contamination and respond to hazardous and nonhazardous waste removal and spills needed to maintain regulatory compliance.
- On October 4, 2022, the city issued a Request for Proposals (RFP); ten responses were received.
- The companies selected best meet the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual aggregate expenditures are estimated to be \$1,695,000.

Charlotte Business INclusion

OCA, LLC is a city certified SBE.

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

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

Fiscal Note

Funding: Charlotte Water Operating Budget, Charlotte Water Capital Investment Plan, CATS Operating Budget, and Storm Water Services Operating Budget

16. Professional Engineering Services for Toomey-Distribution Storm Drainage Improvement Project

Action:

- A. **Approve a contract for up to \$580,000 with Woolpert North Carolina, PLLC for design services for the Toomey-Distribution Storm Drainage Improvement 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
Matt Gustis, Storm Water Services

Explanation

- The Toomey-Distribution Storm Drainage Improvement Project is bordered by Rampart Street to the north, Remount Road to the south, Dunavant Street to the east, and Remus Road to the west, and is located in Council District 3.
- Professional engineering services will evaluate infrastructure and customer requests to determine and design needed improvements to the existing drainage system.
- Specific design tasks include, but are not limited to:
 - Design of repairs and/or improvements;
 - Survey and utility locate services;
 - Geotechnical subsurface investigations;
 - Preparation of construction documents;
 - Construction administration; and
 - Public outreach activities.
- On August 23, 2019, the city issued a Request for Qualifications (RFQ); 35 responses were received. 20 firms were selected to receive contracts.
- Woolpert North Carolina, PLLC was among those selected as 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.
- Additional contracts from this RFQ process will be coming to City Council for consideration once the projects are defined.

Charlotte Business INclusion

The city negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1 (h) of the Charlotte Business INclusion Policy). Woolpert North Carolina, PLLC has committed \$102,560 or approximately 17.68% of the total contract amount to the following certified firms:

- Hinde Engineering (SBE) (\$44,225) (utility coordination/design)
- CES Group Engineers, LLC (WBE) (\$26,620) (surveying services)
- RDL Utility Exploration (MBE, SBE) (\$20,000) (horizontal/vertical underground utility locating)
- Boyle Engineering (SBE) (\$11,715) (geotechnical engineering)

Fiscal Note

Funding: Storm Water Capital Investment Plan

17. CATS Cooperative Purchasing Contract for Hybrid Electric Buses

Action:

- A. **Approve the purchase of Hybrid Electric Buses, Special Tools/Equipment, and Training from a cooperative contract,**
- B. **Approve a unit price contract with Gillig for the purchase of Hybrid Electric Buses, Special Tools/Equipment, and Training for a term of one year under the State of Washington Cooperative Master Contract #06719, 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 contact.**

Staff Resource(s):

Brent Cagle, CATS

Allen Smith III, CATS

Jennifer Fehribach, CATS

Explanation

- The Charlotte Area Transit System (CATS) has 316 buses in its fixed-route bus fleet and per federal guidelines is eligible to retire and replace buses that have reached useful life, which is defined as 12 years and/or 500,000 miles.
- CATS is purchasing Hybrid-Electric Buses to meet the bus replacement scheduling.
- 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 can leverage economies of scale, such as volume discounts, improved terms, and conditions, reduced administrative costs, and access to professional and technical expertise.
- Initial expenditures are estimated to be \$28,000,000.

Disadvantage Business Enterprises (DBE)

The manufacturers of buses are in compliance with the Federal Transit Administration regulation 49 CFR Part 26.49, which require Disadvantaged Business Enterprise Opportunity certifications from Transit Vehicle Manufacturers as condition of being authorized to bid on transit procurement funded by the Federal Transit Administration.

Fiscal Note

Funding: CATS Capital Investment Plan

18. Airport South Crossfield Taxiway Construction Contract

Action:

Approve a contract in the amount of \$75,551,803.60 to the lowest responsive bidder Hi-Way Paving, Inc. for the Deicing Pad and South Crossfield Taxiway Project Package 2.

Staff Resource(s):

Haley Gentry, Aviation
Jack Christine, Aviation

Explanation

- The Deicing Pad and South Crossfield Taxiway Project will increase airfield operational efficiency with the construction of a new cross-field taxiway connecting the center and eastern-most runway. In addition, this project includes the extension of Taxiway F and the relocation of existing aircraft deicing pads from the cargo area to the south end of the center runway.
- The overall project consists of three packages of work. This package includes the pavement and lighting for the new taxiway extensions and deicing pad construction. Specific work includes erosion control, asphalt and concrete paving, drainage installation, pavement markings, signage, conduit installation, and electrical work.
- On November 2, 2022, the city issued an Invitation to Bid; four bids were received.
- Hi-Way Paving, Inc. was selected as the lowest responsive, responsible bidder.
- Aviation intends to bring a change order for this contract to a future council meeting to include additional earthwork that has not been fully scoped at this time.
- The project is anticipated to be complete by first quarter 2026.
- This activity is occurring on airport property.

Disadvantaged Business Enterprise

Established DBE Goal: 11.00%

Committed DBE Goal: 11.18%

Hi-way Paving, Inc. met the established subcontracting goal and has committed 11.18% (\$8,450,000) of the bid amount to the following certified firm(s):

- Archangel Protective Services (DBE) (\$900,000) (security officer, flagger traffic control, access control and escorting)
- Express Logistics Services, Inc. (DBE) (\$4,200,000) (furnish aggregates)
- Express Logistics Services, Inc. (DBE) (\$2,800,000) (haul aggregates)
- Martin Landscaping (DBE) (\$550,000) (seeding and erosion control)

Fiscal Note

Funding: Aviation Capital Investment Plan

19. Refund of Property Taxes

Action:

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$156,260.39.

Staff Resource(s):

Teresa Smith, Finance Department

Explanation

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

Attachment(s)

Taxpayers and Refunds Requested
Resolution Property Tax Refunds

[List of Taxpayers](#)

[Resolution February 13th](#)

PROPERTY TRANSACTIONS

20. Property Transactions - 7023 Gilead Road, Parcel # 6

Action: Approve the following Acquisition: 7023 Gilead Road, Parcel # 6

Project: 7023 Gilead Road, Parcel # 6

Program: 7023 Gilead Road

Owner(s): John L. Hall, IV and Kimberly F. Hall

Property Address: 7121 Gilead Road, Huntersville

Total Parcel Area: 28,943 sq. ft. (0.664 ac.)

Property to be acquired by Easements: 4,231 sq. ft. (0.097 ac.) Permanent Sewer Easement and 2,064 sq. ft. (0.047 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: TR

Use: Traditional Residential District

Parcel Identification Number: 009-032-22

<https://polaris3g.mecklenburgcountync.gov/#mat=183096&pid=00903222&gclid=00903222>

Purchase Price: \$23,750

Council District: Adjacent to Council District 4

21. Property Transactions - Shamrock Drive Improvements, Parcel # 15

Action: Approve the following Acquisition: Shamrock Drive Improvements, Parcel # 15

Project: Shamrock Drive Improvements, Parcel # 15

Program: Shamrock Drive Improvements, Parcel # 15

Owner(s): John R. Huskins and Rita Huskins

Property Address: 3106 Florida Avenue

Total Parcel Area: 10,262 sq. ft. (0.235 ac.)

Property to be acquired by Easements: 592 sq. ft. (0.014 ac.) Sanitary Sewer Easement and 38 sq. ft. (0.001 ac.) Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-5

Use: Single-family Residential

Parcel Identification Number: 093-103-14

<https://polaris3g.mecklenburgcountync.gov/#mat=100080&pid=09310314&qisid=09310314>

Purchase Price: \$11,600

Council District: 1

22. Property Transactions - Shamrock Drive Improvements, Parcel # 78

Action: Approve the following Acquisition: Shamrock Drive Improvements, Parcel # 78

Project: Shamrock Drive Improvements, Parcel # 78

Program: Shamrock Drive Improvements

Owner(s): Lutricia Wright Ware and Shirley Stover

Property Address: 2501 Shamrock Drive

Total Parcel Area: 12,021 sq. ft. (0.276 ac.)

Property to be acquired by Fee Simple: 425 sq. ft. (0.010 ac.) Fee Simple

Property to be acquired by Easements: 1,396 sq. ft. (0.032 ac.) Utility Easement and 420 sq. ft. (0.010 ac.) Sidewalk Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-4

Use: Single-family Residential

Parcel Identification Number: 093-071-07

<https://polaris3g.mecklenburgcountync.gov/#mat=84994&pid=09307107&qisid=09307107>

Purchase Price: \$18,000

Council District: 1

23. Property Transactions - Shamrock Drive Improvements, Parcel # 96

Action: Approve the following Acquisition: Shamrock Drive Improvements, Parcel # 96

Project: Shamrock Drive Improvements, Parcel # 96

Program: Shamrock Drive Improvements

Owner(s): B-Properties, LLC

Property Address: 2631 Shamrock Drive

Total Parcel Area: 31,807 sq. ft. (0.730 ac.)

Property to be acquired by Easements: 1,071 sq. ft. (0.025 ac.) Sidewalk Utility Easement, 897 sq. ft. (0.021 ac.) Utility Easement, and 155 sq. ft. (0.004 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-4

Use: Single-family Residential

Parcel Identification Number: 093-042-44

<https://polaris3g.mecklenburgcountync.gov/#mat=89156&pid=09304244&qisid=09304244>

Purchase Price: \$11,900

Council District: 1

24. Property Transactions - Shamrock Drive Improvements, Parcel # 99

Action: Approve the following Acquisition: Shamrock Drive Improvements, Parcel # 99

Project: Shamrock Drive Improvements, Parcel # 99

Program: Shamrock Drive Improvements

Owner(s): B-Properties, LLC

Property Address: 2639 Shamrock Drive

Total Parcel Area: 22,290 sq. ft. (0.512 ac.)

Property to be acquired by Easements: 1,187 sq. ft. (0.027 ac.) Utility Easement, 419 sq. ft. (0.010 ac.) Sidewalk Utility Easement, and 528 sq. ft. (0.012 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-4

Use: Single-family Residential

Parcel Identification Number: 093-042-45

<https://polaris3g.mecklenburgcountync.gov/#mat=89431&pid=09304245&gisid=09304245>

Purchase Price: \$11,400

Council District: 1

25. Property Transactions - University Research Park Sidewalk, Parcel # 4

Action: Approve the following Condemnation: University Research Park Sidewalk, Parcel # 4

Project: University Research Park Sidewalk, Parcel # 4

Program: University Research Park Sidewalk, Parcel # 4

Owner(s): Galaxy Properties I LP

Property Address: 10330 David Taylor Road

Total Parcel Area: 598,417 sq. ft. (13.74 ac.)

Property to be acquired by Easements: 3,198 sq. ft. (0.073 ac.) Sidewalk Utility Easement and 3,745 sq. ft. (0.086 ac) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: RE-2

Use: Research District

Parcel Identification Number: 047-155-02

<https://polaris3g.mecklenburgcountync.gov/#mat=542969&pid=04715502&qisid=04715502>

Appraised Value: \$33,700

Property Owner's Concerns: The property owner is concerned about the easement language.

City's Response to Property Owner's Concerns: The city explained the rationale of the easement language and how it meets the objectives for the project.

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

Council District: 4

Adjournment

REFERENCES

26. Reference - Charlotte Business INclusion Policy

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

Part A: Administration and Enforcement

Part A: Section 2.3: Targeted Outreach and Designated Contracts for Small Business Enterprises (SBEs). When feasible, the Charlotte Business INclusion (CBI) Office may designate certain Contracts or categories of Contracts in which solicitation efforts will be directed only to SBEs. In designating Contracts for targeted outreach or SBE participation, the CBI Office takes into account the size and scope of the Contract and the availability of SBEs to provide the applicable services or products.

Part A: Section 3.1: Subcontracting Goals. The city shall establish one or more Subcontracting Goals for all Construction Contracts of 200,000 or more and for all Architecture, Engineering, and Surveying Contracts of \$100,000 or more. Contracts estimated to be less than these thresholds are exempt from the goal setting process.

Appendix Section 20: Contract: For the purposes of establishing a (Minority, Women, and Small Business Enterprise (MWSBE) subcontracting goal on a Contract, the following are examples of contract types:

- Any agreement through which the city procures services from a Business Enterprise, other than Exempt Contracts.
- Contracts include agreements and purchase orders for (a) construction, re-construction, alteration, and remodeling; (b) architectural work, engineering, surveying, testing, construction management, and other professional services related to construction; and (c) services of any nature (including but not limited to general consulting and technology-related services), and (d) apparatus, supplies, goods, or equipment.
- The term "Contract" shall also include Exempt Contracts for which an SBE, Minority Business Enterprise (MBE), or Women Business Enterprise (WBE) Goal has been set.
- Financial Partner Agreements, Development Agreements, Infrastructure Improvement Agreements, Design-Build, and Construction Manager-at-Risk Agreements shall also be deemed "Contracts," but shall be subject to the provisions referenced in the respective Parts of the Charlotte Business INclusion Program Policy.

Appendix Section 27: Exempt Contracts: Contracts that fall within one or more of the following categories are "Exempt Contracts" and shall be exempt from all aspects of the Charlotte Business INclusion Policy:

No Competitive Process Contracts: Contracts or purchase orders that are entered into without a competitive process, or entered into based on a competitive process administered by an entity other than the city, including but not limited to contracts that are entered into by sole sourcing, piggybacking, buying off the North Carolina State contract, buying from a competitive bidding group purchasing program as allowed under G.S. 143-129(e)(3), or using the emergency procurement procedures established by the North Carolina General Statutes.

Managed Competition Contracts: Managed competition contracts pursuant to which a city department or division competes with Business Enterprises to perform a city function.

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

Federal Contracts Subject to Disadvantaged Business Enterprise (DBE) Requirements: Contracts that are subject to the U.S. Department of Transportation Disadvantaged Business Enterprise Program as

set forth in 49 CFR Part 26 or any successor legislation.

State Funded Contracts Subject to the State's MWBE Requirements: Contracts that are subject to an MWBE Goal set by the State of North Carolina pursuant to N.C. Gen. Stat. 143-128.2.

Financial Partner Agreements with DBE or MWBE Requirements: Contracts that are subject to a DBE program or minority and women business development program maintained by a Financial Partner.

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

Contracts for Legal Services: Contracts for legal services, unless otherwise indicated by the City Attorney.

Contracts with Waivers: Contracts for which the City Manager or CBI Program Manager waives the CBI Program requirements (such as when there are no MWSBE subcontracting opportunities on a Contract).

Special Exemptions: Contracts where the department and the CBI Program Manager agree that the department had no discretion to hire an MWSBE (e.g., emergency contracts or contracts for banking or insurance services) shall be Exempt Contracts.

Appendix Section 35: Informal Contracts: Contracts that are estimated to be less than the following dollar thresholds prior to issuance of the City Solicitation Documents:

- Construction Contracts: \$500,000, and
- Service Contracts and Commodities Contracts: \$100,000.

Part B: Construction and Commodities Contracts

Part B: Section 2.1: When the city sets a Subcontracting Goal, each Bidder must either: (a) meet each Subcontracting Goal; or (b) comply with the Good Faith Negotiation and Good Faith Efforts requirements for each unmet Subcontracting Goal. Failure to comply constitutes grounds for rejection of the Bid. The City Solicitation Documents will contain certain forms that Bidders must complete to document having met these requirements.

Part B: Section 2.3: No Goals When There Are No Subcontracting Opportunities. The city shall not establish Subcontracting Goals for Contracts where: a) there are no subcontracting opportunities identified for the Contract; or b) there are no MBEs, WBEs, or SBEs (as applicable) to perform scopes of work or provide products or services that the city regards as realistic opportunities for subcontracting.

Part C: Service Contracts

Part C: Section 2.1(a) Subcontracting Goals: No Goal When There Are No MWSBE Subcontracting Opportunities. The city shall not establish Subcontracting Goals for Service Contracts where (a) there are no subcontracting opportunities identified for the Contract; or (b) there are no MWBEs or SBEs certified to perform the scopes of work that the city regards as realistic opportunities for subcontracting.

Part C: Section 2.1(b) and 2.1(c): The city may require each Proposer to submit with its Proposal one or more of the following: (a) a Participation Plan describing how Proposer intends to solicit MWSBE participation; (b) the Proposer's Committed Subcontracting Goals; and (c) an affidavit listing the MWBEs or SBEs it intends to use on the Contract.

Part C: Section 2.1(h) Negotiated Goals: The city may seek to negotiate Subcontracting Goals after Proposals have been submitted.

Part D: Post Contract Award Requirements

Part D: Section 6: New Subcontractor Opportunities/Additions to Scope/Contract Amendments

If a Contractor elects to subcontract any portion of a Contract that the Contractor did not previously identify to the city as a subcontracting opportunity, or if the scope of work on a Contract increases for any reason in a manner that creates a new MWSBE subcontracting opportunity, the city shall either (a) notify the Contractor that there will be no Supplemental MWSBE Goal for the new work; or (b) establish and notify the Contractor of a Supplemental MWSBE Goal for the new work.

Part F: Financial Partners

Part F: Section 4: Financial Partners shall undertake the following outreach efforts with respect to MWBEs and SBEs:

- 4.1 Notify MWBEs and SBEs of any contracting or procurement opportunities that may exist in the Financial Partner's business for which there are MWBEs and SBEs listed in the city's database; and
- 4.2 Request advice and assistance from the CBI Office as to what additional SBE measures might be helpful if and when it becomes apparent that outreach alone will be insufficient to meet the Financial Partner's MWBE and SBE Goal; and
- 4.3 Follow such additional measures as the CBI Office reasonably recommends.

Part G: Alternative Construction Agreements

Part G: Section 2.7: Prior to City Council's vote to award the Alternative Construction Agreement, the Program Manager and the Company shall negotiate and agree on proposed MWSBE Goals for the Project and on a Participation Plan that describes the outreach and efforts the Company will be required to undertake to meet the MWSBE subcontracting goals.

27. 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.

28. 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.