

City of Charlotte

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



Meeting Agenda

Monday, February 26, 2024

Council Chamber

City Council Business Meeting

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

5:00 P.M. CITY COUNCIL ACTION REVIEW, 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.

[2024-02-26 Council Agenda QA](#)

2. Consent agenda items 13 through 45 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

Spectrum Center Agreement Update

Staff Resource(s):

Tracy Dodson, City Manager's Office

Time: Presentation - 15 minutes; Discussion - 30 minutes

Explanation

- Receive an update on both the arena and Performance Enhancement Center.

American Rescue Plan Update

Staff Resource(s):

Shawn Heath, City Manager's Office

Time: Presentation - 10 minutes; Discussion - 25 minutes

Explanation

- Receive an update on ARPA funding status.

[Spectrum Center Agreement Update](#)

[American Rescue Plan 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 on Certificates of Participation Financing for Equipment and Public Facilities

Action:

Conduct a public hearing regarding approval of an installment financing contract not to exceed \$137,000,000 for equipment acquisition and construction of and improvements to facilities.

Staff Resource(s):

Teresa Smith, Finance

Matthew Hastedt, Finance

Explanation

- Certificates of Participation (COPs) are a common debt financing tool used by municipal governments to help fund the purchase of capital equipment and the construction or renovation of facilities.
- The proceeds from this financing will be used to finance the costs of below and similar other projects:
 - Construction of CMPD Northwest police station,
 - Acquisition of a new police helicopter,
 - ADA facilities,
 - Construction, renovation, and improvements to firefighting and other public safety facilities,
 - Capital building improvements and sustainability related utility systems upgrades,
 - Charlotte Mecklenburg Government Center HVAC replacement,
 - Improvements to other governmental facilities, and
 - Acquisition of Charlotte Water equipment.
- City Council will be asked to approve the installment financing contract at the March 25, 2024, Council Business Meeting.

Fiscal Note

Funding: Municipal Debt Service Fund and Charlotte Water Debt Service Fund

POLICY

8. City Manager's Report

[02.26.2024 City Manager's Memo](#)

9. 2024 Federal and State Legislative Agendas

Action:

- A. Approve the Budget, Governance, and Intergovernmental Relations Committee recommendation to approve the 2024 Federal Legislative Agenda, and**
- B. Approve the Budget, Governance, and Intergovernmental Relations Committee recommendation to approve the 2024 State Legislative Agenda.**

Committee Chair:

Dimple Ajmera, Budget, Governance, and Intergovernmental Relations

Staff Resource(s):

Shawn Heath, City Manager's Office

Dana Fenton, City Manager's Office

Explanation

- On February 5, 2024, the Budget, Governance, and Intergovernmental Relations Committee Chair Ajmera briefed Mayor and City Council on the committee-proposed 2024 Federal and State Legislative Agendas.
- On February 12, 2024, staff presented the Committee-Proposed 2024 Federal and State Legislative Agendas to City Council during Action Review. At the conclusion of the presentation, Mayor Lyles referred the legislative agendas back to the Budget, Governance, and Intergovernmental Relations Committee for changes to make the agendas more focused upon the critical issues expected to be addressed this year by the US Congress and NC General Assembly.
- The proposed 2024 Federal Legislative Agenda addresses issues relating to infrastructure, economic development, and community.
- The proposed 2024 State Legislative Agenda addresses issues relating to infrastructure, economic development, and community.

Committee Discussion

- On February 5, 2024, the Budget, Governance, and Intergovernmental Relations Committee voted to recommend the issues in the 2024 Federal and State Legislative Agendas to the City Council.
- Based on Mayor and Council feedback at the February 12, 2024, Council Business Meeting, committee members and staff reviewed and rewrote portions of the 2024 Federal and State Legislative Agendas with Mayor and Council input.

Next Steps

- The approved 2024 Federal Legislative Agenda will be presented to the Mecklenburg Congressional Delegation during the National League of Cities Congressional City Conference scheduled for March 11 - 13, 2024.
- The approved 2024 State Legislative Agenda will be presented to the Mecklenburg State Delegation on April 10, 2024, at 11:30 am to 1:00 pm, in Room 267 of the Charlotte-Mecklenburg Government Center.

Attachment(s)

Proposed 2024 Federal Legislative Agenda

Proposed 2024 State Legislative Agenda

[2024 Federal Legislative Agenda](#)

[2024 State Legislative Agenda](#)

BUSINESS

10. Affordable Housing Development Support Reallocation Request

Action:

Reallocate up to \$1,000,000 of Housing Trust Fund support from the Evoke Living at Morris Field multi-family affordable housing development to further support the development of the Evoke Living at Ballantyne multi-family affordable housing development.

Staff Resource(s):

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

Explanation

- On April 24, 2023, City Council approved a \$3,100,000 Housing Trust Fund (HTF) allocation for the Evoke Living at Ballantyne development, a 60-unit new construction affordable housing development to be developed, owned, and operated by Ballantyne Housing, LLC, an affiliate of CSE Communities, LLC (Crosland) and its partners.
- The development is located at 15024 Ballancroft Parkway in Council District 7 and will serve households earning up to 80 percent of the Area Median Income (AMI) with income averaging of 60 percent of AMI for the entire development. The development will have a 75-year affordability period.
- The development has experienced a new financing gap because of cost escalations occurring in the market since the pandemic.
- The city proposes and requests authority to reallocate up to \$1,000,000 of HTF support, previously allocated to the developer's Evoke Living at Morris Field development, to fill the remaining gap. This is possible due to cost savings on the Morris Field project.
- The reallocated amount will consist of up to \$1,000,000 in HTF funds that were originally allocated to the Morris Field development but have not yet been drawn down by the developer.

Background

- The Evoke Living developments are an innovative partnership between Crosland and Freedom Communities, a local non-profit focused on community development, upward mobility, and affordable housing.
- Since 2018, the city has invested HTF and city-owned land support in six Evoke Living developments:
 - Evoke Living at Arrowood (\$2,000,000)
 - Evoke Living at Ballantyne (\$3,100,000 and lease of city-owned land)
 - Evoke Living at Eastland (\$2,240,000 and sale of city-owned land)
 - Evoke Living at Morris Field (\$9,200,000)
 - Evoke Living at Sugar Creek (\$5,300,000)
 - Evoke Living at Westerly Hills (\$1,300,000)

Charlotte Business INclusion

All HTF-funded projects and their developers are subject to MWSBE goals determined based on the amount of the HTF allocations received.

Fiscal Note

Funding: Housing Trust Fund

11. Civilian Crash Investigation Program

Action:

Adopt a budget ordinance appropriating \$1,271,000 from the Municipal Debt Service Fund to the Capital Equipment Fund for the purchase of vehicles for the city's new Civilian Crash Investigation Program.

Staff Resource(s):

Dave Johnson, Police

Mike Harris, Police

Christopher Rorie, Police

Explanation

- In summer 2023, the North Carolina General Assembly passed NC General Statute 160A-499.6, which allows cities to employ civilian personnel to investigate traffic crashes that solely involve property damage (i.e., no personal injury). This was a priority on City Council's 2023 State Legislative Agenda.
- The Charlotte-Mecklenburg Police Department (CMPD) plans to implement a program modeled from this legislation with 16 civilian crash investigators.
 - Investigators would work two, eight-hour shifts (6am to 2pm and 1pm to 9pm) Monday to Friday with eight investigators active on each shift.
 - In 2022 CMPD officers spent 31,262 hours responding to 23,992 qualifying crashes during this time frame. This volume of crashes would provide a full workload for 16 civilian investigation positions.
 - Civilian traffic investigators would be required to complete a training program designed by the North Carolina Justice Academy. CMPD is also planning to require investigators to attend an additional two weeks of CMPD-specific classroom training and four weeks of field training.
 - The uniform and vehicles of civilian investigators would be substantially different in color and style than those of sworn CMPD officers.
 - Civilian investigators would be unarmed and have no authority to arrest or issue any criminal process.
 - Sworn officers would be called to respond to any scenes involving personal injury, fatality, or evidence of driver impairment.
 - Annual operating costs for the program are estimated to be \$1,100,000.
- CMPD plans to implement the program in July of 2024 using a mix of hybrid and fully electric vehicles.
- This action would appropriate funding from the Municipal Debt Service Fund to purchase these vehicles in FY 2024, so that they may be available for use in early FY 2025.
- These vehicles would be based out of the West Service Center at CMPD's Freedom Division, located at 4150 Wilkinson Boulevard.

Fiscal Note

Funding: Capital Equipment Fund

Attachment(s)

Budget Ordinance

[Budget Ordinance](#)

APPOINTMENTS

12. Appointments to the Waste Management Advisory Board

Action:

Appoint residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One recommendation for a three-year term beginning March 1, 2024, and ending February 28, 2027.
 - Michelle Coffino, nominated by Council member Brown and Mayfield.
 - George White, nominated by Council member Graham and Mitchell.

Attachment(s)

Waste Management Advisory Board Applications

CONSENT

13. Governor's Highway Safety Program Grant for Traffic Safety

Action:

Adopt a Resolution authorizing the City Manager, or his designee, to apply for and accept a grant in the amount of \$50,000 from the North Carolina Governor's Highway Safety Program to conduct overtime projects focused on increased enforcement of traffic violations.

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 Program.
- 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 funding to conduct overtime projects focused on increased enforcement of traffic violations such as aggressive driving, organized street racing or takeovers, and/or special traffic operations including Vision Zero.
- Officers will work four-to-six-hour shifts in areas of the City of Charlotte and Mecklenburg County that have been identified as having a problem with excessive speeding and/or crashes.
- The grant is for a one-year term from October 1, 2024, through September 30, 2025.
- No matching funds are required from the city.

Fiscal Note

Funding: General Grants Fund

Attachment(s)

Resolution

[Resolution- NCGHSP -OVERTIME RESOLUTION 2024](#)

14. 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 the amount of \$209,523 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 to the city for the past 11 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 \$838,091 in FY 2025. The grant will fund 25 percent of Task Force costs (\$209,523). The city will provide at 75 percent match (\$628,568) from CMPD's operating budget.
- The grant is for a one-year term from October 1, 2024, through September 30, 2025.

Fiscal Note

Funding: General Grants Fund and Police Operating Budget

Attachment(s)

Resolution

[Resolution- NCGHSP -DWI TASK FORCE RESOLUTION 2024](#)

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

Action:

Adopt a resolution authoring the City Manager, or his designee, to apply for and accept a grant in the amount of \$30,000 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 \$30,000 grant from the NC Governor's Highway Safety Program.
- The terms of the grant require that City Council adopt a resolution authorizing CMPD to apply for and accept the grant funding.
- The grant is for a one-year term from October 1, 2024, to September 30, 2025.
- No matching funds are required from the city.
- If awarded, this grant will provide:
 - \$22,500 to purchase six LIDAR radar units (handheld pieces of equipment used by certified officers to detect speeding),
 - \$6,500 for professional development (in- and out-of-state training and conferences), and
 - \$1,000 for support for regional meetings hosted by CMPD's Law Enforcement Liaison.

Fiscal Note

Funding: General Grants Fund

Attachment(s)

Resolution

[Resolution- NCGHSP -LAW ENFORCEMENT LIAISON RESOLUTION 2024](#)

16. Temporary Traffic Control Services

Action:

- A. **Approve a unit price contract with GDC, Inc. dba GDC Supplies Equipment and Contracting LLC (MBE, SBE) for Temporary Traffic Control Services for an initial term of one year, and**

- B. **Authorize the City Manager to renew the contract for up to three, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Debbie Smith, Transportation

Charles Jones, Transportation

Explanation

- Work in the city right-of-way often requires temporary traffic control to provide protection for workers, motorists, pedestrians, and cyclists.
- Contracted traffic control services provide city crews the opportunity to focus on completing repairs or existing projects without allocating staff or devices to traffic control activities such as flagging and lane closures. Contracted traffic control services also allow the city to maintain fewer signs, cones, and barricades in its inventory.
- On November 1, 2023, the city issued a Request for Proposals (RFP); three proposals were received.
- GDC, Inc. dba GDC Supplies Equipment and Contracting LLC best meets the city's needs based on demonstrated competence and qualification of professional services in response to the RFP requirements.
- Price adjustments may be considered based on legitimate and justified increases in the cost of doing business.
- Annual expenditures are estimated to be \$600,000.

Charlotte Business INclusion

The city negotiates contract participation after the proposal selection process. A 5.00% aspirational goal was established. GDC, Inc. is a city (MBE, SBE) and will self-count its participation of 50.00% of the total contract amount.

Fiscal Note

Funding: Powell Bill Fund

17. Construct Charlotte Fire Department Firehouse #30

Action:

Approve a contract in the amount of \$10,313,000 to the lowest responsive, responsible bidder Swinerton Builders for the Charlotte Fire Department Firehouse #30 project.

Staff Resource(s):

Phil Reiger, General Services
Jennifer Smith, General Services
Kathleen Cishek, General Services

Explanation

- Firehouse #30 was one of three firehouses identified in the Construct Fire Facilities Program within the Fiscal Year 2022 budget.
- This project consists of the construction of a new two-story, three-bay firehouse located at 3019 Beam Road in Council District 3.
- This new facility will replace the existing firehouse located at 4707 Belle-Oaks Drive, which was built in 1955, and will help improve response times.
- This facility will be the first new all-electric firehouse supporting the Strategic Energy Action Plan goal of zero carbon city buildings.
- On December 6, 2023, the city issued an Invitation to Bid; ten bids were received.
- Swinerton Builders was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by first quarter 2026.

Charlotte Business INclusion

Established MBE Goal: 8.00%

Committed MBE Goal: 8.30%

Swinerton Builders exceeded the established subcontracting goal and has committed 8.30% (\$855,685) of the base bid amount to the following certified firms:

- LA Concrete, Inc. (MBE) (\$772,095) (building and site concrete)
- Taylor Interiors, LLC (MBE, SBE) (\$83,590) (air barrier)

Established WBE Goal: 2.00%

Committed WBE Goal: 2.56%

Swinerton Builders exceeded the established subcontracting goal and has committed 2.56% (\$263,797) of the base bid amount to the following certified firm:

- Coleman Contractors, Inc. (WBE) (\$263,797) (ceilings, drywall, framing)

Fiscal Note

Funding: General Capital Investment Plan

Attachment(s)

Map

[Map_Construct Charlotte Fire Department Firehouse #30.pdf](#)

18. Construct Cross Charlotte Trail - Tryon Street to Orr Road

Action:

Approve a contract in the amount of \$4,774,592.99 to the lowest responsive, responsible bidder J.D. Goodrum Co, Inc. for the Cross Charlotte Trail - Tryon Street to Orr Road project.

Staff Resource(s):

Phil Reiger, General Services
Jennifer Smith, General Services
Keith Bryant, General Services

Explanation

- The Cross Charlotte Trail (XCLT) is a joint project between the City of Charlotte and Mecklenburg County to create over 30 miles of continuous trail and greenway facilities.
- This contract includes construction services for segment 8, North Tryon Street to Orr Road (1.38 miles plus 0.49 miles of neighborhood connector paths) of the XCLT trail through the Hidden Valley neighborhood in Council District 1.
- The work includes but is not limited to clearing, grading, retaining walls, boardwalks, storm drainage, accessibility ramps, sidewalk, landscaping, and asphalt and concrete pathways.
- On December 6, 2023, the city issued an Invitation to Bid; four bids were received.
- J.D. Goodrum Co, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by third quarter 2026.

Charlotte Business INclusion

Established MWBE Goal: 8.00%

Committed MWBE Goal: 8.38%

J.D. Goodrum Co, Inc. exceeded the established contract goal and has committed 8.38% (\$400,023) of the total contract amount to the following certified firms:

- On Time Construction, Inc. (WBE) (\$220,000) (concrete)
- Affordable Source Trucking, LLC (MBE) (\$75,000) (hauling)
- Maybury Fencing Inc. (WBE) (\$54,000) (fence)
- Mid-Atlantic Erosion Control, Inc. (MBE) (\$26,048) (erosion control, silt fence)
- Superior Seeding, Inc. (WBE) (\$24,975) (matting, seeding)

Fiscal Note

Funding: General Capital Investment Plan

Attachment(s)

Map

[Map Construct Cross Charlotte Trail - Tryon Street to Orr Road.pdf](#)

19. Construct Tuckaseegee Road Sidewalk

Action:

Approve a contract in the amount of \$1,350,629.50 to the lowest responsive, responsible bidder United Construction Company, Inc. for the Tuckaseegee Road Sidewalk project.

Staff Resource(s):

Phil Reiger, General Services
Jennifer Smith, General Services
Keith Bryant, General Services

Explanation

- The Tuckaseegee Road Sidewalk project was identified in the Sidewalk and Pedestrian Safety Program and will improve safety, connectivity, and pedestrian mobility in Council District 3.
- This contract includes construction of approximately 0.65 miles of sidewalk along the south side of Tuckaseegee Road from West Mecklenburg High School to Larry Drive and along the north side of Tuckaseegee Road from Burkholder Road to Toddville Road.
- The improvements include but are not limited to sidewalk, wheelchair ramps, driveways, pedestrian refuge, and traffic signal.
- On December 18, 2023, the city issued an Invitation to Bid; four bids were received.
- United Construction Company, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by second quarter 2026.

Charlotte Business INClusion

Established MBE Goal: 6.00%

Committed MBE Goal: 6.07%

United Construction Company, Inc. exceeded the established contract goal and has committed 6.07% (\$82,000) of the total contract amount to the following certified firm:

- R.R.C. Concrete Inc. (MBE) (\$82,000) (concrete)

Established WBE Goal: 3.00%

Committed WBE Goal: 3.04%

United Construction Company, Inc. exceeded the established contract goal and has committed 3.04% (\$41,000) of the total contract amount to the following certified firms:

- iKon Hauling LLC (WBE) (\$11,000) (hauling)
- Weekes Trucking LLC (WBE) (\$30,000) (hauling)

Fiscal Note

Funding: General Capital Investment Plan

Attachment(s)

Map

[Map_Construct_Tuckaseegee_Road_Sidewalk.pdf](#)

20. Landscape Installations

Action:

- A. Authorize the City Manager to negotiate and execute contracts with the following companies for Unspecified Capital Investment Plan and Storm Water Services Landscape Installations for an initial term of three years:**
- Carolina Outdoor Maintenance, Inc. (SBE, WBE)
 - Champion Landscapes, Inc.
 - New Beginning Landscape, LLC (MBE, SBE)
 - Roundtree Companies, LLC (MBE, SBE)
 - Southern Horticulture Group LLC DBA Southern EEZ Landscaping (SBE)
 - Taylor's Landscaping Service, Inc. (SBE), and
- 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
Erin Oliverio, General Services

Explanation

- These contracts will include landscape installation services for Capital Investment Plan and Storm Water Services projects in various geographical areas as identified by the city.
- On December 12, 2023, the city issued a Request for Proposals (RFP); six 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. The ability to consider price adjustments also allows the city to accept decreases, if warranted.
- Annual aggregate expenditures are estimated to be \$200,000.

Charlotte Business INclusion

Contract goals were not established on this contract as there were no viable subcontracting opportunities. However, Carolina Outdoor Maintenance, Inc is a city certified (SBE, WBE), New Beginning Landscape, LLC and Roundtree Companies, LLC are city certified (MBE, SBE), and Southern Horticulture Group LLC and Taylor's Landscaping Service Inc are city certified (SBE).

Fiscal Note

Funding: General and Storm Water Capital Investment Plans

21. CATS Blue Line Landscape Maintenance

Action:

- A. Approve unit price contracts for CATS Blue Line Landscape Maintenance for an initial term of three years to the following:**
- **Champion Landscapes Inc.**
 - **Southern EEZ Landscaping (SBE)**
 - **Taylor’s Landscaping Services, Inc. (SBE), and**
- B. Authorize the City Manager to renew the contracts for up to two, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

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

Explanation

- General Services Landscape Management Division provides grounds maintenance services for CATS facilities and parking lots along the Lynx Blue Line from 7th Street to the University of North Carolina at Charlotte in Council Districts 1 and 4.
- These contracts will provide landscape maintenance services including:
 - Grounds, turf, shrub, groundcover, and perennial maintenance,
 - Trash and debris removal including storm debris pickup,
 - Irrigation maintenance/repair/operation,
 - Snow and ice removal,
 - Tree maintenance and mulching, and
 - Pesticide/herbicide application.
- On December 7, 2023, the city issued a Request for Proposals (RFP); four proposals were received.
- Three contractors were determined to best meet the city’s needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- The prices stated in the contract shall remain fixed for the initial term. At renewal, potential price adjustments may be considered based on legitimate and justified increases in the cost of doing business. The ability to consider price adjustments also allows the city to accept decreases, if warranted.
- Annual aggregate expenditures are estimated to be \$316,770.

Charlotte Business INclusion

Contract goals were not established on this Contract as there were no viable subcontracting opportunities. However, Southern EEZ Landscaping and Taylor’s Landscaping Service, Inc. are city certified (SBE).

Fiscal Note

Funding: CATS Operating Budget

22. Engineering Services for 6th and Graham Storm Drainage Improvement Project

Action:

- A. Approve a contract in the amount of \$1,180,000 with HDR Engineering Inc. of the Carolinas for the 6th and Graham 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 6th and Graham Storm Drainage Improvement Project is bordered by East 7th Street to the north, East 5th Street to the south, North Church Street to the east, and South Cedar Street to the west, in Council District 2.
- This contract will include design and construction administration services, including but not limited to:
 - Design of repairs and/or improvements,
 - Survey and utility locate services,
 - Preparation of construction documents,
 - Construction administration, and
 - Public outreach activities.
- On August 16, 2021, the city issued a Request for Qualifications (RFQ); 21 responses were received.
- HDR Engineering Inc, of the Carolinas is the best qualified firm to meet the city's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.

Charlotte Business INclusion

The city negotiates contract participation after the proposal selection process. HDR Engineering Inc, of the Carolinas has committed 31.59% (\$372,734) of the total contract amount to the following certified firms:

- Utility Coordination Consultants, LLC (SBE) (\$264,246) (utility locates, SUE, utility coordination services)
- Gavel & Dorn Engineering, PLLC (SBE) (\$108,488) (water and sewer engineering, design and permitting services)

Fiscal Note

Funding: Storm Water Capital Investment Plan

Attachment(s)

Map

[15-21953 6th and Graham SDIP](#)

23. Engineering Services for Hidden Valley Storm Drainage Improvement Project

Action:

- A. Approve a contract amendment #1 for \$800,000 to the contract with D&A Wolverine, PLLC for the Hidden Valley Storm Drainage Improvement Project, 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):

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

Explanation

- On April 27, 2020, City Council approved a professional engineering services contract with D&A Wolverine, PLLC, to provide planning services for the Hidden Valley Storm Drainage Improvement Project. At that time, it was noted that additional contracts from the RFP process would be coming forward for Council action once the projects are defined.
- The Hidden Valley Storm Drainage Improvement Project is bordered by Interstate 85 to the north, Upper Little Sugar Creek to the south, North Tryon Street to the east, and West Sugar Creek Road to the west, in Council District 4.
- The contract amendment will add design and construction phase administration services, including but 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 total value of the contract, including amendment #1, is \$1,675,000.

Charlotte Business INclusion

All additional work involved in this amendment will be performed by D&A Wolverine, PLLC and their existing subconsultants. D&A Wolverine, PLLC has committed 27.19% (\$217,520) of the total contract amendment to the following certified firms:

- Survey & Mapping Control, Inc. (SBE) (\$190,020) (geotechnical engineering, materials testing and laboratory analysis, design and reporting)
- Southern Engineering and Testing, P.C. (SBE) (\$27,500) (geotechnical engineering, materials testing and laboratory analysis, design and reporting)

Fiscal Note

Funding: Storm Water Capital Investment Plan

24. RailPros Professional Services

Action:

Approve a contract for up to \$518,052.50 with RailPros Field Services, Inc. for the North End Around Taxiway Old Dowd Road project.

Staff Resource(s):

Angela Charles, Charlotte Water
David Czerr, Charlotte Water
Haley Gentry, Aviation
Jack Christine, Aviation

Explanation:

- This work for services related to a water line crossing under a Norfolk Southern Railroad track is required as part of the Aviation Department's North End Around Taxiway Old Dowd Road project.
- Charlotte Water holds a contract with Norfolk Southern Railroad which stipulates that RailPros Field Services, Inc. must be used for all projects carried out on Norfolk Southern Railroad property or crossings to ensure protection of railroad infrastructure and rail traffic during construction.
- Aviation will reimburse Charlotte Water for the costs associated with this contract.

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

25. Airport Arc Flash Testing Services

Action:

- A. Approve a unit price contract with Blackmon Services, Inc. for Arc Flash Testing for an initial term of five years, and**
- B. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract as necessary to meet business needs.**

Staff Resource(s):

Haley Gentry, Aviation
Jack Christine, Aviation

Explanation

- Arch Flash testing is the process of determining the arc rating needed for personal protective equipment to be used in areas where an electrical hazard may exist.
- Aviation will post the arc ratings to maintain compliance with the Occupational Safety and Health Administration department.
- On November 14, 2023, the City issued a Request for Proposal (RFP); two responses were received.
- Blackmon Services, Inc. best meets the City's needs in terms of qualifications, experience, operations plan, staffing, cost, and responsiveness to RFP requirements.
- Cost increases may be considered at time of renewal based on current market conditions.
- Estimated annual expenditures are \$150,000.

Charlotte Business INclusion

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

Fiscal Note

Funding: Aviation Operating Budget

26. Airport Baggage Handling System Operation, Maintenance, and Repair Contract Amendment

Action:

Approve contract amendment #7 for \$631,716 to the contract with Siemens Postal, Parcel & Airport Logistics, LLC for maintenance, operation, and repair of the Baggage Handling System.

Staff Resource(s):

Haley Gentry, Aviation

Jack Christine, Aviation

Explanation

- The Airport Baggage Handling System (BHS) sorts and screens over eight and a half million pieces of checked baggage annually and requires software system updates and parts replacement to ensure ongoing operations.
- On September 10, 2018, City Council approved a contract with Siemens Postal, Parcel & Airport Logistics, LLC for BHS operation, maintenance, and repair services, with expenses estimated to be \$3,821,562 annually.
- The contract has since been amended for the following reasons:
 - Amendment # 1 to amend language allowing temporary reduction in staff due to COVID 19.
 - Amendment # 2 to exercise 1st contract renewal.
 - Amendment # 3 to exercise 2nd contract renewal.
 - Amendment # 4 to extend contract term for an additional 3 months through January 31, 2024.
 - Amendment # 5 in the amount of \$471,233 to add additional staff to improve system capacity during peak operations.
 - Amendment # 6 to add \$1,717,767.48 in additional funds for parts replacement and repairs that allow for continued maintenance and reliability of the BHS.
- On February 21, 2023, the city issued a Request for Proposals for BHS operation, maintenance, and repair services and selected a new vendor.
- This amendment will extend the contract by two months through June 30, 2024, to ensure a smooth transition to the new contracted vendor for these services.
- The total value of this contract including all amendments is \$22,854,953.29.

Charlotte Business INCLUSION

All additional work involved on this amendment will be performed by Siemens Postal, Parcel & Airport Logistics, LLC and their existing subcontractor.

Fiscal Note

Funding: Aviation Capital Investment Plan and Aviation Operating Budget

27. Airport Baggage Handling System Operation and Maintenance

Action:

- A. **Approve a contract with Vanderlande Industries, Inc. for Baggage Handling System operations and maintenance for a term of three years, and**
- B. **Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Haley Gentry, Aviation

Jack Christine, Aviation

Explanation

- The Airport Baggage Handling System (BHS) sorts and screens approximately eight and a half million pieces of checked baggage annually.
- The BHS requires regular preventative maintenance, repair, 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 extensive preventative maintenance, operational oversight, and repair.
- On February 21, 2023, the city issued a Request for Proposals (RFP); seven responses were received.
- Vanderlande 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.
- Estimated annual spend is \$6,486,559.25.

Charlotte Business INclusion

The city negotiates contract participation after the proposal selection process. Vanderlande Industries, Inc. has committed 40.32% (\$7,846,470) to the following certified firm:

- Snelling Staffing Services (MBE) (\$7,846,470) (general skilled labor)

Fiscal Note

Funding: Aviation Operating Budget

28. Airport Public Address System Maintenance and Support

Action:

- A. **Approve a contract with Ford Audio-Visual Systems, LLC. for Airport Public Address System technical support, maintenance, and replacement hardware for a term of three years,**
- B. **Authorize the City Manager 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 additional software licenses, services, hardware, maintenance, and support as required to maintain the public address system for the term of the contract.**

Staff Resource(s):

Haley Gentry, Aviation
Michael Hill, Aviation

Explanation

- The Public Address (PA) System at the Airport is critical to communicate information to airport passengers.
- The PA System broadcasts information, enables customer paging, including boarding information, and is part of the Airport's Security Program compliance by providing the ability to play scheduled regulatory messaging as required by the Transportation Security Administration.
- The Aviation department contracts with a public address system vendor to maintain, upgrade, and support the public address system.
- On July 7, 2023, the city issued a Request for Proposal (RFP); two responses were received.
- Ford Audio-Visual Systems, LLC. best meets the city's needs in terms of qualification, experience, cost, and responsiveness to the RFP requirements.
- Annual expenditures are estimated to be \$395,000.

Charlotte Business INclusion

The City negotiates contract participation after the proposal selection process. Ford Audio-Visual Systems, LLC has identified to following certified firm for participation as project scopes are defined:

- Glenn Horne Electrical Contractors, Inc. (WBE) (electrical)

Fiscal Note

Funding: Aviation Operating Budget

29. Airport Terrazzo Maintenance

Action:

- A. Approve unit price contracts with the following companies for terrazzo maintenance for an initial term of three years:**
- **Sunshine Cleaning Systems, LLC**
 - **ABM Aviation, Inc., and**
- B. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Haley Gentry, Aviation

Jack Christine, Aviation

Explanation

- Terrazzo is a composite material that is used as flooring over an estimated 500,000 square feet throughout the Airport's main passenger terminal and the lobby of the business valet parking deck.
- The Airport contracts for cleaning and polishing of terrazzo floors to maintain the terrazzo's durability and aesthetically pleasing high-gloss shine.
- Maintenance of terrazzo flooring requires specially trained personnel and equipment.
- On October 3, 2023, the city issued a Request for Proposal (RFP); two responses were received.
- Sunshine Cleaning Systems, LLC and ABM Aviation, Inc. meet the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- The estimated annual expenditure is \$1,550,000.

Charlotte Business INclusion

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

Fiscal Note

Funding: Aviation Operating Budget

30. On-Call Technology Services Contract Extension

Action:

- A. **Approve a contract extension for two years with Intratek Computer, Inc. for on-call technology services,**
- B. **Authorize the City Manager to renew the contract for a two-year term with possible price adjustments, and to amend the contract consistent with the purposes for which the contract and this amendment were approved, and**
- C. **Authorize the City Manager to purchase such additional software licenses, maintenance, support, services, and hardware as required to continue to receive these on-call technology services for the term of the contract.**

Staff Resource(s):

Markell Storay, Innovation & Technology

Explanation

- Intratek was selected in 2009 following a Request for Proposal (RFP) process, to provide the IT Service Desk frontline support for IT-related issues and requests. The initial contract was for a term of eight years.
- Another RFP was conducted in 2016 and Intratek again was selected, for an initial term of four years, with two optional two-year renewals. Both renewals have been exercised and the contract is scheduled to end on January 1, 2025, with no available renewals.
- The city has several major projects ongoing over the next three to four years, including replacement of the city's Human Resources and Enterprise Resource Planning systems and replacement of the city's network equipment.
- Conducting an RFP process and transitioning the frontline support for IT-related issues and requests would introduce additional complexity into successfully completing these projects.
- Extending the IT helpdesk contract with Intratek allows for completion of these projects prior to conducting another RFP for frontline support services.
- A waiver of a competitive solicitation process for services may be granted on a limited basis when deemed appropriate and in the city's best interest. A waiver has been approved for these services based on the need for continuity of service.
- Annual expenditures are estimated to be \$1,804,299.

Charlotte Business INclusion

This is exempt under the CBI Program. However, Intratek has committed 20% (\$4,322,388) of the total contract amount to the following certified firms:

- Miles Technology Solutions (MBE, SBE) (\$1,661,194) (technology support)
- Monarch Technologies (SBE) (\$2,661,194) (technology support)

Fiscal Note

Funding: I&T Operating Budget

31. Bond Issuance Approval for Evoke Living at Ballantyne

Action:

Adopt a resolution granting INLIVIAN's request to issue new multi-family housing revenue bonds, in an amount not to exceed \$11,500,000, to finance the development of an affordable housing development known as Evoke Living at Ballantyne.

Staff Resource(s):

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

Explanation

- This action does not obligate the city financially or impact the Capital Investment Plan and is requested to satisfy Section 147(f) of the Internal Revenue Service Code of 1986, which requires the issuance of housing bonds to be approved by the local governmental unit with jurisdiction over the area where the development is located.
- INLIVIAN is requesting that City Council adopt a resolution authorizing the issuance of multi-family housing revenue bonds for Evoke Living at Ballantyne, a 60-unit new construction multi-family affordable housing development to be developed, owned, and operated by Ballantyne Housing, LLC, an affiliate of CSE Communities, LLC (Crosland) and its partners, or an affiliated or related entity.
- The development will be located on approximately 3.37 acres at Providence Road West and Ballancroft Parkway (parcel identification number 223-132-40 and a portion of 223-132-39) in Council District 7 and will serve households earning 80 percent and below the Area Median Income.
- The INLIVIAN bonds, not to exceed \$11,500,000, will be used to finance the construction of the development.
- This action further supports City Council's April 24, 2023, approval of \$3,100,000 Housing Trust Fund gap financing support, and January 8, 2024, approval of the terms of the city-owned land ground lease option and lease.

Background

- In conjunction with the Developer's request for Housing Trust Fund support, the developer applied for four percent low-income housing tax credits and a housing bond allocation capacity from the North Carolina Housing Finance Agency (NCHFA) to finance the development.
- The NCHFA approved the Developer's application pursuant to its Qualified Allocation Plan and awarded the requested four percent tax credits and a bond allocation capacity totaling \$11,500,000 for the development. Tax credit and bond allocations are subject to federal income limits and set-aside rules and include deed restrictions.
- INLIVIAN, as a public housing authority, is duly authorized to issue housing bonds to finance developments that serve persons of low and moderate income, including developments in which it has an indirect interest. The INLIVIAN board of directors approved the issuance of the new multi-family housing revenue bonds on March 21, 2023.

Attachment(s)

Map
Resolution

[Map Evoke Living at Ballantyne](#)

[Resolution - Evoke Living at Ballantyne](#)

32. Set a Public Hearing on Alverton Area Voluntary Annexation

Action:

Adopt a resolution setting a public hearing for March 25, 2024, for Alverton Area voluntary annexation petition.

Staff Resource(s):

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

Explanation

- The city has received a petition for voluntary annexation of private property.
- Public hearings are required prior to City Council action on annexation requests.
- This property is located within Charlotte's extraterritorial jurisdiction.
- The area proposed for annexation shares boundaries with current city limits.
- Annexation of this area will allow for more orderly development review, extension of city services, capital investments, and future annexation processes.
- The 12.739-acre "Alverton" site is just north of Interstate 485 along the east side of Mount Holly-Huntersville Rd.
 - The site is currently developed with one single-family home that will be removed prior to any redevelopment.
 - The petitioner has plans to develop the site with 32 single-family dwelling units.
 - The property is zoned N1-A (Neighborhood 1 - A) which allows for single-family residential uses, as well as duplexes, triplexes, and a limited number of other uses.
 - The property is located immediately adjacent to City Council District 4.
 - The petitioned area consists of one parcel; parcel identification number: 033-111-10.

Consistency with City Council Policies

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

Attachment(s)

Map
Resolution

[Map - Alverton Area Annexation](#)

[Resolution - Alverton Area Annexation](#)

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

Action:

- A. **Adopt a Resolution of Intent to abandon a Portion of Alleyway between Scott Avenue and Fountain View Street, and**

- B. **Set a Public Hearing for March 25, 2024.**

Staff Resource(s):

Debbie Smith, Transportation
Casey Mashburn, Transportation

Explanation

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

Petitioners

SHG East Boulevard, LLC

Attachment(s)

Map
Resolution

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

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

34. Refund of Property Taxes

Action:

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$747,839.38.

Staff Resource(s):

Teresa Smith, Finance

Explanation

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

Attachment(s)

Taxpayers and Refunds Requested
Resolution Property Tax Refunds

[List of Taxpayers 2.26.24](#)

[Resolution Feb 26 2024](#)

CONSENT - PROPERTY TRANSACTIONS

35. Aviation Property Transactions - 4330 Keeter Drive

Action: Approve the following Acquisition: 4330 Keeter Drive

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

Project: Aviation Master Plan

Program: N/A

Owner(s): Jharna Enterprises, LLC

Property Address: 4330 Keeter Drive

Total Parcel Area: 1.689 acres (73,573 sq ft)

Property to be acquired by Easements: None

Structures/Improvements to be impacted: Hotel/motel<7 floors

Landscaping to be impacted: None

Zoned: ML-1

Use: Hotel/motel<7 floors

Parcel Identification Number(s): 055-369-51

<https://polaris3g.mecklenburgcountync.gov/#mat=232193&pid=05536951&qsid=05536951>

Purchase Price: \$3,100,000 and all relocation benefits in compliance with Federal, State or Local regulations.

Council District: 3

36. Charlotte Water Property Transactions - Mallard Creek Basin Improvements Phase 1 and 2, Parcel # 20

Action: Approve the following Condemnation: Mallard Creek Basin Improvements Phase 1 and 2, Parcel # 20

Project: Mallard Creek Basin Improvements Phase 1 and 2, Parcel # 20

Owner(s): Pavilion Partners

Property Address: 705-707 Pavilion Boulevard

Total Parcel Area: 1,299,591 sq. ft. (29.8 ac.)

Property to be acquired by Easements: 3,162 sq. ft. (0.07 ac.) in Permanent Utility Easement and 4,100 sq. ft. (0.09 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Landscaping, mature trees

Zoned: N1-A

Use: Water Retention Pond

Parcel Identification Number(s): 051-061-17
<https://polaris3g.mecklenburgcountync.gov/#mat=512486&pid=05106117&qisid=05106117>

Appraised Value: \$8,150

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

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

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

Council District: 4

Attachment(s): Map

[Map - Mallard Creek Basin Improvements Phase 1 and 2, Parcel #20](#)

37. Property Transactions - 5212 Sharon View Sidewalk Gap, Parcel # 1

Action: Approve the following Acquisition: 5212 Sharon View Sidewalk Gap, Parcel # 1

Project: 5212 Sharon View Sidewalk Gap, Parcel # 1

Program: 5212 Sharon View Sidewalk Gap

Owner(s): Mark B. Tcherkezian and Lesa B. Tcherkezian

Property Address: 5212 Sharon View Road

Total Parcel Area: 149,225 sq. ft. (3.426 ac.)

Property to be acquired by Easements: 2,604 sq. ft. (0.060 ac.) Sidewalk Utility Easement, 1,144 sq. ft. (0.026 ac.) Storm Drainage Easement and 1,866 sq. ft. (0.043 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Brick driveway column, in-ground irrigation and driveways

Landscaping to be impacted: Trees and various plantings

Zoned: N1-A

Use: Neighborhood 1 Zoning District

Parcel Identification Number(s): 211-122-04
<https://polaris3g.mecklenburgcountync.gov/#mat=145192&pid=21112204&qisid=21112204>

Purchase Price: \$120,000

Council District: 6

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

Action: Approve the following Acquisition: 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(s): 225-045-04

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

Purchase Price: \$29,050

Council District: 7

39. 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(s): 225-044-33

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

Appraised Value: \$110,125

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](#)

40. 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, 2,315 sq. ft. (0.053 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(s): 225-046-03

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

Appraised Value: \$126,300

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](#)

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

Action: Approve the following Acquisition: 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(s): 225-044-07

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

Purchase Price: \$169,000

Council District: 7

42. 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(s): 225-046-04
<https://polaris3g.mecklenburgcountync.gov/#pid=22504604&qsid=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](#)

43. 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(s): 225-044-96

<https://polaris3g.mecklenburgcountync.gov/#mat=500361&pid=22504496&gisid=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](#)

44. Property Transactions - Regional Solids Conveyance Phase 1A, Parcel # 5

Action: Approve the following Acquisition: Regional Solids Conveyance Phase 1A, Parcel # 5

Project: Regional Solids Conveyance Phase 1A, Parcel # 5

Program: Regional Solids Conveyance Phase 1A

Owner(s): Sandra Johnston Kelly and Eric M. Kelly

Property Address: 1402 McCorkle Road

Total Parcel Area: 208,465 sq. ft. (4.786 ac.)

Property to be acquired by Easements: 3,950 sq. ft. (0.091 ac.) Sanitary Sewer Easement and 4,042 sq. ft. (0.093 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: N1-A

Use: Neighborhood 1 Zoning District

Parcel Identification Number(s): 053-093-27
<https://polaris3g.mecklenburgcountync.gov/#mat=39477&pid=05309327&gisid=05309327>

Purchase Price: \$28,698

Council District: Adjacent to Council District 3

45. Property Transactions - Shamrock Drive Improvements, Parcel # 60

Action: Approve the following Condemnation: Shamrock Drive Improvements, Parcel # 60

Project: Shamrock Drive Improvements, Parcel # 60

Program: Shamrock Drive Improvements

Owner(s): The Estate of Rachel P. Barton

Property Address: 2300 Shamrock Drive

Total Parcel Area: 10,256 sq. ft. (0.235 ac.)

Property to be acquired by Fee Simple: 84 sq. ft. (0.002 ac.) Fee Simple

Property to be acquired by Easements: 1,386 sq. ft. (0.032 ac.) Utility Easement, 475 sq. ft. (0.011 ac.) Sidewalk Utility Easement and 118 sq. ft. (0.003 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: N1-B

Use: Neighborhood 1 Zoning District

Parcel Identification Number(s): 093-074-21

<https://polaris3g.mecklenburgcountync.gov/#mat=78834&pid=09307421&gisid=09307421>

Appraised Value: \$29,225

Property Owner's Concerns: The property has outstanding title issues. Settlement cannot proceed until an estate has been opened.

City's Response to Property Owner's Concerns: The city has been unable to reach an agreement or resolve outstanding estate issues at this time.

Recommendation: To avoid delay and obtain clear title, recommendation is to proceed to condemnation.

Council District: 1

Attachment(s): Map

[Map - Shamrock Drive Improvements, Parcel # 60](#)

Adjournment

REFERENCES

46. 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.

47. 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.

48. 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.