

City of Charlotte

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



Meeting Agenda

Monday, December 11, 2023

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, CHARLOTTE-MECKLENBURG GOVERNMENT CENTER, REGULAR MEETING HOSTED FROM ROOM 267

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

1. Mayor and Council Consent Item Questions and Answers

Staff Resource(s):

Marie Harris, Strategy and Budget

Time: 5 minutes

Synopsis

Mayor and Council may ask questions about Consent agenda items.

[2023-12-11 Council Agenda QA](#)

2. Consent agenda items 15 through 43 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

Infrastructure Update

Staff Resource(s):

Liz Babson, City Manager's Office

Time: Presentation - 15 minutes; Discussion - 40 minutes

Explanation

- Receive an update on infrastructure focus areas (fire, schools, water, sewer, storm water, and transportation).

Eastland Update

Staff Resource(s):

Tracy Dodson, Economic Development

Todd Delong, Economic Development

Time: Presentation - 5 minutes; Discussion - 15 minutes

Explanation

- Receive an update on the Eastland redevelopment partnership.

[Item 4.1 Action Review - Infrastructure Update](#)

[Item 4.2 Action Review - Eastland Update](#)

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 a Resolution to Close A Portion of Public Right-of-Way Adjacent to Hive Drive

Action:

- A. Conduct a public hearing to close a portion of public right-of-way adjacent to Hive Drive, and
- B. Adopt a resolution and close a portion of public right-of-way adjacent to Hive 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 right-of-way to be closed is located in Council District 3.

Petitioner

TM BTR of Carolinas, LLC

Right-of-Way to be Abandoned

Portion of public right-of-way adjacent to Hive Drive

Reason

Per the petition submitted by TM BTR of Carolinas, LLC, the abandonment of the right-of-way will facilitate the future redevelopment of abutting parcels of land, part of an approved rezoning to construct a mix-use development. 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)

None

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

[2023-003078A - Abandonment Map](#)

[2023-003078A Resolution to Close 12.11.2023](#)

8. Public Hearing and Decision on a Resolution to Close Unopened Right-of-Way Off Reston Road

Action:

- A. Conduct a public hearing to close unopened right-of-way off Reston Road, and
- B. Adopt a resolution and close unopened right-of-way off Reston Road.

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 signed by the adjacent property owners to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way and attaches it to the adjacent property. The land will be distributed proportionally between adjacent property owners in accordance with North Carolina General Statute 160A-299.
- The attached Resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.
- The right-of-way to be closed is located in Council District 3.

Petitioner

Michael C. Cooper

Right-of-Way to be Abandoned

Unopened right-of-way off Reston Road

Reason

Per the petition submitted by Michael C. Cooper, the abandonment of the unopened right-of-way will facilitate future redevelopment of abutting parcels to construct a single-family home. 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)

Arnold and Jill Bierenbaum- 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

[2023-002973A - Abandonment Map](#)

[2023-002973A Resolution to Close 12.11.2023](#)

POLICY

9. City Manager's Report

BUSINESS

10. Accept State and Federal Funding for Sugar Creek Corridors of Opportunity

Action:

- A. **Adopt a resolution authorizing the City Manager, or his designee, to negotiate and execute a Municipal Agreement with the North Carolina Department of Transportation to accept Transportation Alternatives Program funds in the amount of \$2,425,000 for Sugar Creek Corridors of Opportunity projects,**
- B. **Adopt a resolution authorizing the City Manager, or his designee, to negotiate and execute a Municipal Agreement with the Federal Highway Administration to accept FY 2023 Rebuilding American Infrastructure with Sustainability and Equity Discretionary Grant funds in the amount of \$12,000,000 for Sugar Creek Corridors of Opportunity projects,**
- C. **Adopt a budget ordinance appropriating \$2,425,000 from the North Carolina Department of Transportation and \$12,000,000 from the Federal Highway Administration to the General Capital Projects Fund.**

Staff Resource(s):

Tracy Dodson, City Manager's Office
Monica Holmes, Planning, Design, & Development
Jennifer Smith, General Services
Debbie Smith, Transportation

Explanation

- Corridors of Opportunity is a city investment initiative that is designed to meet the growing needs of our community in the areas of affordable housing, community safety, infrastructure, transportation, workforce and business development and urban design.
- This funding will support projects identified in the Sugar Creek Corridors of Opportunity Playbook, and provide improvements to increase safety, sustainability, mobility, quality of life, and promote economic development in the corridor.
- These projects will be implemented in Council Districts 1, 2, and 4.

Action A

- North Carolina Department of Transportation (NCDOT), Transportation Alternatives (TAP) funds will be used for the Sugar Creek Road Pedestrian Safety and Connectivity Project to design and construct the following improvements:
 - Providing a Pedestrian Hybrid Beacon at the intersection of Sugar Creek Road and Sofley Road, and
 - Completing sidewalk gaps along Sugar Creek Road.
- The Sugar Creek Road Pedestrian Safety & Connectivity Project will receive \$2,425,000 in TAP funds from NCDOT and will require a local match of \$1,985,000; funded through the Corridors of Opportunity Program.
- This format is consistent with past municipal agreements between the city and NCDOT.

Action B

- The Federal Highway Administration (FHWA) FY 2023 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Discretionary Grant funds will be used to design and construct the following improvements:
 - A shared-use path on Sugar Creek Road,
 - Sidewalk to connect the Sugar Creek Park Community Center,
 - Pedestrian improvements at the intersection of N Tryon Street and Sugar Creek Road, and
 - Three CATS mobility hubs to provide convenient connections between bus and rail transit, rideshare programs, bicycles, micromobility, and other modes of travel.
- The Sugar Creek Mobility Corridor will receive \$12,000,000 in RAISE FY 2023 Discretionary Grant funds and will require a local match of \$4,548,500 per grant guidelines.

Charlotte Business INClusion

These are Municipal Agreements and are exempt from the CBI Program.

Fiscal Note

Funding: NCDOT Funding, FHWA Funding, General Capital Investment Plan

Attachment(s)

Map

Resolutions

Budget Ordinance

[Map - SugarCreekCOO Projects](#)

[Resolution - NCDOT](#)

[Resolution - FHWA](#)

[Budget Ordinance - Sugar Creek COO Grants](#)

11. Acceptance of a Sponsorship for Corridors of Opportunity - Lowe's Home Improvement

Action:

- A. **Accept a sponsorship in the amount of \$160,000 from Lowe's Home Improvement for Corridors of Opportunity programming, and**
- B. **Adopt a budget ordinance appropriating \$160,000 from Lowe's Home Improvements to the General Capital Projects Fund.**

Staff Resource(s):

Tracy Dodson, City Manager's Office
Monica Holmes, Planning, Design & Development

Explanation

- Lowe's supports community events that align with their focus areas of Economic Development, Housing and Workforce Development, and Associate Engagement and Activation.
- Lowe's is proposing to sponsor three Corridors of Opportunity programs designed to build connections and improve beautification within the six corridors of opportunity.
 - Sponsorship of Corridors Connect programming is for three, one-day terms that occurred in October 2023 and does not require a local match. The events were held October 8, October 15, and October 22. This sponsorship supports community activations, artists, and performers at each Corridors Connect event.
 - Sponsorship of Corridors of Opportunity Business Opportunity Hub programming is for a one-month term in January 2024 and does not require a local match. This sponsorship supports the space upfit and rehab at up to six of the Opportunity Hub locations.
 - Sponsorship of the Corridors Clean-ups partnership with Keep Charlotte Beautiful programming is for four, one-day terms from December 2023 to January 2024 and does not require a local match. One clean-up event will take place per corridor. The sponsorship will support materials for clean-up and beautification in the neighborhoods that participate. Lowe's associates will participate in clean-up events.
- The proposed sponsorships are in alignment with the City Council adopted a Sponsorship Policy.

Fiscal Note

Funding: Private sponsorship funding

Attachment(s)

Budget Ordinance

[Budget Ordinance - Lowe's Sponsorship Corridors](#)

12. North Carolina 911 Board Grant

Action:

Adopt a budget ordinance appropriating \$169,097.14 from the North Carolina 911 Board to the Emergency Telephone System Fund.

Staff Resource(s):

Johnny Jennings, Police
Ryan Jackson, Police
Kelly Alvarez, Police
Ellen Thomas, Innovation & Technology

Explanation

- The North Carolina 911 Board (911 Board) has awarded the city a \$169,097.14 grant to partially fund the replacement of the voice logging recorder system used in the city's 911 center.
- Voice logging recorder software is required to record the 911 call taking process as defined in NC General Statute Section 143B-1400(7).
- The city regularly receives monthly disbursements from the State 911 Fund, which can be used for eligible expenses related to the maintenance and repair of 911 call talking and dispatch equipment. This grant from the 911 Board will be used to cover expenses that are ineligible to be covered by the city's regular 911 Fund disbursements.
- Newer hardware should increase the efficiency of providing recordings as needed to the public, as well as the efficiency of Quality Assurance programs, complaint investigation, and other internal uses of the data.
- The term of the grant agreement ends on December 31, 2024.
- No matching contribution from the city is required.

Fiscal Note

Funding: North Carolina 911 Board Grant

Attachment(s)

Budget Ordinance

[Budget Ordinance - 911 Board Grant](#)

13. CATS Retired Vans Donation

Action:

Adopt a resolution authorizing the donation of two surplus Charlotte Area Transit System vans to Roof Above Inc.

Staff Resource(s):

Brent Cagle, CATS

Elizabeth Presutti, CATS

Explanation

- North Carolina General Statute Section 160A-280 authorizes the donation of personal property from a city to a non-profit organization upon adoption of a resolution by the City Council.
- Roof Above Inc., a nonprofit organization incorporated by the State of North Carolina and recognized by the U.S. Department of Treasury as a 501(c)(3) entity under the Internal Revenue Code, has requested two surplus vans to transport unhoused clients to services and community resources.
- Roof Above Inc. is a comprehensive homeless service provider serving 1,200 people per day through a variety of services ranging from street outreach, day services, emergency shelter, and permanent supportive housing.
- The Charlotte Area Transit System (CATS) has identified one van purchased in 2009 and one in 2011, financed, in whole or part, with FTA funds, that have reached the end of their useful service life, are each valued at less than \$5,000, and are no longer needed.
- Roof Above would accept the donated vans "as is", without warranty.

Attachment(s)

Resolution

[Resolution - CATS Surplus Vans Donation](#)

14. Proposed 2024 City Council Meeting Schedule

Action:

Approve the 2024 City Council Regular and Budget Meeting Schedule.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- NC General Statute Section 143-318.12 requires that the City Clerk maintain on file a schedule of the City Council's regular meetings and that the approved schedule be posted to the city's website. If a schedule is duly adopted and filed, no further notice of regular meetings is necessary.
- The 2024 Council Budget Meeting dates have been included on this proposed schedule of meetings along with other meetings of state and national organizations in which the city has memberships.
- For more information on City Council Meetings, visit the City Clerk's webpage at <https://charlottenc.gov/CityClerk/Pages/CityClerk.aspx>.

Attachment(s)

Proposed 2024 City Council Regular and Budget Meeting Schedule

[Proposed 2024 Council Meeting Schedule](#)

CONSENT

15. 2023 Urban Area Security Initiative Grant Acceptance

Action:

Authorize the Charlotte Area Homeland Security Director (Charlotte Fire Chief) to accept a grant for \$3,040,000 from the United States Department of Homeland Security for the 2023 Urban Area Security Initiative Grant Program.

Staff Resource(s):

Reginald Johnson, Fire

Jerry Winkles, Fire

Robert Graham, Fire

Explanation

- The 2023 Urban Area Security Initiative (UASI) Grant Program allowed eligible applicants to apply for funding to aid in the prevention, protection, response, and recovery from terrorist attacks.
- The total amount of the grant awarded to the Charlotte UASI was \$3,800,000.
- The North Carolina Division of Emergency Management is eligible to retain up to 20 percent of the funds under the program guidelines. As such, the Division has elected to retain the full \$760,000 for the management and administration of the grant program.
- The city has been awarded the remaining \$3,040,000.
- The focus of these funds will be on the following National Priority Areas:
 - Terrorism,
 - Community preparedness,
 - Election security,
 - Soft and crowded places,
 - Domestic violence extremism,
 - Information and intelligence sharing, and
 - Cybersecurity.
- In developing a regional approach, as mandated by the grant guidelines, the following 10 counties were included as part of a regional implementation concept: Cabarrus, Catawba, Gaston, Iredell, Lincoln, Lancaster, Mecklenburg, Stanly, Union, and York.
- There are no city matching funds required for this grant.

Fiscal Note

Funding: 2023 Urban Area Security Initiative Grant

16. Trade-in and Purchase of Gas Chromatograph Mass Spectrometer

Action:

- A. Approve the purchase of a Gas Chromatograph Spectrometer by the sole source exemption,
- B. Adopt a resolution authorizing the exchange of a used Gas Chromatograph Mass Spectrometer between the City of Charlotte and Agilent Technologies,
- C. Authorize the City Manager to negotiate and execute a contract with Agilent Technologies for the purchase of a Gas Chromatograph Mass Spectrometer for the term of one year, and
- D. 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):

Johnny Jennings, Police
Jacquelyn Bryley, Police
Matthew Mathis, 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 the requested equipment is essential in maintaining standardization.
- City Council approval is required for any purchases made under the sole source exception.

Explanation

- The Gas Chromatograph Mass Spectrometer (GCMS) instrument is an essential technology to analyze evidence for the presence of difficult-to-detect compounds. The equipment would be supplied by the same manufacturer as other instruments already validated and in use in the Chemistry Section of the Crime Laboratory.
- Parts for the existing GCMS instruments are interchangeable with the new equipment. Purchasing this instrument from another vendor would require a second inventory of parts at a significant cost and an extensive validation of the new equipment and supplies.
- The end of life GCMS will be traded in towards the purchase of a new GCMS, reducing the purchase price of the new instrument by \$57,174.35.
- Public Notice of the exchange was published on the city's website on November 21, 2023.
- The total cost of the new GCMS is estimated at \$156,969. With the exchange, the first-year expenditure is estimated to be \$102,795, with annual expenditures in the years following estimated at \$15,000 for maintenance and repair needs.

Charlotte Business INclusion

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

Fiscal Note

Funding: General Capital Investment Plan

Attachment(s):

Resolution

[Resolution - GCMS Trade-in](#)

17. Construct Bridge Structure Repairs

Action:

Approve a contract in the amount of \$1,067,162.80 to the lowest responsive bidder Astron Contracting Company, Inc. for the Bridge Structure Repairs project.

Staff Resource(s):

Debbie Smith, Transportation
David Smith, Transportation
Geoffrey Sloop, Transportation

Explanation

- The Federal Highway Administration mandates that bridges and culverts be inspected every two years for structural adequacy, safety, and functionality.
- The city is responsible for the inspection and maintenance of 224 bridges within city limits.
- This contract provides for routine construction and maintenance work to 24 bridges identified through the inspection process.
- Work may include but is not limited to:
 - Superstructure replacement;
 - Concrete pavement repairs;
 - Asphalt surface sealing, repair, or replacement;
 - Brush and tree control;
 - Debris removal;
 - Soil and erosion repairs;
 - Barrier rail and handrail installation and repairs;
 - Retaining wall repairs and replacement;
 - Culvert repairs;
 - Removal, containment, and disposal of the existing materials;
 - Traffic control; and
 - Erosion and sediment control.
- On September 12, 2023, the city issued an Invitation to Bid; three bids were received.
- Astron Contracting Company, Inc. was selected as the lowest responsive, responsible bidder.
- Repairs are anticipated to begin in 2024.
- This contract is a continuation of the 2022 Bridge Inspection Program. The contract for the first step of bridge inspections was approved by City Council on January 24, 2022.

Charlotte Business INclusion

Established MBE Goal: 7.00%

Committed MBE Goal: 7.00%

Astron Contracting Company, Inc. met the established contract goal and has committed 7.00% (\$74,701) of the total contract amount to the following certified firm(s):

- GDC, Inc.(MBE,SBE) (\$74,701) (traffic control)

Established WBE Goal: 3.00%

Committed WBE Goal: 3.00%

Astron Contracting Company, Inc. met the established contract goal and has committed 3.00% (\$32,014) of the total contract amount to the following certified firm(s):

- Bullington Construction Inc (WBE) (\$32,014) (guardrail work)

Fiscal Note

Funding: General Capital Investment Plan

Attachment(s)

Bridge List

[Bridge List - 2023 Structure Repairs](#)

18. Electrical Services

Action:

- A. Approve unit price contracts with the following companies for Electrical Services for an initial term of three years:**
- **A and C Electrical Services Inc. (SBE)**
 - **Electric System Specialists, Inc. (SBE),**
 - **Fidelity Electric, Inc.,**
 - **Guardian Fueling Technologies, LLC,**
 - **Khalid Davis DBA Khalid Davis Electric (MBE, SBE),**
 - **Lion Electrical Contracting LLC (MBE), and**
 - **Millennium Lighting Solutions, Inc. DBA MLS Electric (MBE, SBE)**
- B. Authorize the City Manager to renew the contracts for up to one, two-year term with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

Phil Reiger, General Services

David Wolfe, General Services

John Mrzygod, General Services

Explanation

- The City of Charlotte maintains approximately 180 city-owned facilities including offices, firehouses, police division stations, and equipment shops that house various city facilities.
- On-going maintenance of these facilities requires electrical services including standard maintenance, minor renovations, and repairs.
- These contracts will provide diagnostic, maintenance and repair services to systems that power both facilities and EV chargers.
- On October 20, 2023, the city issued a Request for Proposals (RFP); 14 responses were received.
- The companies selected best meet the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Potential price adjustments may be considered based on legitimate and justified increases in the cost of doing business.
- Annual aggregate expenditures are estimated to be \$5,260,000.

Charlotte Business INclusion

The city solicited proposals with the intent to award to multiple vendors, including efforts to target MWBE firms. The following vendors were selected for this contract:

- A and C Electrical Services Inc. (SBE)
- Electric System Specialists, Inc. (SBE)
- Khalid Davis DBA Khalid Davis Electric (MBE, SBE)
- Lion Electrical Contracting LLC (MBE)
- Millennium Lighting Solutions, Inc. DBA MLS Electric (MBE, SBE)

Fiscal Note

Funding: General Services Operating Budget

19. Construct Westbourne Storm Drainage Improvement Project

Action:

Approve a contract in the amount of \$1,735,012.99 to the lowest responsive bidder GreenWater Development, Inc. for the Westbourne Storm Drainage Improvement Project.

Staff Resource(s):

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

Explanation

- The project will reduce flooding and improve aging infrastructure in the Long Creek watershed, along Westbourne Drive, Balfour Lane, and Ravenswood Road in District 2.
- Construction will include the installation of storm drainage, stream enhancements, water/sanitary sewer, curb, gutter, and driveways.
- On October 3, 2023, the city issued an Invitation to Bid; 6 bids were received.
- GreenWater Development, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by the first quarter of 2025.

Charlotte Business INclusion

Established MBE Goal: 8.00%

Committed MBE Goal: 8.02%

GreenWater Development, Inc. met the established subcontracting goal and has committed approximately 8.00% (\$139,089) of the contract amount to the following certified firms:

- Redstone Materials (MBE, SBE) (\$124,921) (hauling)
- RRC Concrete (MBE) (\$14,168) (concrete work)

Established WBE Goal: 5.00%

Committed WBE Goal: 5.97%

GreenWater Development, Inc met the established subcontracting goal and has committed approximately 5.00% (\$103,565) of the contract amount to the following certified firms:

- On Time Construction (SBE, WBE) (\$103,565) (masonry and concrete drainage structure)

Fiscal Note

Funding: Storm Water Capital Investment Plan

Attachment(s)

Map

[Map - Westbourne Storm Drainage Improvement Project](#)

20. Engineering Services for Eastway Storm Drainage Improvement Project

Action:

- A. **Approve a contract amendment #2 for \$330,000 to the contract with Geosyntec Consultants of NC, P.C. for the Eastway 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

- On July 29, 2021, the city entered into an engineering services contract with Geosyntec Consultants of NC, P.C. to provide planning and preliminary design services for the Eastway Storm Drainage Improvement Project in Council District 5.
- On June 8, 2022, an administrative amendment was made to add an additional subconsultant.
- This contract amendment will add design and construction phase administration services.
- Specific design and construction administration 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.
- The new estimated value of the contract, including amendment #2, is \$690,000.

Charlotte Business INClusion

The city negotiates contract participation after the proposal selection process. All additional work involved in this Amendment will be performed by Geosyntec Consultants of NC, P.C. and their existing subconsultants. Geosyntec Consultants of NC, P.C. has committed 13.84% (\$45,675) of the total contract Amendment to the following certified firms:

- Steward Engineering, Inc. (MBE) (\$41,950) (surveying and easement mapping services)
- Carolinas Geotechnical Group, PLLC (SBE) (\$3,725) (geotechnical boring services)

Fiscal Note

Funding: Storm Water Capital Investment Plan

Attachment(s)

Map

[Map - Eastway SDIP](#)

21. Engineering Services for Queens Storm Drainage Improvement Project

Action:

- A. **Approve a contract amendment #2 for \$450,000 to the contract with Woolpert North Carolina, PLLC for the Queens 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

- On June 18, 2020, the city entered into an engineering services contract with Woolpert North Carolina, PLLC to provide planning and preliminary design services for the Queens Storm Drainage Improvement Project in Council Districts 1 and 6.
- On May 27, 2023, an amendment was approved to modify contract term language.
- This contract amendment will add design and construction phase administration services.
- Specific design and construction administration 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.
- The new estimated value of the contract, including amendment #2, is \$800,000.

Charlotte Business INclusion

The city negotiates contract participation after the proposal selection process. All additional work involved in this Amendment will be performed by Woolpert North Carolina, PLLC and their existing subconsultants. Woolpert North Carolina, PLLC has committed 18.12% (\$81,520) of the total contract Amendment to the following certified firms:

- Hinde Engineering, Inc. (SBE) (\$66,070) (design engineering for water and sewer relocations)
- RDL Private Utility Locating, LLC (MBE) (\$15,450) (utility locates)

Fiscal Note

Funding: Storm Water Capital Investment Plan

Attachment(s)

Map

[Map - Queens SDIP](#)

22. Municipal Agreement for Relocation of Water and Sanitary Sewer Infrastructure

Action:

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

Staff Resource(s):

Angela Charles, Charlotte Water

David Czerr, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- This municipal agreement is for the relocation, replacement and improvements of water and sanitary sewer infrastructure located within the North Carolina Department of Transportation's (NCDOT) highway improvements project (Project U-4713A), located along an extension of McKee Road between Pleasant Plains Road and John Street in the Town of Matthews (adjacent to Council Districts 6 and 7).
- 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 \$1,820,251.97.

Charlotte Business INclusion

This is a Municipal Agreement contract and is exempt from the CBI Program.

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Map

Resolution

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

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

23. Water Transmission Main Improvements and Repairs

Action:

Approve a guaranteed maximum price of \$1,771,448.00 to State Utility Contractors, Inc. for Design-Build Construction services for the Water Transmission Main Improvements and Repairs project.

Staff Resource(s):

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

Explanation

- State Utility Contractors, Inc. developed a guaranteed maximum price (GMP) to construct approximately 2,600 linear feet of 12-inch water line along Oakdale and Peachtree Roads, with a connection of 600 linear feet of eight-inch water line along Ferrell Road (Council District 2).
- On June 8, 2020, City Council approved a contract with State Utility Construction, Inc. for Design-Build design services. Based on the design, a GMP for construction services was developed.
- The project is anticipated to be complete by third quarter 2024.

Charlotte Business INclusion

The city negotiates participation for Design-Build contracts after scopes of work defined for construction services. State Utility Contractors, Inc. has committed (\$245,904) or 13.88% of the total contract for construction services to the following certified firms:

- Fuller & Co. Construction, LLC (SBE) (\$122,200) (temporary water services)
- Trull Contracting, LLC (SBE, WBE) (\$83,204) (asphalt and concrete)
- Sanders Constructors, Inc. (SBE) (\$37,000) (clearing)
- Lawrence Associates, PA (SBE) (\$3,500) (surveying)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Map

[Map-Water Transmission Main Improvements and Repairs](#)

24. Land Acquisition for Tree Canopy Preservation Program

Action:

- A. **Approve the purchase of an approximately 9.481-acre parcel (parcel identification number 227-092-17) located at 3516 Lakeside Drive for a purchase price of \$2,175,575, and**
- B. **Authorize the City Manager to grant a conservation easement to the Catawba Lands Conservancy and execute any documents necessary to complete these transactions.**

Staff Resource(s):

Alyson Craig, Planning, Design & Development
Tim Porter, Planning, Design & Development

Explanation

- The city was approached by the broker representing the owners of 3516 Lakeside Drive to determine interest in an acquisition for the Tree Canopy Preservation Program (TCPP).
- Staff assessed the property using the current TCPP conservation scoring model. The property scored high in comparison to previously TCPP-acquired and targeted properties with significant value related to property location, acres of contiguous tree canopy, overall ecosystem value, forest health, and overall conservation value.
- This property contains high quality mature hardwood and floodplain forest, supports a confluence of two tributary channels numerous, floodplain pools and north/northeast facing slopes. Protection of the site will benefit a diversity of resident and migratory wildlife and help to protect the water quality of the Four Mile Creek watershed.
- The property, located in Council District 7, is in general proximity to numerous development projects that submitted tree save payment-in-lieu fees.
- The city will donate a conservation easement to the Catawba Lands Conservancy to ensure stewardship of the tree canopy and monitoring of the property in perpetuity.
- Staff negotiated the purchase price with the property owners based on appraised value and the list price.
- On July 18, 2023, the Planning Committee reviewed the proposed land acquisition and had no comments.
- This transaction is consistent with the City-Owned Real Estate and Facilities Policy, adopted by City Council in June 2017.

Background

- In 2011, City Council adopted a goal of 50 percent tree canopy coverage by the year 2050. The Tree Canopy Preservation Program supports the goal through acquisition and protection of properties that are already forested or provide planting opportunities.
- The city's Unified Development Ordinance allows developers in some cases to pay into tree conservation funds administered by the city, in lieu of preserving trees on site. The city uses these funds for property acquisition to support long-term tree canopy conservation and related expenditures associated with ongoing forest management and property maintenance needs.
- TCPP has acquired and preserved 330 acres of land to date and protected approximately twice as much land than developers would have been required to under the on-site tree save option.
- TCPP supports tree canopy policy objectives outlined in City Council's 2040 Comprehensive Plan, adopted June 21, 2021, and Urban Forest Master Plan, adopted September 25, 2017.
- All acquisitions through the program are voluntary.

Fiscal Note

Funding: Neighborhood Development Grants Fund (tree conservation)

Attachment(s)

Map

[Map - Lakeside Drive TCPP](#)

25. Lease of City-owned Property at the Charlotte Transportation Center

Action:

- A. Adopt a resolution to approve a lease agreement with 49rs Bodega, LLC, dba The Bodega, with a 61-month term for retail space in the Charlotte Transportation Center, and**
- B. Authorize the City Manager, or his designee, to negotiate and execute all documents necessary to complete the transaction.**

Staff Resource(s):

Brent Cagle, CATS
Kelly Goforth, CATS
Lori Lencheski, CATS

Explanation

- The Charlotte Transportation Center (CTC), located in District 1, is the main terminal and transfer point for Charlotte's public transit system.
- The leasable spaces within the CTC provide opportunities for retail and businesses to offer goods and services to customers using the Charlotte Area Transit System.
- 49rs Bodega, LLC., doing business as The Bodega, would operate a convenience store/grocery product at the CTC.
- The terms of the lease agreement are as follows:
 - Approximately 930 square feet, Suite B150;
 - 61-month term with no renewal options;
 - Lease amount of \$3,200 per month (\$38,400 annually) for year one, escalating at a rate of three percent annually for each year thereafter. This rate is consistent with market rates.
- Tenant agrees and understands that future transit-related development may result in the early termination of the lease, with a 90-day written notice from the city.

Charlotte Business INclusion

This contract is exempt under the CBI Program.

Fiscal Note

Funding: Revenues from the lease will be deposited in the CATS Operating Budget

Attachment(s)

Resolution

[Resolution - CTC 49rs Bodega Lease](#)

26. Airport Automated Screening Lanes Contract Amendment

Action:

- A. **Approve contract amendment #5 for the term of three years to the contract with Leidos, Inc. for equipment movement of Transportation Security Equipment, and**

- B. **Authorize the City Manager to amend the contract consistent with the purpose for which the contract and this amendment were approved.**

Staff Resource(s):

Haley Gentry, Aviation
Jack Christine, Aviation

Explanation

- Aviation is undergoing a Terminal Lobby Expansion project to renovate the existing terminal lobby and checkpoints.
- The project will remove the existing Checkpoints A, B, C, D, and E, and replace them with three larger Checkpoints 1, 2, and 3, which will provide higher passenger checkpoint throughput.
- The Transportation Security Administration (TSA) requires all TSA security equipment to be installed, relocated and/or decommissioned by a certified Maintenance Service Provider trained by the Original Equipment Manufacturer. Leidos is the only approved integrator operating in this region.
 - On May 4, 2020, the city entered into a contract with Leidos, Inc in the amount of \$84,283 for equipment movement of Transportation Security Equipment for Checkpoint E equipment.
 - On October 13, 2020, amendment #1 in the amount of \$371,333 was approved for additional services required to test the new Checkpoint 1 security equipment.
 - On November 22, 2021, City Council approved contract amendment #2 in the amount of \$144,958 for equipment movement and testing for the Checkpoint 1 equipment.
 - On May 9, 2023, contract amendment #3 was approved in the amount of \$194,370 to extend the contract by eight months to test the Checkpoint E Security Equipment.
 - On October 31, 2023, contract amendment #4 was approved in the amount of \$87,293 to provide furniture, fixtures, and equipment.
- The latest amendment provides for the remaining work in all checkpoints. Specific work includes relocation of existing equipment, purchasing of new equipment, and furnishings approved by TSA.
- The new estimated value of the contract, including amendment #5, is \$1,982,237.

Charlotte Business INclusion

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

Fiscal Note

Funding: Aviation Capital Investment Plan

27. Airport Baggage Handling System Controls

Action:

- A. **Approve a contract with Brock Solutions for Baggage Handling System computer controls development and maintenance for a term of three years,**
- B. **Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved, and**
- C. **Authorize the City Manager to purchase maintenance and support for the software associated with Baggage Handling System for as long as the city uses the system.**

Staff Resource(s):

Haley Gentry, Aviation

Jack Christine, Aviation

Explanation

- The Airport Baggage Handling System (BHS) sorts and screens approximately ten million pieces of checked baggage annually and requires computer controls maintenance, system updates, and constant supervision to ensure continuous uninterrupted operation.
- A significant increase in the volume of bags over the last two years has shown the need for more extensive controls system updates and maintenance.
- On February 21, 2023, the city issued a Request for Proposals (RFP); 7 proposals were received.
- Brock Solutions best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Possible price adjustments to this contract could result from federal mandates, BHS expansion or reconfiguration, or significant growth in airport activity.
- Annual expenditures are estimated to be \$1,800,000.

Charlotte Business INclusion

The city negotiates subcontracting participation after the proposal selection process. Brock Solutions, Inc has committed 0.61% (\$33,337) of the total contract amount to the following certified firm(s):

- Southeast Airport Services, Inc. (MBE) (\$33,337) (baggage porter services)

Fiscal Note

Funding: Aviation Capital Investment Plan and Aviation Operating Budget

CONSENT - PROPERTY TRANSACTIONS

28. Charlotte Water Property Transactions - Mallard Creek Basin Improvements - Phase 1 and 2, Parcel # 5

Action: Approve the following Condemnation: Mallard Creek Basin Improvements - Phase 1 and 2, Parcel # 5

Project: Mallard Creek Basin Improvements - Phase 1 and 2, Parcel # 5

Owner(s): CHR VIII-PCP MHC Charlotte Queens, LLC

Property Address: 124 Carnival Street

Total Parcel Area: 1,871,024 sq. ft. (42.95 ac.)

Property to be acquired by Easements: 55,560 sq. ft. (1.28 ac.) in Permanent Utility Easement; 28,252 sq. ft. (0.65 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: MHP & B-1(CD)

Use: Land improved with an unaffected manufactured home park

Parcel Identification Number(s): 051-033-05
<https://polaris3g.mecklenburgcountync.gov/#mat=408798&pid=05103305&gisid=05103305>

Appraised Value: \$82,975

Property Owner's Concerns: The property owner did not agree with the compensation amount.

City's Response to Property Owner's Concerns: The city reviewed the appraisal results and is confident in the compensation offered, and suggested owner get their own appraisal.

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

Attachment(s): Map

[Map - Mallard Creek Basin Improvements - Phase 1 and 2, Parcel # 5](#)

29. Charlotte Water Property Transactions - Mallard Creek Basin Improvements - Phase 1 and 2, Parcel # 6

Action: Approve the following Condemnation: Mallard Creek Basin Improvements - Phase 1 and 2, Parcel # 6

Project: Mallard Creek Basin Improvements - Phase 1 and 2, Parcel # 6

Owner(s): PS NC I, LP

Property Address: 11020 Morningstar Place Drive

Total Parcel Area: 853,671 sq. ft. (19.60 ac.)

Property to be acquired by Easements: 53,444 sq. ft. (1.23 ac.) in Permanent Utility Easement and 32,026 (0.74 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: B-D(CD)

Use: Multi-family or mixed use as if vacant and continued use as improved

Parcel Identification Number(s): 051-033-02
<https://polaris3g.mecklenburgcountync.gov/#mat=13041&pid=05103302&gisid=05103302>

Appraised Value: \$86,200

Property Owner's Concerns: The property owner is still in the process of reviewing documents.

City's Response to Property Owner's Concerns: The city is waiting on the owner to review documents and submit revision request or a counteroffer.

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

Council District: 4

Attachment(s): Map

[Map - Mallard Creek Basin Improvements - Phase 1 and 2, Parcel # 6](#)

30. Charlotte Water Property Transactions - Water Transmission Main Improvements and Repairs - Cates Street, Parcels # 1 and 2

Action: Approve the following Condemnation: Water Transmission Main Improvements and Repairs - Cates Street, Parcels # 1 and 2

Project: Water Transmission Main Improvements and Repairs - Cates Street, Parcels # 1 and 2

Owner(s): AFV Holdings One, Inc.

Property Address: Hamilton Street

Total Parcel Area: 207,426 sq. ft. (4.76 ac.)

Property to be acquired by Easements: 10,937 sq. ft. (0.25 ac.) in Permanent Water Line Easement and 5,226 sq. ft. (0.12 ac.) in Temporary Access Easement and 3,794 sq. ft. (0.09 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: MUDD(CD)

Use: Office

Parcel Identification Number(s): 078-341-12 and 078-341-09

<https://polaris3g.mecklenburgcountync.gov/#pid=07834112&qisid=07834112>

<https://polaris3g.mecklenburgcountync.gov/#pid=07834109&qisid=07834109>

Appraised Value: \$190,075

Property Owner's Concerns: None

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

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

Council District: 1

Attachment(s): Map

[Map - WTMI and Repairs - Cates Street, Parcels # 1 and 2](#)

31. Charlotte Water Property Transactions - Water Transmission Main Improvements and Repairs - Cates Street, Parcel # 3

Action: Approve the following Condemnation: Water Transmission Main Improvements and Repairs - Cates Street, Parcel # 3

Project: Water Transmission Main Improvements and Repairs-Cates Street, Parcel # 3

Owner(s): Broadwing Communications Real Estate Services, LLC

Property Address: 825 Hamilton Street

Total Parcel Area: 45,178 sq. ft. (1.04 ac.)

Property to be acquired by Easements: 5,153 sq. ft. (0.12 ac.) in Permanent Water Line Easement and 1,874 sq. ft. (0.04 ac.) in Temporary Access Easement and 3,149 sq. ft. (0.07 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: I-2(CD)

Use: Office

Parcel Identification Number (s): 078-341-03

<https://polaris3g.mecklenburgcountync.gov/#mat=423044&pid=07834103&qisid=07834103>

Appraised Value: \$32,100

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

City's Response to Property Owner's Concerns: The city responded by discussing proposed easement language revisions.

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

Council District: 1

Attachment(s): Map

[Map - WTMI and Repairs - Cates Street, Parcel # 3](#)

32. Property Transactions - Cross Charlotte Trail Segment 10, Parcel # 5

Action: Approve the following Condemnation: Cross Charlotte Trail Segment 10, Parcel # 5

Project: Cross Charlotte Trail Segment 10: Mallard Creek Church Road to Pavilion Boulevard, Parcel # 5

Program: Cross Charlotte Trail Segment 10: Mallard Creek Church Road to Pavilion Boulevard

Owner(s): CHR VIII-PCP MHC Charlotte Queens, LLC

Property Address: 124 Carnival Street

Total Parcel Area: 1,854,208 sq. ft. (42.567 ac.)

Property to be acquired by Easements: 28,727 sq. ft. (0.660 ac.) Permanent Greenway Easement and 38,165 sq. ft. (0.876 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: MHP

Use: Manufactured Home Park Zoning District

Parcel Identification Number: 051-033-05

<https://polaris3g.mecklenburgcountync.gov/#mat=408798&pid=05103305&qsid=05103305>

Appraised Value: \$42,050

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

City's Response to Property Owner's Concerns: The city informed the property owner they could obtain their own appraisal or provide supporting documentation to justify their counteroffer. The city continues to negotiate with the property owner.

Recommendation: The recommendation is to proceed to condemnation during which time negotiations can continue, mediation is available, and if necessary, just compensation can be determined by the court.

Council District: 4

Attachment(s): Map

[Map - Cross Charlotte Trail Segment 10, Parcel # 5](#)

33. Property Transactions - Cross Charlotte Trail Segment 10, Parcel # 6

Action: Approve the following Condemnation: Cross Charlotte Trail Segment 10, Parcel # 6

Project: Cross Charlotte Trail Segment 10: Mallard Creek Church Road to Pavilion Boulevard, Parcel # 6

Program: Cross Charlotte Trail Segment 10: Mallard Creek Church Road to Pavilion Boulevard

Owner(s): PS NC I, LP

Property Address: 11020 Morningstar Place Drive

Total Parcel Area: 836,581 sq. ft. (19.205 ac.)

Property to be acquired by Easements: 8,983 sq. ft. (0.206 ac.) Permanent Greenway Easement and 26,648 sq. ft. (0.612 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: B-D(CD)

Use: Business

Parcel Identification Number: 051-033-02

<https://polaris3g.mecklenburgcountync.gov/#mat=13041&pid=05103302&gisid=05103302>

Appraised Value: \$21,250

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

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 a counteroffer. The city explained the rationale of the easement language and how it meets the objectives for the project. 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: 4

Attachment(s): Map

[Map - Cross Charlotte Trail Segment 10, Parcel # 6](#)

34. Property Transactions - Regional Solids Conveyance Phase 1A, Parcel # 17

Action: Approve the following Acquisition: Regional Solids Conveyance Phase 1A, Parcel # 17

Project: Regional Solids Conveyance Phase 1A, Parcel # 17

Program: Regional Solids Conveyance Phase 1A

Owner(s): Joseph Mark Rhames and Debra P. Rhames

Property Address: 10814 Moores Chapel Road

Total Parcel Area: 108,826 sq. ft. (2.498 ac.)

Property to be acquired by Easements: 3,537 sq. ft. (0.081 ac.) Sanitary Sewer Easement and 1,252 sq. ft. (0.029 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Landscaping berm

Zoned: N1-A

Use: Neighborhood 1 Zoning District

Parcel Identification Number: 053-083-01

<https://polaris3g.mecklenburgcountync.gov/#mat=10825&pid=05308301&gisid=05308301>

Purchase Price: \$44,050

Council District: Adjacent to City Council District 3

35. Property Transactions - Rea Road Widening, Parcel # 3

Action: Approve the following Condemnation: Rea Road Widening, Parcel # 3

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

Project: Rea Road Widening (I-485 to Williams Pond Lane), Parcel # 3

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

Owner(s): Agree Convenience No. 1, LLC

Property Address: 5200 Piper Station Drive

Total Parcel Area: 76,857 sq. ft. (1.764 ac.)

Property to be acquired by Easements: 229 sq. ft. (0.005 ac.) Sidewalk Utility Easement and 2,126 sq. ft. (0.049 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: B-1SCD

Use: Business

Parcel Identification Number: 225-045-04

<https://polaris3g.mecklenburgcountync.gov/#mat=144625&pid=22504504&gjsid=22504504>

Appraised Value: \$29,050

Property Owner's Concerns: None.

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

Recommendation: The recommendation is to proceed to condemnation during which time negotiations can continue, mediation is available, and if necessary, just compensation can be determined by the court.

Council District: 7

Attachment(s): Map

[Map - Rea Road Widening, Parcel # 3](#)

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

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

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

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

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

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

Property Address: 7825 Ballantyne Commons Parkway

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

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

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: O1-CD

Use: Office District

Parcel Identification Number: 225-044-33

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

Appraised Value: \$103,475

Property Owner's Concerns: None.

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

Recommendation: The recommendation is to proceed to condemnation during which time negotiations can continue, mediation is available, and if necessary, just compensation can be determined by the court.

Council District: 7

Attachment(s): Map

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

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

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

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

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

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

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

Property Address: 8015 Ballantyne Commons Parkway

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

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

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

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: IC-1

Use: Industrial

Parcel Identification Number: 225-046-03

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

Appraised Value: \$118,250

Property Owner's Concerns: None.

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

Recommendation: The recommendation is to proceed to condemnation during which time negotiations can continue, mediation is available, and if necessary, just compensation can be determined by the court.

Council District: 7

Attachment(s): Map

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

38. Property Transactions - Rea Road Widening, Parcel # 8

Action: Approve the following Condemnation: Rea Road Widening, Parcel # 8

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

Project: Rea Road Widening (I-485 to Williams Pond Lane), Parcel # 8

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

Owner(s): Syed Rehan Haque and Jenna Kelley Haque

Property Address: 11508 Falling Leaves Drive

Total Parcel Area: 10,209 sq. ft. (0.234 ac.)

Property to be acquired by Easements: 869 sq. ft. (0.02 ac.) Utility Easement, 939 sq. ft. (0.022 ac.) Sidewalk Utility Easement and 991 sq. ft. (0.023 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Irrigation system

Landscaping to be impacted: Trees and various plantings

Zoned: N1-A

Use: Neighborhood 1 Zoning District

Parcel Identification Number: 225-044-07

<https://polaris3g.mecklenburgcountync.gov/#mat=18979&pid=22504407&qisid=22504407>

Appraised Value: \$139,905

Property Owner's Concerns: None.

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

Recommendation: The city is currently waiting on signed documents, but to avoid delay, the recommendation is to proceed to condemnation during which time negotiations can continue, mediation is available and if necessary, just compensation can be determined by the court.

Council District: 7

Attachment(s): Map

[Map - Rea Road Widening, Parcel # 8](#)

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

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

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

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

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

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

Property Address: Williams Pond Lane

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

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

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

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: IC-1

Use: Industrial

Parcel Identification Number: 225-046-04

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

Appraised Value: \$17,675

Property Owner's Concerns: None.

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

Recommendation: The recommendation is to proceed to condemnation during which time negotiations can continue, mediation is available, and if necessary, just compensation can be determined by the court.

Council District: 7

Attachment(s): Map

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

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

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

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

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

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

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

Property Address: 7940 Williams Pond Lane

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

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

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various planting

Zoned: NS

Use: Neighborhood Service District

Parcel Identification Number: 225-044-96

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

Appraised Value: \$47,075

Property Owner's Concerns: None.

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

Recommendation: The recommendation is to proceed to condemnation during which time negotiations can continue, mediation is available, and if necessary, just compensation can be determined by the court.

Council District: 7

Attachment(s): Map

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

41. Property Transactions - Sanitary Sewer to Serve Margaret Wallace Road, Parcel # 3

Action: Approve the following Condemnation: Sanitary Sewer to Serve Margaret Wallace Road, Parcel # 3

Project: 8" Sanitary Sewer to Serve 3811-3831 Margaret Wallace Road, Parcel # 3

Program: 8" Sanitary Sewer to Serve 3811-3831 Margaret Wallace Road

Owner(s): Tony Max Austin and Jerry Wayne Austin and spouses if any

Property Address: 3838 Margaret Wallace Road, Matthews

Total Parcel Area: 25,836 sq. ft. (0.593 ac.)

Property to be acquired by Easements: 1,643 sq. ft. (0.038 ac.) Sanitary Sewer Easement and 1,122 sq. ft. (0.026 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R-15

Use: Single-family Residential

Parcel Identification Number: 193-141-10

<https://polaris3g.mecklenburgcountync.gov/#mat=117325&pid=19314110&qsid=19314110>

Appraised Value: \$5,000

Property Owner's Concerns: Unknown, no response received.

City's Response to Property Owner's Concerns: The city has made multiple attempts to contact the property owners, but property owners have been unresponsive since May of 2023.

Recommendation: The recommendation is to proceed to condemnation during which time negotiations can continue, mediation is available, and if necessary, just compensation can be determined by the court.

Council District: Adjacent to Council District 5

Attachment(s): Map

[Map - Sanitary Sewer to Serve Margaret Wallace Road, Parcel # 3](#)

42. Property Transactions - Sanitary Sewer to Serve Margaret Wallace Road, Parcel # 4

Action: Approve the following Condemnation: Sanitary Sewer to Serve Margaret Wallace Road, Parcel # 4

Project: 8" Sanitary Sewer to Serve 3811-3831 Margaret Wallace Road, Parcel # 4

Program: 8" Sanitary Sewer to Serve 3811-3831 Margaret Wallace Road

Owner(s): Michael Edward Frodge and Mary Ruth Frodge

Property Address: 3900 Margaret Wallace Road, Matthews

Total Parcel Area: 22,965 sq. ft. (0.527 ac.)

Property to be acquired by Easements: 1,467 sq. ft. (0.034 ac.) Sanitary Sewer Easement and 998 sq. ft. (0.023 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R-15

Use: Single-family Residential

Parcel Identification Number: 193-141-09

<https://polaris3g.mecklenburgcountync.gov/#mat=117603&pid=19314109&qisid=19314109>

Appraised Value: \$8,775

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

City's Response to Property Owner's Concerns: The city amended the easement language to mitigate the property owner's concerns. The city informed the property owner they could obtain their own appraisal or provide supporting documentation to justify a counteroffer. The city continues to negotiate with the property owner.

Recommendation: The recommendation is to proceed to condemnation during which time negotiations can continue, mediation is available, and if necessary, just compensation can be determined by the court.

Council District: Adjacent to Council District 5

Attachment(s): Map

[Map - Sanitary Sewer to Serve Margaret Wallace Road, Parcel # 4](#)

43. Property Transactions - Shamrock Drive Improvements, Parcel # 2

Action: Approve the following Acquisition: Shamrock Drive Improvements, Parcel # 2

Project: Shamrock Drive Improvements, Parcel # 2

Program: Shamrock Drive Improvements

Owner(s): Shyam B. Patil and Roshni Dubey

Property Address: 1520 Shamrock Drive

Total Parcel Area: 8,585 sq. ft. (0.197 ac.)

Property to be acquired by Easements: 127 sq. ft. (0.003 ac.) Sidewalk Utility Easement and 1,258 sq. ft. (0.029 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: N1-C

Use: Neighborhood 1 Zoning District

Parcel Identification Number: 093-097-07

<https://polaris3g.mecklenburgcountync.gov/#mat=46555&pid=09309707&gisid=09309707>

Purchase Price: \$37,930

Council District: 1

Adjournment

REFERENCES

44. 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.

45. 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.

46. 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.