

# City of Charlotte

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



## Meeting Agenda

**Monday, August 28, 2023**

**Council Chamber**

### **City Council Business Meeting**

*Mayor Vi Lyles*

*Mayor Pro Tem Braxton Winston II*

*Council Member Dimple Ajmera*

*Council Member Danté Anderson*

*Council Member Tariq Scott Bokhari*

*Council Member Ed Driggs*

*Council Member Malcolm Graham*

*Council Member Reneé Johnson*

*Council Member LaWana Mayfield*

*Council Member James Mitchell*

*Council Member Marjorie Molina*

*Council Member Victoria Watlington*

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

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

### **1. Closed Session**

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

**Staff Resource(s):**

Marie Harris, Strategy and Budget

**Time:** 5 minutes

**Synopsis**

Mayor and Council may ask questions about Consent agenda items.

[2023-08-28 Council Agenda QA](#)

### **3. Consent agenda items 44 through 90 may be considered in one motion except for those items removed by a Council member. Items are removed by notifying the City Clerk.**

**Time:** 5 minutes

Consideration of Consent Items shall occur in the following order:

- A. Items that have not been pulled, and
- B. Items with residents signed up to speak to the item.

### **4. Action Review Agenda Overview**

**Staff Resource(s):**

Marcus Jones, City Manager

## 5. Action Review Items

### Mobility Update

**Staff Resource(s):**

Liz Babson, City Manager's Office  
Ed McKinney, Transportation

**Time:** Presentation - 15 minutes; Discussion - 20 minutes

**Explanation**

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

### Housing Support Grants

**Staff Resource(s):**

Shawn Health, Housing & Neighborhood Services

**Time:** Presentation - 10 minutes; Discussion - 15 minutes

**Explanation**

- Receive recommendations related to the recent Housing Support Grants request for proposals.

[Action Review 5.1 - Mobility Update](#)

[Action Review 5.2 - Housing Support Grants Recommended](#)

**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 for TTX Business Investment Grant

#### Action:

- A. Conduct a public hearing regarding approval of a City of Charlotte Business Investment Grant to TTX Company, and
- B. Approve the city's share of a Business Investment Grant to TTX Company for a not to exceed amount of \$323,007 over seven years.

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

Tracy Dodson, City Manager's Office  
Matt Dufore, Economic Development

#### **Explanation**

- On July 11, 2023 TTX Company announced it would relocate its headquarters to Charlotte.
- This action is requesting a public hearing be conducted regarding City Council approval of a Business Investment Grant (BIG) of \$323,007 over seven years.
- On May 22nd, 2023, City Council, in closed session, indicated their intent to approve this BIG.
- TTX Company has committed to a capital investment of \$14,535,000 and creation of 150 jobs to be hired with an average wage of \$179,400.
- In addition to the City of Charlotte Business Investment Grant, the Mecklenburg County Board of County Commissioners approved a Business Investment Grant in the amount of \$231,927.
- In addition to the BIGs, the State of North Carolina approved a Jobs Development Investment Grant of up to \$1,827,750.

#### **Background**

- TTX Company is a railcar co-op currently based in Chicago, IL.
- The company has a heavy emphasis on rail safety and invests millions in annual rail maintenance and employee safety.
- TTX Company is committed to partnering with CPCC and local universities for talent.

#### **Business Investment Grant**

- Actual grant payments are based on the value of the investment as appraised by the Mecklenburg County Tax Office.
- Property taxes due from TTX Company must be paid before grant payment is made.
- If TTX Company removes the investment from Charlotte during the grant term, it shall pay back 100 percent of the investment grant paid to date.
- If TTX Company moves the investment from Charlotte within seven years of the end of the Business Investment Program (BIP) grant term, a portion of the grant must be repaid as follows.
  - Within one year of the end of the BIP Term - 90 percent of grant payments
  - Within two years of the end of the BIP Term - 75 percent of the grant payments
  - Within three years of the end of the BIP Term - 60 percent of the grant payments
  - Within four years of the end of the BIP Term - 45 percent of the grant payments
  - Within five years of the end of the BIP Term - 30 percent of the grant payments
  - Within six years of the end of the BIP Term - 20 percent of the grant payments
  - Within seven years of the end of the BIP Term - 10 percent of the grant payments

#### **Fiscal Note**

Funding: Business Investment Grant

## 8. Public Hearing and Decision on Consolidation and Coordination of Public Transportation Grant Application

### Action:

- A. **Conduct a public hearing regarding authorization of the City Manager, or his designee, to apply for a grant in the amount of up to \$522,000 with the North Carolina Department of Transportation for consolidation and coordination of regional public transportation,**
- B. **Adopt a resolution authorizing the City Manager, or his designee, to apply for a grant in an amount up to \$522,000 with the North Carolina Department of Transportation for consolidation and coordination of regional public transportation,**
- C. **Authorize the City Manager, or his designee, to accept a grant in an amount of up to \$522,000 from the North Carolina Department of Transportation for consolidation and coordination of regional public transportation, and**
- D. **Adopt a budget ordinance appropriating \$522,000 from the North Carolina Department of Transportation for consolidation and coordination of regional public transportation to the CATS Operating Fund contingent upon being named a successful grant recipient.**

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

Brent Cagle, CATS  
Jason Lawrence, CATS  
Brian Horton, CATS

### **Explanation**

- This resolution authorizes the city to submit an application to the North Carolina Department of Transportation's (NCDOT) Consolidation and Coordination of Public Transportation program (ConCPT).
- NCDOT provides financial assistance in the form of ConCPT grants to public transit systems to assist in coordinating trips between three or more transit systems for long-distance routes that run every weekday on a fixed route with a published schedule. The coordination efforts established with this program are designed to maximize resources, gain efficiencies, and improve access to public transportation.
- NCDOT requires grant applicants to hold a public hearing and endorse the grant application by local resolution.
- The CONNECT Beyond planning process identified the need to create a more seamless transit riding experience for customers traveling between systems. This grant project begins aligning service planning efforts between transit agencies including the timing of transfers between systems, public timetable scheduling, publishing of consistent Google Transit Feed Specifications for real-time data and trip-planning, and accepting fares at transfer points between local transit systems.
- CATS, with support from the Centralina Regional Council, will lead activities to coordinate service planning and digital trip planning between local transit agencies across the Charlotte region.
- The project will provide Remix training for all participating public transit agencies, which may include Rider Transit, Gastonia Transit, Salisbury Transit, Iredell County Area Transit System, Mecklenburg County Transportation System, and Union County Transportation.
- The ConCPT Coordination Grant will:
  - Expand the CATS license of Remix software platform for fixed-route and on-demand service planning to be shared with surrounding transit providers for three years,
  - Provide Remix training for all participating public transit agencies,
  - Pilot the CATS Pass App to integrate connecting transit agencies for seamless payments and transfers between participating systems,
  - Add the ability for trip-planning between adjoining systems,
  - Provide marketing of the expanded CATS Pass App, and

- Support regional staff assistance and on-going coordination and logistics to advance, implement, and maintain the grant project.
- Local match requirement equates to 20 percent of the funding or \$104,400.

**Fiscal Note**

Funding: NCDOT ConCPT Grant and CATS Operating Budget

**Attachment(s)**

Resolution

Budget Ordinance

[FY 2024 Program Resolution Revised](#)

[CATS NCDOT Grant Budget Ordinance](#)



## 9. Public Hearing and Decision on Airport 2023 General Airport Revenue Bonds and Bond Anticipation Notes

### Action:

- A. **Conduct a public hearing related to the issuance of General Airport Revenue Bonds and Revenue Bond Anticipation Notes to provide permanent financing for projects listed below,**
- B. **Adopt resolutions authorizing and approving the issuance of General Airport Revenue Bonds up to \$550,000,000 and Revenue Bond Anticipation Notes up to \$280,000,000 and calling for the execution and delivery of various documents necessary to complete the sale, and**
- C. **Adopt a budget ordinance appropriating \$202,196,644 in bond proceeds and grant funding to the Airport Debt Service Fund.**

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

Haley Gentry, Aviation  
Teresa Smith, Finance  
Matthew Hastedt, Finance

### **Explanation**

- At the July 10, 2023 Business Meeting, City Council authorized the application to the Local Government Commission (LGC) for debt issuance to fund Aviation Capital Investment Plan projects; to refund outstanding General Airport Revenue Bonds; and to set a public hearing for General Aviation Revenue Bonds (GARBs) expected to be issued in September 2023.
- The 2023 GARBs will provide long-term financing for the following or other similar projects which are part of the Aviation Capital Investment Plan:
  - Concourse A Expansion Ph II, and
  - Fourth Parallel Runway Program.
- The 2023 Bond Anticipation Notes will provide short-term financing for the following or other similar projects:
  - Concourse D Renovations,
  - Fourth Parallel Runway,
  - North End Around Taxiway Program,
  - Taxiway F Extension, Deice Pad, and Cross Field Taxiway,
  - Concourse E Renovations,
  - Concourse D-E Connector,
  - South Ramp Expansion,
  - Decommission Runway 5/23, and
  - Concourse E Mezzanine.
- Long and short-term financing authorized by these actions is secured by Airport revenue, and the Airport's signatory airlines have approved the projects.
- Prior to issuing this debt, a third-party feasibility study will be completed to indicate that sufficient revenues are forecasted to be available to repay the debt.
- With the City Council approval, it is anticipated the LGC will approve this action at its September meeting.
- Internal Revenue Service regulations require a public hearing on new, tax-exempt, debt-funded projects.
- Action B provides approval to the City Manager and the Authorized Officers named in the Resolution to take necessary actions to complete the financing and related documentation for the life of debt.

### **Fiscal Note**

Funding: Airport Debt Service Fund

### **Attachment(s)**

Series Resolutions  
TEFRA Notice  
Budget Ordinance

[Airport Revenue Bonds Series Resolution](#)

[BAN 2023 Series Resolution](#)

[Notice of Public Hearing](#)

[2023 Airport Issuance Budget Ordinance](#)

## 10. Public Hearing and Decision for Issuance of Draw Program for the Spectrum Arena Upgrades

### **Action:**

- A. **Conduct a public hearing related to issuance of a draw program for up to \$110,000,000 for Spectrum Arena upgrades, and**
- B. **Adopt a resolution authorizing and approving issuance of construction period financing for up to \$110,000,000 and calling for the execution and delivery of various documents necessary to complete the financing.**

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

Tracy Dodson, City Manager's Office  
Teresa Smith, Finance  
Matthew Hastedt, Finance

### **Explanation**

- On July 10, 2023, City Council adopted a resolution setting a public hearing for August 28, 2023, for a draw program for up to \$110,000,000 for arena upgrades.
- This action authorizes the city to enter into construction period financing in the form of a draw program not to exceed \$110,000,000, allowing the city to reimburse expenses on a monthly basis during construction and eliminate interest expense on funds not yet expended on the projects.
- Drawdown construction period financing reduces interest cost and provides flexibility in the timing of the spending. It is a routine financing mechanism for capital projects financed with debt.
- The projects being funded will assist with contractual obligations of the city to provide capital repairs and improvements, and finance other renovations and upgrades to meet the National Basketball Association requirements, to keep the arena competitive, to make it more environmentally friendly, and to help attract additional events.
- This action authorizes the City Manager and the authorized officers named in the resolution to take the necessary actions to complete the financing and related documents for the life of the debt.
- With the City Council approval, it is anticipated the Local Government Commission will approve this action at its September meeting.

### **Fiscal Note**

Funding: Tourism Fund

### **Attachment(s)**

Resolution

[Approving Resolution - Charlotte COPs, Series 2023A \(Governmental Facilities; private placement draw](#)

## 11. Public Hearing for Refunding of Outstanding Arena Certificates of Participation

### **Action:**

**Conduct a public hearing related to the refunding of Outstanding Arena Certificates of Participation series 2003F and 2013G in an amount of up to \$100,000,000.**

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

Tracy Dodson, City Manager's Office  
Teresa Smith, Finance  
Matthew Hastedt, Finance

### **Explanation**

- The city continually evaluates outstanding debt for refunding opportunities to achieve savings, reduce risk, and to modernize financing documents.
- On July 10, 2023, City Council adopted a resolution setting a public hearing for August 28, 2023, for refunding of Outstanding Arena Certificates of Participation (COPs) series 2003F and 2013G up to \$100,000,00.
- In 2013, \$128,000,000 COPs were issued at a variable rate, and the city entered into a pay-fixed rate agreement.
  - Approximately \$78,000,000 of the refunding proceeds will be used to refund outstanding 2013G debt for savings and to fund a termination fee. The 2013G COPs will only be refunded if it results in a more favorable position for the city at the time of financing.
  - Approximately \$22,000,000 of the refunding proceeds will be used to refund outstanding 2003F COPs. The 2003F COPs will only be refunded if it results in a more favorable position for the city at the time of financing.
- Council will be asked to take further actions at a Business Meeting in September 2023, to adopt a resolution approving the issuance of up to \$100,000,000 in Outstanding COPs to refund Arena debt.
- Upon City Council approval, it is anticipated the Local Government Commission will approve this action at its September meeting.

### **Fiscal Note**

Funding: Tourism Fund

## 12. Public Hearing and Decision on Kings Grant Split Jurisdiction Resolution

### Action:

- A. Conduct a public hearing on the request from Childress Klein Properties/Affiliates to adopt a resolution to enter into a mutual agreement with the City of Concord to assign planning/development regulations to 11.54 acres at 8847, 8755, and 8699 Quay Road in Concord (parcel identification numbers: 4589-62-4465 and 4589-52-8820), to the City of Charlotte per NC General Statute Section 160D-203, and**
- B. Adopt a Resolution to enter into a mutual agreement with the City of Concord to assign planning/development regulations to 11.54 acres at 8847, 8755 and 8699 Quay Road in Concord (parcel identification numbers: 4589-62-4465 and 4589-52-8820) to the City of Charlotte per NC General Statute Section 160D-203.**

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

Alyson Craig, Planning, Design & Development  
David Pettine, Planning, Design & Development  
David Czerr, Charlotte Water

### **Explanation**

- NC General Statute Section 160D-203 and 204 provide that upon adoption of resolutions by each elected body, parcels located within the planning and development regulation jurisdiction of more than one local government may, by mutual agreement and with the written consent of the landowner, assign exclusive planning and development regulation jurisdiction for the entire parcel to any one of those local governments. Such agreement shall only be applicable to development regulations and shall not affect taxation or other nonregulatory matters.
- The City of Charlotte has received a request from the property owner of a 48.21-acre planned development located in both the City of Charlotte's Extraterritorial Jurisdiction (ETJ) and the City of Concord to have the City of Charlotte's planning and development regulations assigned to the parcels located within the City of Concord.
- The requested area is comprised of two parcels covering 11.54-acres of the proposed development (parcel identification numbers: 4589-52-8820 and 4589-62-4465), to promote a preferred unified development.
- In December of 2021, Charlotte City Council unanimously approved the rezoning of the 36.67-acre Charlotte ETJ portion of the site for multi-family uses per Rezoning Petition #2021-028.
- On June 8, 2023, Concord City Council adopted a resolution to allow Charlotte's planning and development regulations to apply to the 11.54-acre Concord portion of the overall 48.81-acre property. Concord's resolution acknowledges water and sewer services would be provided by Charlotte to the overall 48.21-acre property.
- Approval of the proposed resolution would allow Charlotte's development regulations to apply to the overall property, subject to rezoning of the City of Concord's parcels through the City of Charlotte's rezoning process. Should the resolution or the rezoning not be approved by Charlotte's City Council, the City of Concord's development regulations would still apply to the property.
- If approved and the property is developed under the City of Charlotte's regulations:
  - Emergency services will continue to be provided by the City of Concord,
  - Schools will continue to be provided by Cabarrus County,
  - Plan review will now be provided by the City of Charlotte
  - Building Permits will now be issued by Mecklenburg County,
  - Code enforcement will continue to be provided by the City of Concord,
  - Streets will continue to be maintained by the City of Concord,
  - New streets will now to be built to the City of Charlotte's standards,
  - Water and sewer would be provided by the City of Charlotte and will be subject to the appropriate user fees.

**Attachment(s)**

Map

Resolution

Resolution of Concord City Council

[Concord Split Jurisdiction Request Map](#)

[King Grant Resolution](#)

[Concord Split Jurisdiction Request Resolution](#)

### 13. Public Hearing and Decision on Project Panther Area Voluntary Annexation

**Action:**

- A. Conduct a public hearing for Project Panther Area voluntary annexation, and
- B. Adopt an annexation ordinance with an effective date of August 28, 2023, to extend the corporate limits to include this property and assign it to the adjacent City Council District 4.

**Staff Resource(s):**

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

**Explanation**

- Public hearings to obtain community input are required prior to City Council taking action on annexation requests.
- A petition has been received from the owners of this 41.922-acre property located south of Interstate 485 along Old Statesville Road in northern Mecklenburg County.
- The property is owned by Riverband Old Statesville, LLC.
- The site is currently developed with industrial uses. The annexation area is primarily zoned I-2(CD) (general industrial, conditional) with a small portion zoned ML-2 (manufacturing and logistics, 2).
  - Rezoning petition 2018-103 rezoned a majority of the site in December of 2018 to I-2(CD) from I-1 (light industrial) and R-4 (single family residential).
  - The site's entitlements under the approved I-2(CD) rezoning site plan allow for warehousing, warehousing distribution, and manufacturing. The ML-2 district allows for general industrial uses.
- The petitioned area consists of two parcels; parcel identification numbers: 025-271-08 and 025-031-12.
- The property is located within Charlotte's extraterritorial jurisdiction and shares boundaries with current city limits.
- The intent of the annexation is to extend municipal services to the site to support the current warehousing development.
- In the evaluation of this annexation area, Charlotte-Mecklenburg Stormwater Services, Charlotte-Mecklenburg Police Department, Charlotte Department of Transportation, and Charlotte Solid Waste Services noted that this annexation area would have minimal to no impacts to the departments' resources.
- In reviewing the area's current and future industrial uses, the Charlotte Fire Department noted that the site is within the Effective Response Force travel time standards and provided additional advisory considerations regarding industrial developments.
- The potential revenue generated from this annexation area is projected to exceed the estimated cost of extending municipal services to the site.

**Consistent with City Council Policies**

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

**Attachment(s)**

Map (GIS)  
Map (Survey)

Rezoning Petition 2018-103 Approved Site Plan  
Annexation Ordinance

[Project Panther Area Annexation Map](#)

[Project Panther Area Annexation Survey 8.5X11](#)

[Rezoning Petition 2018-103 Approved Site Plan](#)

[Project Panther Area Annexation Ordinance](#)

## 14. Public Hearing and Decision on the Lambeth-Sullivan House Historic Landmark Designation

### **Action:**

- A. **Conduct a public hearing to consider historic landmark designation for the property known as the "Lambeth-Sullivan House" (parcel identification number 155-044-05), and**
- B. **Adopt an ordinance with an effective date of August 28, 2023, designating the property known as the "Lambeth-Sullivan House" (parcel identification number 155-044-05) as a historic landmark.**

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

Alyson Craig, Planning, Design & Development  
David Pettine, Planning, Design & Development

### **Explanation**

- The city has received a recommendation from the Charlotte-Mecklenburg Historic Landmarks Commission to designate the Lambeth-Sullivan House as a local historic landmark.
- Public hearings are required prior to City Council action on designation requests.
- The Lambeth-Sullivan House is located at 435 Hermitage Road in Council District 6.
- Designation of this property could significantly contribute to its long-term preservation.
- The Lambeth-Sullivan House is listed under parcel identification number 155-044-05, and the recommended designation would include the exterior of the structure and the land associated with the tax parcel.
- The property is zoned N1-A.
- The property is owned by Elkhanah Properties LLC.
- Based on the current value, the potential amount of deferrable taxes would be approximately \$6,232 for the City of Charlotte taxes and \$11,042 for Mecklenburg County taxes.

### **Attachment(s)**

Ordinance  
Information Sheet  
Designation Report

[Ordinance Lambeth Sullivan House](#)

[Cover sheet Lambeth Sullivan House](#)

[LDR Lambeth Sullivan House](#)

## **POLICY**

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

[08.28.2023 City Manager's Memo](#)

[2023 Council Retreat PreReads](#)



## 16. Amend City Council's Resolution on Boards and Commissions

### **Action:**

**Adopt a revised resolution on Boards, Committees, and Commissions to amend the attendance policy for members of certain boards, committees, and commissions of the City of Charlotte consistent with the Budget, Governance and Intergovernmental Relations Committee's recommendation.**

### **Committee Chair:**

Dimple Ajmera, Budget, Governance, and Intergovernmental Relations

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

Stephanie Kelly, City Clerk's Office

Kirk McSwain, City Clerk's Office

### **Explanation**

- Appointees to boards and commissions are subject to the attendance policy and related requirements of City Council's Resolution for Boards and Commissions, first adopted in 1997 and most recently revised in 2023.
- On March 3, 2023, during the Council Committee Discussions meeting, City Council discussed the need to revise the attendance policy for boards and commissions to align with current meeting practices and participation expectations of community members. The Mayor referred the topic to the Budget, Governance and Intergovernmental Relations Committee (BGIR) Council Committee for review.
- On March 13, 2023, based on input from earlier Council discussions and recommendations on all board and commission roles and functions, Council adopted revisions to the Resolution for boards and commissions and established a remote participation provision for board members, except when acting in a quasi-judicial capacity or engaging in final-decision-making.
- On June 5, 2023, the BGIR Committee Chair Ajmera briefed Mayor and City Council on proposed revisions to the attendance policy for boards and commissions.
- Under the proposed revisions, excused absences shall not count toward the 65 percent attendance requirement and the requirement will only apply to a board's or commission's regular and special meetings.
- Board members shall be permitted up to three excused absences per calendar year in the following circumstances:
  - Illness or medical-related absences,
  - Funerals and/or bereavement,
  - The birth or adoption of the board member's child, for 90 days after the birth or adoption, or
  - Military service.
- Excused absence requests should be made via email to both City Clerk and the board's staff advisor within one week of the date of the missed meeting.
- Excused absences shall not apply to meetings of boards, committees, or commissions that serve quasi-judicial functions (Civil Service Board, Citizens Review Board, Housing Appeals Board or UDO Board) or engage in final decision-making (Arts and Culture Board or CRVA); excused absences primarily apply to advisory boards.
- The attached table of boards, committees and commissions identifies which boards may allow excused absences for its members based on the function of the board and the role of its members.
- If adopted, the proposed policy revisions would go into effect January 1, 2024, to align with future reporting requirements.

### **Committee Discussion**

- On June 5, 2023, the BGIR Committee received an overview of the attendance policy for advisory boards and commissions and benchmarking information from other North Carolina municipalities. The committee voted to recommend the attendance policy revisions allowing for excused absences to

- the full Council (Council members Ajmera, Mayfield, and Mitchell voted in favor; Council members Anderson and Bokhari were absent).
- At the August 7, 2023, BGIR Committee meeting, the committee again reviewed the updated revisions to attendance and voted to recommend it for Council's consideration (Council members Ajmera, Anderson, and Bokhari voted in favor; Mayfield, and Mitchell were absent).

**Attachment(s)**

June 5, 2023 BGIR presentation

Resolution - redline

Boards and Commissions - excused absence applicability table

[BGIR Attendance Policy for Advisory Boards & Commissions](#)

[Resolution Proposed Boards and Commissions Attendance and Reappointment Policies Revision](#)

[B&C table for absence provisions](#)

## **BUSINESS**

## 17. Charlotte Community Capital Fund Support

### Action:

- A. **Approve the use of up to \$2,000,000 from the Coronavirus State and Local Fiscal Recovery Fund for the establishment of Charlotte Community Capital Fund for the development and implementation of a sustainable capital access program in support of empowering small businesses and entrepreneurs with financial opportunities that foster growth and prosperity in partnership with the Mayor's Racial Equity Initiative, Bank of America, Ally, Truist, and Atrium,**
- B. **Authorize the City Manager, or his designee, to negotiate and execute a contract for up to \$2,000,000 with Scale Link for the operation, administration, and management of the fund currently named the Charlotte Community Capital Fund, and**
- C. **Authorize the City Manager, or his designee, to execute, amend, and renew contracts and other documents as needed to complete this transaction.**

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

Julia Martin, City Manager's Office

Steven Coker, Charlotte Business Inclusion Office

### **Explanation**

- This request is to approve the use of American Rescue Plan Act (ARPA) funds to partner in the establishment of a Capital Access Fund.
- The Charlotte Community Capital Fund (C3) is being established to address challenges faced by small businesses, with a focus on MWSBEs, specifically:
  - Access to Capital: Small businesses face significant obstacles in accessing capital, particularly from traditional financial institutions. Key reasons include lower credit scores, net worth, and lack of assets, leading to reduced chances of securing business loans.
  - Struggle to Thrive: Due to the difficulty in obtaining necessary funding, many businesses often find it challenging to grow and establish themselves in their respective industries. The inability to access capital can hinder their growth, job creation, and economic impact in the City of Charlotte.
- The role of C3 includes:
  - Bridging the Gap: The Charlotte Community Capital Fund (C3) plays a crucial role in addressing the capital access challenges faced by small and minority-owned businesses. By bringing together the necessary capital, C3 acts as a bridge between enterprises and the funding they require to thrive.
  - Administration by CDFIs: C3 ensures that the loans are administered by reputable Community Development Financial Institutions (CDFIs). This approach ensures transparency, fairness, and responsible lending practices.
- The Charlotte Business INCLUSION Office will work closely with C3 to ensure eligible city-certified MWSBEs are supported through capital access.
- Private sector partners are providing all other funds needed to launch the fund:
  - \$13,000,000 in senior debt
    - \$8,000,000 from Bank of America
    - \$5,000,000 from Truist
  - \$5,300,000 in subordinate debt
    - \$3,000,000 from Ally
    - \$2,300,000 from Atrium
  - \$2,000,000 grant from the Mayor's Racial Equity Initiative
- The city's contribution to C3 will support the operation, administration, and management of the fund itself.
- The fund is expected to provide \$40,000,000 in minority and small business lending over four years.

- The Charlotte Community Capital Fund will be managed by Scale Link, a 501c3 non-profit whose mission is to address small business financing gaps through working with Community Development Financial Institutions.
- A communications and marketing plan is under development with a planned launch of the fund in September.
- 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 limited vendors with required qualifications as Scale Link has developed a unique model to implement the program.
- Annual expenditures are estimated to be \$500,000.

**Background**

- On March 11, 2021, in response to the COVID-19 public health emergency, President Biden signed the American Rescue Plan Act of 2021 (ARPA), which included the Coronavirus State and Local Fiscal Recovery Fund. Charlotte was one of almost 1,000 cities across the nation that received these funds.
- On August 7, 2023 Council received a presentation and held discussion on the potential use of ARPA funds to support establishment of the Charlotte Community Capital Fund.

**Charlotte Business INclusion**

This is a contract with a waiver of solicitation for services and is exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

**Fiscal Note**

Funding: American Rescue Plan Act (ARPA) Funds

**Attachment(s)**

August 7, 2023 Council Presentation

[Charlotte Community Capital Fund Presentation](#)

## 18. Accept Safe Streets and Roads for All Grant

### **Action:**

- A. Accept a grant in the amount of \$4,466,688 from the U.S. Department of Transportation for advancing Vision Zero projects,**
- B. Authorize the City Manager to negotiate and execute the Grant Agreement with the U.S. Department of Transportation, and**
- C. Adopt a budget ordinance appropriating \$4,466,688 from the U.S. Department of Transportation to the General Capital Projects Fund.**

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

Debbie Smith, Transportation  
David Smith, Transportation

### **Explanation**

- The Bipartisan Infrastructure Law established the new Safe Streets and Roads for All (SS4A) discretionary grant program, which supports the U.S. Department of Transportation's goal of zero deaths and serious injuries on the nation's roadways.
- These program goals align with those in Charlotte's Vision Zero strategy, one of the key objectives in the Strategic Mobility Plan adopted by Council in June 2022.
- On Feb. 1, 2023, U.S. Transportation Secretary Pete Buttigieg announced \$800 million in grant awards for 511 communities through the first round of funding for the SS4A grant program. These awards include 474 Action Plan Grants and 37 Implementation Grants.
- The City of Charlotte was awarded one of only 37 Implementation Grants in part due to Council's previous adoption of a Vision Zero Action Plan.
- Grant funds will be used to design and implement projects in the following categories:
  - Pedestrian upgrades at intersections,
  - New pedestrian crossings, and
  - Pedestrian and bicycle improvements near schools.
- Grant requirements include a 20 percent local match of federal funds and prioritization of projects in Underserved Communities Census Tracts.
- The total budget for SS4A projects is \$5,583,360 and includes:
  - \$4,466,688 in federal grant funding, and
  - \$1,116,672 in local funds from the 2022 Transportation Bonds.
- Projects must be completed within five years from the date of award.

### **Fiscal Note**

Funding: General Capital Investment Plan

### **Attachment(s)**

Budget Ordinance

[Safe Streets and Road Grant - BO](#)

## 19. Accept the Reconnecting the West End Planning Grant

### **Action:**

- A. Accept a grant in the amount of \$1,000,000 from the U.S. Department of Transportation for the Reconnecting the West End planning grant,**
- B. Authorize the City Manager to negotiate and execute the Grant Agreement with the U.S. Department of Transportation, and**
- C. Adopt a budget ordinance appropriating \$1,250,000 from various sources to the General Capital Projects Fund.**

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

Debbie Smith, Transportation  
Hannah Bromberger, Transportation  
Katie Witherspoon, Transportation

### **Explanation**

- The Bipartisan Infrastructure Law established the Reconnecting Communities Pilot program, which funds projects that study the removal, retrofit, or mitigation of highways that create a barrier to community connectivity.
- On February 28, 2023, the city was awarded \$1,000,000 for the city's Reconnecting Communities Pilot program proposal, Reconnecting the West End planning grant. This grant enables the study of the existing interchanges of I-77 at West 5th Street and I-77 at West Trade Street, in Council District 2.
- The primary objective of the study is to address barriers to access, including safe and equitable mobility choices, and connectivity between the West End and Uptown, while balancing the goals of the community and the needs of the I-77 facility.
- The City of Charlotte's Reconnecting the West End grant was one of 45 grant awards out of 435 applications and included strong community support from the Knight Foundation, Historic West End Partners, the North Carolina Department of Transportation, INLIVIAN, Fifth Third Bank, Wells Fargo, LISC Charlotte, Johnson C. Smith University, and Charlotte Center City Partners.
- The total budget for the Reconnecting the West End planning grant is \$1,250,000 and includes:
  - \$1,000,000 in federal grant funds,
  - \$125,000 in local funds from the Knight Foundation, and
  - \$125,000 in local funds from LISC Charlotte, with \$100,000 provided by Fifth Third Bank and \$25,000 from Wells Fargo.
- The planning grant is anticipated to be complete by December 31, 2025.

### **Fiscal Note**

Funding: General Capital Investment Plan

### **Attachment(s)**

Budget Ordinance

[Reconnecting West End Grant - BO](#)

## 20. Eastland Redevelopment - Sports and Entertainment

### **Action:**

- A. Consider the Jobs and Economic Development Committee's ranking and select Council's preferred redevelopment proposal for the eastern 29 acres of the former Eastland Mall site, and**
- B. Authorize the City Manager to negotiate any agreements or documents necessary to move forward with the proposal chosen by City Council.**

### **Committee Chair:**

Malcom Graham, Jobs and Economic Development

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

Tracy Dodson, City Manager's Office  
Todd DeLong, Economic Development

### **Explanation**

- The Jobs and Economic Development (J&ED) Committee referred to full Council the discussion on two proposals to redevelop 29 acres of city-owned property, the eastern portion of the former Eastland Mall site. The Committee ranked QC East @ Eastland Yards as the top proposal followed by Eastland Yards Indoor Sports Complex.
- During the Council Committee Discussions on August 7, 2023, the J&ED Chair requested Council to consider action at the next Council Business Meeting.
- The city has been working with the community and stakeholders to determine the best use for 29 acres of city-owned land at the former Eastland Mall site.
- Upon receipt of an unsolicited proposal in December 2022 for the eastern portion of the site, staff issued a public notice in January 2023 requesting other interested parties to submit their proposal by February 6, 2023.
- Ongoing community engagement for this site has included small focus groups, larger community groups, and digital outreach via email, surveys, and the city's website.
  - Through these various engagement efforts, central themes have occurred around creating a destination for East Charlotte, sparking growth for the area, and the desire to include active recreation uses such as soccer fields, amateur sports, etc.
  - The city received feedback throughout the summer of 2023 via an online questionnaire. The feedback re-confirmed the principles for redevelopment and importance of creating economic opportunities at this site.
- The city received multiple proposals that were evaluated by staff based on:
  - Team qualifications and experience (development and operations),
  - Financial strategy and qualifications,
  - Project approach and concept,
  - Development schedule, and
  - Community impact/access.
- Two of the proposals were ranked by the J&ED Committee on August 7, 2023.
- The QC East @ Eastland Yards proposal ranked highest by the Committee includes:
  - 6 multi-sport artificial turf fields (8 acres) for sporting events and the Charlotte Soccer Academy
  - Outdoor amphitheater
  - Food village and community gathering place (20,000 square feet),
  - "The Hub" (20,000 square feet)
    - Public event space and technology center, focusing on esports and STEM educational opportunities
    - Host professional and amateur esports events, music concerts, and a digital entertainment area
    - Main stage opens front and back allowing for greater flexibility between event types



- (music, sports, etc.)
  - Digital entertainment area for daily use - themed simulators (NASCAR, F1, Golf, etc.), console and gaming stations, etc.
  - Innovation Center (7,500 square feet); Digital Entertainment (7,500 square feet); and Office (1,500 square feet)
- +/- 680 parking spaces
- Funding Plan includes:
  - Estimated project cost: \$83 million (\$61 million in Phase 1; \$22 million in Phase 2)
  - Private investment: \$53 million (\$31 million in Phase 1; \$22 million in Phase 2)
  - Public investment requested - \$30 million (to be paid in Phase 1)
    - Hospitality Funds - \$19 million (\$9.5 million over two years)
    - Infrastructure Reimbursement - \$11 million
    - This investment equates to 49 percent of total capital cost for Phase 1 and 36 percent of the total capital costs for both Phases 1 and 2
  - Community use of the facility
    - Apprenticeships and adult workforce training programs
    - After-school programs involving tech education and gaming
    - Neighborhood access to fields on non-event days
    - Community meeting space
    - Community-oriented programming (e.g. free tech-oriented classes, senior programming)
  - Purchase land from the city at market value
    - The proposal team assessed recent comparable sales to incorporate land value into their financial analysis
    - The market value will be determined by a future appraisal
- The Eastland Yards Indoor Sports Complex proposal ranked second by the Jobs and Economic Development Committee includes:
  - Indoor sports components
    - 160,000 square feet Indoor Sports Facility
    - Multi-purpose courts can be converted to 10-12 basketball courts, 20 volleyball courts, or 40 pickleball courts
    - Ability to overlay a 200-meter banked track
    - Concessions and bar
    - Fitness Center
    - Two ice rinks
    - Leasable Space (medical, physical therapy, etc.)
    - The Learning Center
  - Conceptual outdoor sports components
    - One soccer field
    - Futsal court, basketball courts, and volleyball courts
    - 944 parking spaces
  - Limited-Service Hotel (130-150 keys)
  - Funding Plan includes:
    - Estimated project cost of Indoor Facility - \$50-\$60 million
      - Public investment requested - \$25.7 million
        - \$20 million - amateur sports facility / fields
        - \$5.7 million - infrastructure improvements
      - Private assumes cost over \$25.7 million
      - Public investment = ~32 - 36 percent of total proposed capital cost
  - Community use of the facility
    - The Learning Center
      - 4,000 square feet space within indoor sports complex
      - The Learning Center will serve as an intermediary between the community and EDGE Sports on usage of the indoor sports amenities

- Serve as a hub offering community event space, workforce development, academic programming, and social support
  - Membership / daily use fee on non-event days
- \$1 per year ground lease for the indoor sports complex. The land associated with the hotel and other commercial development would be acquired from the city at market value.
  - The proposal team assessed recent comparable sales to incorporate land value into their financial analysis.
  - The market value will be determined by a future appraisal.

### Background

- The city purchased approximately 80.4 acres of the former Eastland Mall property in August 2012 as an opportunity to aid economic development and neighborhood revitalization in the area. Eastland Mall was demolished in 2013.
- The redevelopment principles created by the Eastland Area Strategies Team help guide the redevelopment of the site to:
  - Enhance the perceptions of the Eastland area and East Charlotte,
  - Unify local communities,
  - Create connectivity and walkability for surrounding neighborhoods,
  - Take advantage of natural features,
  - Create opportunity for civic development, and
  - Increase equitable economic development opportunities.
- From 2017 to 2018, the Economic Development Committee, now known as the Jobs and Economic Development Committee (Committee), reviewed proposals from four development teams and voted unanimously to engage exclusively with the development team led by Crosland Southeast LLC (Developer).
- Throughout 2019, the city partnered with the Developer to lead a robust and broad outreach effort for more inclusive community engagement.
- On November 9, 2020, City Council authorized the City Manager to negotiate and execute a Master Development Agreement and other necessary agreements for the reimbursement of costs for public infrastructure, public parking, and other public improvements.
- On August 3, 2022, the city and the Developer held a groundbreaking ceremony on the site to initiate site work and infrastructure construction.
- The Developer acquired the first parcel in May 2023 to develop a senior affordable housing development. A transaction to progress the mixed-use development is anticipated for September 2023.

### Committee Discussion

- The J&ED Committee discussed development proposals at their March 6, May 1, June 5, and August 7, 2023 meetings.
  - March 6, 2023:
    - Staff presented three proposals to Jobs & Economic Development Committee.
    - There were concerns from Committee about public investment requested compared to proposed private investment.
    - Committee action: Voted to extend the review period by 60 days, and to directed city staff to accept new proposals during the extended review window. (Unanimous vote of members present; Council members Graham, Driggs, Molina, and Watlington voted in favor; Council member Ajmera was absent on leave)
  - May 1, 2023:
    - Staff revisited the three proposals previously presented to Committee with 1 new proposal.
    - Staff recommended eliminating two proposals from further consideration.
    - Committee action: Approved recommendation to remove Eastland Aquatic Center and Target from further consideration; further discuss a public option; return to committee in August with update (Council received update at the July 10, 2023

Business Meeting); and develop a scope of work (distributed in May) for each proposal.

- Committee action: Voted to accept staff recommendations. (Unanimous: Council members Graham, Driggs, Ajmera, Molina, and Watlington)
- August 7, 2023:
  - The Committee discussed proposals and also requested additional information from both teams to clarify information already provided.
  - Committee Action: voted (3-1: Council members Graham, Driggs, and Molina voted in favor; Council member Ajmera voted against, Council member Watlington was absent) to rank order two proposals as follows:
    - 1. QC East @ Eastland Yards,
    - 2. Eastland Yards Indoor Sports Complex.

**Attachment(s)**

08.07.2023 J&ED Council Committee presentation

[J&ED Committee Eastland 8.7.23](#)

## 21. Eastland Commercial Lease

### Action:

- A. **Authorize the City Manager, or his designee, to negotiate and execute all documents necessary to complete a Master Lease Agreement with Crosland Southeast LLC, or their assigned entity, with a ten-year term for ground floor commercial space within the new mixed-use buildings as part of the Eastland Mall redevelopment,**
- B. **Authorize the City Manager, or his designee, to renew the Master Lease Agreement for up to two, five-year terms, and**
- C. **Adopt a budget ordinance appropriating \$246,957.52 from Crosland Southeast LLC to the Neighborhood Development Grants Fund.**

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

Tracy Dodson, City Manager's Office  
Todd DeLong, Economic Development

### **Explanation**

- To support small, local, and/or minority owned businesses as part of the Eastland Mall redevelopment, the city will lease from Crosland Southeast LLC (Developer) up to 17,000 square feet of commercial space (seven bays/spaces) located on the ground floor of two new mixed-use buildings to be built by the Developer.
- The terms of the master lease between the city and Developer include the following:
  - The Developer will provide a minimum of four parking spaces per 1,000 square feet,
  - 10-year term with two options to extend by five years,
  - Base rent of \$39.70 per leasable square foot,
  - An overall tenant allowance of \$35 per square foot from the Developer to support build-out of the space for the subtenants, and
  - Rent will be approximately \$54,000 per month plus the pro rata share of taxes, insurance, and maintenance incurred during the term.
- The total cost of the lease is estimated to be \$800,000 annually.
- The master lease agreement may be submitted to the Local Government Commission for review.
- The city will work in partnership with the Developer to finalize a set of criteria used to attract small business tenants for sub-leasing these commercial spaces that:
  - Activate the ground floor and support continuity across the site,
  - Strengthen the retail mix and contribute to the individuality of this redevelopment,
  - Bolster pedestrian activity throughout the entire day,
  - Contribute to the unique experience and place, and
  - Complements the other uses within the Eastland Yards development.
- Terms for these sub-leases will be subject to future negotiations with subtenants.
- City Council approval will be required for any sub-leases with a lease term beyond one year.
- The cost of the master lease will be covered in part by the sale proceeds resulting from selling property to the Developer as part of the Eastland Mall redevelopment, easement revenue, and rental income from tenants once the space is occupied.
  - The first sale occurred in May 2023 with sale proceeds of \$246,957.52.
- The Developer anticipates construction of the leasable space to begin during the Fall of 2023 and plans to complete the development within 30 months from the construction start date.

### **Background**

- The city purchased approximately 80.4 acres of the former Eastland Mall property in August 2012 as an opportunity to aid economic development and neighborhood revitalization in the area. Eastland Mall was demolished in 2013.
- The redevelopment principles created by the Eastland Area Strategies Team help guide the redevelopment of the site to:

- Enhance the perceptions of the Eastland area and East Charlotte,
  - Unify local communities,
  - Create connectivity and walkability for surrounding neighborhoods,
  - Take advantage of natural features,
  - Create opportunity for civic development, and
  - Increase equitable economic development opportunities.
- From 2017 to 2018, the Economic Development Committee, now known as the Jobs and Economic Development Committee (Committee), reviewed proposals from four development teams and voted unanimously to engage exclusively with the development team led by Crosland Southeast LLC (Developer).
  - Throughout 2019, the city partnered with the Developer to lead a robust and broad outreach effort for more inclusive community engagement.
  - On November 9, 2020, City Council authorized the City Manager to negotiate and execute a Master Development Agreement and other necessary agreements for the reimbursement of costs for public infrastructure, public parking, and other public improvements.
  - This property is part of the Nov 9, 2020 agreement to transfer ownership of specific parcels to Crosland Southeast, LLC as they become developable.
  - On August 3, 2022, the city and the Developer held a groundbreaking ceremony on the site to initiate site work and infrastructure construction.

**Charlotte Business INclusion**

This is a real estate leasing and acquisition contract and is exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

**Fiscal Note**

Funding: Neighborhood Development Grants Fund

**Attachment(s)**

Map

Budget Ordinance

[Map Eastland Commercial Lease](#)

[Eastland Lease Budget Ordinance](#)

## 22. Dixie Berryhill Infrastructure Improvements Phase II

### Action:

- A. **Approve updated terms to the 2017 River District Tax Increment Grant with Crescent River District LLC for future infrastructure improvements from \$15,000,000 to \$25,000,000,**
- B. **Authorize the City Manager to negotiate and execute an Infrastructure Reimbursement Agreement with Crescent River District LLC for public improvements along Garrison Road North, in an amount not to exceed \$27,000,000, which is expected to be reimbursed in multiple Future Bond Referendums, or in a combination of payments from other municipal sources of funding,**
- C. **Authorize the City Manager to negotiate and execute an Infrastructure Reimbursement Agreement with Crescent River District LLC for design and construction of a 16-inch water main along Garrison Road North, in an amount equal to 50 percent of the approved overall project cost, not to exceed \$900,000 which will be reimbursed through the Charlotte Water Capital Investment Plan, and**
- D. **Authorize the City Manager to negotiate and execute an Infrastructure Reimbursement Agreement with Crescent River District LLC for design and construction of Phase III of the Beaver Dam Creek trunk sewer, in an amount not to exceed 34 percent of the approved overall project cost, not to exceed \$400,000 which will be reimbursed through the Charlotte Water Capital Investment Plan.**

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

Tracy Dodson, City Manager's Office  
Lilias Folkes John, Economic Development  
David Czerr, Charlotte Water

### **Explanation**

- This agreement is contingent on the city securing a successful public private partnership with Beemok Sports as the new home for the Western & Southern Open on over 50 acres in the River District.
- Crescent River District LLC (Developer) plans to redevelop approximately 1,380 acres on the west side of Highway 485 through development of a master planned community for office, retail, hotel, and a variety of residential uses, with specific pedestrian and environmental commitments.
- In November 2016, City Council approved the River District rezoning, Rezoning Petition #2016-056, which includes municipal improvements within the planned development through the city's Capital Investment Plan (CIP) and Tax Increment Grant.
- The Developer has requested the city partner on a series of public infrastructure improvements to support the development of Beemok Sports.
- The proposed public private partnership was presented during the City Council Action Review on May 22, 2023, at the Jobs and Economic Development Committee Meeting on August 7, 2023, and at the Council Committee Discussion on August 7, 2023.
- The partnership and proposed improvements as defined advance the following city goals and adopted plans:
  - Facilitate planned growth and economic development consistent with the 2040 Comprehensive Plan and the adopted 2040 Policy Map designation for a Community Activity Center Place Type,
  - Implement the adopted Capital Investment Plan (CIP) and Streets Map for transportation infrastructure by providing new street network and multimodal transportation capacity,
  - Support the Charlotte Douglas International Airport Area Strategic Development Plan for economic development,
  - Create infrastructure to support development and leverage existing investment, and

- Catalyze and partner with private development willing to voluntarily annex land into the city.

Action A: Infrastructure Reimbursement Agreement - Tax Increment Grant (TIG)

- The developer has requested reimbursement of \$25,000,000 for public infrastructure improvements.
- Per Council policy, the development qualifies for a 15-year, 90 percent TIG
- The public improvements to be reimbursed under the terms of the Agreement include:
  - Dixie River Road South
  - Dixie River Road Town Center
  - Dixie River Road Town Center North
  - West Blvd Boulevard CIP Overages
  - Garrison Road North CIP Overages
- Under the terms of the agreement, the developer would build the public improvements and be reimbursed through 90 percent of the incremental city property taxes from a designated area over 15 years.
- Other terms of the agreement include:
  - \$25,000,000 in reimbursed infrastructure cost with an interest cost of carry equivalent to the city's cost of funds,
  - The development team must request the first grant payment within five years after the completion of the public infrastructure improvements,
  - The TIG term ends at 15 years or when the grant payments equal a present value equal to \$25,000,000, whichever occurs first,
  - The development team has engaged general contractors and technical assistance to strengthen Minority, Women, and Small Business Enterprise (MWSBE) utilization for public and private infrastructure improvements, and
  - The developer has agreed to work with the city to incorporate an MWSBE Plan approved by the city's Charlotte Business INCLUSION (CBI) Program.

Action B, C & D: Infrastructure Reimbursement Agreement - Capital Investment Plan

- Anticipated funding not to exceed \$27,000,000 dispersed in payments from future Bond Referendums anticipated as follows \$3,000,000 in 2024, \$18,000,000 in 2026, and \$6,000,000 in 2028.
- Improvements to be made include:
  - A new roadway Garrison Road North between West Boulevard and Dixie River Road North,
  - Improvements or new intersections (which may include roundabouts) at the following locations:
    - West Blvd and Garrison Road North,
    - Garrison Road North at the base of the Beemok Sports proposed property line, and
    - Garrison Road North and Dixie River Road.
- To expedite and provide for efficient construction of the Garrison Road North improvements, the Developer will be responsible for ensuring the agreed upon public improvements are completed to city standards. In return, the city will reimburse the developer for these public improvements in an amount not to exceed \$27,000,000.
- Under the terms of the agreement the developer would build the public improvements and be reimbursed upon completion of said improvement through the CIP.
- The Developer has agreed to work with the city to incorporate an MWSBE Plan approved by the city's CBI Program.
- Voluntary annexation is required prior to reimbursement.
- Action Items C and D are being added to address additional infrastructure as shared during the Jobs and Economic Development Committee meeting on August 7, 2023. The Water and Sewer pipeline construction is a part of the necessary public infrastructure which will be incorporated in the overall Garrison Road North project to leverage cost efficiencies related to construction activities. The infrastructure is being sized to accommodate the future growth in the area with Charlotte Water's contribution funding the additional sizing necessary.
- Anticipated funding of a 16-inch water main along Garrison Road North, in an amount equal to 50 percent of the approved overall project cost, not to exceed \$900,000 which will be reimbursed through the Charlotte Water Capital Investment Plan in five equal installments beginning one year

- after completion of the project.
- Anticipated funding of Phase III of the Beaver Dam Creek trunk sewer, in an amount not to exceed 34 percent of the approved overall project cost, up to \$400,000 which will be reimbursed through the Charlotte Water Capital Investment Plan in five equal installments beginning one year after completion of the project.

**Fiscal Note**

Funding: General Capital Investment Plan, Tax Increment Grant, Charlotte Water Capital Improvement Plan, or Other Municipal Funding Sources

**Attachment(s)**

September 25, 2017 River District RCA

May 22, 2023 City Council Action Review Presentation

August 7, 2023 Jobs and Economic Development Committee Meeting Presentation

[09.25.2017 River District Infrastructure Reimbursement](#)

[05.22.2023 Project Break Point Action Review Presentation](#)

[08.07.2023 Dixie Berryhill Committee Presentation](#)



## 23. FY23-24 Youth Diversion Program Grant Interlocal Agreement

### Action:

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

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

Johnny Jennings, Police  
Martha Dozier, Police  
Cara Evans-Patterson, Police

### **Explanation**

- Each year Mecklenburg County's Juvenile Crime Prevention Council (JCPC) receives funds from the North Carolina Division of Juvenile Justice to support programs that assist youth offenders.
- The Charlotte-Mecklenburg Police Department (CMPD) was awarded \$225,000 in funding from the JCPC to support the thirteenth year of their Youth Diversion Program.
- Funding will enable school resource officers, patrol, and court counselors, from the North Carolina Department of Juvenile Justice and Delinquency Prevention, to refer up to 400 first time juvenile offenders to the Diversion Program.
- Program services administered by the CMPD's Youth Diversion Program will include interpersonal skill building, conflict resolution, substance awareness, academics, and career development plan workshops.
- Parental skill training will also be provided to the parents/guardians of program participants.
- Individual offenders who have committed first time offenses such as simple assault, larceny, public disturbance, trespassing, or damage to property may be referred to the program if they meet the criteria established by the CMPD and the Mecklenburg County District Attorney.
- Individuals are referred to the program in lieu of being arrested for an offense they have committed.
- Once an individual has completed the diversion program, the assigned school resource officer will engage them in weekly conversations to help apply the lessons learned through the program.
- Currently, the program has served 4,308 youth, 3,901 of whom did not commit any further offenses 12 months after program completion.

### **Fiscal Note**

Funding: General Grants Fund

### **Attachment(s)**

Resolution

[Resolution FY 23-24 JCPC Grant Meck Co Interlocal DRAFT](#)

[CJS CT CMPD Youth Diversion Program 24 082423](#)

## 24. Transit-Related Agreements with UNC Charlotte

### Action:

- A. **Authorize the City Manager, or his designee, to negotiate and execute an agreement with UNC Charlotte for an initial term of five years for eligible students, faculty, and staff to use all-access passes for CATS services,**
- B. **Authorize the City Manager, or his designee, to renew the all-access pass agreement for up to one, five-year term,**
- C. **Authorize the City Manager, or his designee, to negotiate and execute an agreement with UNC Charlotte for addressing safety and security issues within the CATS light rail easement and adjacent areas for an indefinite term, unless terminated by either party,**
- D. **Authorize the City Manager, or his designee, to negotiate and execute an agreement with UNC Charlotte for landscaping and maintenance services within the CATS light rail easement and including the UNC Charlotte Main Station for an indefinite term, unless terminated by either party, and**
- E. **Authorize the City Manager, or his designee, to amend the agreements consistent with the purpose for which the agreements were approved.**

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

Brent Cagle, CATS

Elizabeth Presutti, CATS

### **Explanation**

#### Action A and B

- UNC Charlotte leaders seek to secure access for eligible students, faculty, and staff to use city light rail, streetcar, paratransit, and local and express bus services.
- The All-Access Pass will provide UNC Charlotte students, faculty, and staff with the opportunity to utilize the above-listed modes of transportation within CATS' system.
- On May 24, 2023, the Metropolitan Transit Commission (MTC) approved an annual pass rate of \$50/year for students, faculty, and staff; the MTC has updated its fare policy to reflect that rate.
- The anticipated annual revenue for the All-Access Pass Agreement with UNC Charlotte is approximately \$1.3 million.

#### Action C

- The LYNX Blue Line Extension (BLE) reaches its terminus at the UNC Charlotte Main Station near Cameron Boulevard on the UNC Charlotte campus.
- As authorized by law, UNC Charlotte has established its own law enforcement agency (University Police Department) with territorial jurisdiction on campus and adjoining property.
- The Security Agreement will outline mutual responsibilities such as first response obligations, emergency calls, crimes in progress, felony calls, arrest and detention and the sharing of information such as camera feeds and radio communications.
- The service agreement for security is to establish the distribution of responsibilities between UNC Charlotte and the city along the BLE on the campus.
- There is no monetary exchange for this security services agreement.

#### Action D

- The UNC Charlotte Main Station is an important landmark for the University. An agreement is needed to designate various landscaping and maintenance responsibilities.
- All landscaping and maintenance on the platform will be managed by CATS. The landscaping and maintenance around the station will be managed by UNC Charlotte.
- The service agreement for landscaping/maintenance is to establish the distribution of responsibilities between UNC Charlotte and the City along the Blue Line Extension on the Campus at UNC Charlotte.
- There is no monetary exchange for this landscaping and maintenance agreement.

**Fiscal Note**

Funding: CATS Operating Budget

## 25. McCreesh Place Supportive Housing Loan Extension

### **Action:**

- A. Approve a request from Supportive Housing Communities, Inc. to extend the maturity date of the city's deferred affordable housing loan to support McCreesh Place, and**
- B. Authorize the City Manager to negotiate, execute, amend, and renew any documents necessary to complete the transaction.**

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

Shawn Heath, Housing & Neighborhood Services  
Warren Wooten, Housing & Neighborhood Services

### **Explanation**

- On May 13, 2002, City Council approved a deferred payment Housing Trust Fund loan in the amount of \$1,025,542 (Loan) to St. Peter's Homes, Inc., now known as Supportive Housing Communities, Inc. (SHC), for the development of McCreesh Place Phase I.
- SHC has requested that the city extend the terms of the Loan for an additional 20 years.
- The new Loan terms will extend existing affordability requirements through September 2043, and add source of income protections.
- McCreesh Place Phase I was completed in 2003 and is a 64-unit permanent supportive housing sober shared living facility located on approximately one acre at 2120 North Davidson Street (parcel identification number 083-04-809) (Property) in Council District 1. In addition to the 64 shared living units, the building also contains 16 bathrooms and eight kitchens, along with a library, community room, outdoor communal area, and community garden.
- McCreesh Place serves 90 individuals who were formerly homeless, or homeless and have a disabling condition, at both the original 64-unit shared living facility and a Phase II expansion that includes 27 Single Room Occupancy (SRO) units. In 2008, City Council approved \$1,100,000 of additional Housing Trust Fund support for the Phase II expansion.
- SHC provides on-site property management, maintenance, and case management to assist McCreesh Place residents in achieving stable housing, and SHC intends to continue operating McCreesh Place as permanent supportive housing in perpetuity.
- The original Loan included the following terms and conditions:
  - Loan amount: \$1,025,542
  - Interest rate: zero percent
  - Loan and Affordability Term: 20-years
  - Area Median Income (AMI): special needs housing serving individuals earning 50 percent and below the AMI
  - Collateral: city is in a first lien position on the Property
  - Loan maturity date: January 30, 2023
- If City Council approves this action, the Loan maturity date and affordability requirements will be extended for 20-years (September 2043).

### **Background**

- In August 2018, Council adopted the Housing Charlotte Framework which recommends supporting family self-sufficiency including through helping individuals get access to supportive services.
- In 2022, the city partnered with Mecklenburg County and other community partners to develop the A Home For All Strategy to End and Prevent Homelessness, which advocates for more permanent supportive housing options, substance-use services, and case management.

### **Attachment(s)**

Map

[Map\\_McCreesh Place](#)

## 26. Appropriate Funds for SouthPark Street Name Marker Installation

### **Action:**

- A. Authorize the City Manager to execute an agreement with SouthPark Community Partners, Inc. for street name marker installations, and**
  
- B. Adopt a budget ordinance appropriating \$126,500 in contributions from SouthPark Community Partners, Inc. for street marker installations to the General Capital Projects Fund.**

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

Debbie Smith, Transportation

David Smith, Transportation

### **Explanation**

- SouthPark Community Partners, Inc. approached the Charlotte Department of Transportation (CDOT) about installing new street name markers in the SouthPark Municipal Service District (MSD), located in Council District 6.
- The new signage will incorporate the logo of the recently formed MSD.
- An agreement is needed to accept funding for street name marker installations, and this funding must be appropriated prior to the city's initiation of work.
- The \$126,500 in funding is for installing street name markers within the project limits. Funding is restricted to use in the SouthPark MSD.
- This contribution is based on cost estimates prepared by CDOT, and funding that is unused by the city will be refunded after project completion.
- CDOT will install and maintain this signage.

### **Fiscal Note**

Funding: Private Developer Contributions

### **Attachment(s)**

Map

Budget Ordinance

[SouthparkMunicipalServiceDistrict](#)

[SouthPark Street Marker - BO](#)

## 27. Appropriate Private Developer Funds

**Action:**

**Adopt a budget ordinance appropriating \$41,360 in private developer funds from Smith Farms NC LLC for the Prosperity Church Road (Old Ridge Road to Benfield Road) Improvement project to the General Capital Projects Fund.**

**Staff Resource(s):**

Phil Reiger, General Services

Jennifer Smith, General Services

**Explanation**

- These improvements are required by the city's zoning requirements. Private developer appropriations are needed when a developer is providing funds to the city for the city to make improvements.
- The \$41,360 in private developer contributions will be used for roadway improvements on the nearby Prosperity Church Road (Old Ridge Road - Benfield Road) Improvement project, located in Council District 4.
- These funds must be appropriated prior to the city's initiation of construction.

**Fiscal Note**

Funding: Private Developer Contributions

**Attachment(s)**

Map

Budget Ordinance

[Map - Appropriate Private Developer Funds](#)

[Budget Ordinance - Appropriate Private Developer Funds](#)

## 28. General Obligation Refunding Bonds

### **Action:**

- A. Introduce a Bond Order authorizing the issuance of General Obligation Refunding Bonds not to exceed \$235,000,000,**
- B. Adopt a resolution making certain statements of fact concerning the proposed bond issuance, and**
- C. Set a public hearing regarding these bonds for September 11, 2023.**

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

Teresa Smith, Finance

Matt Hastedt, Finance

### **Explanation**

- This request for Council action begins the process of authorizing the issuance of up to \$235,000,000 of General Obligation Refunding Bonds which includes refunding of the series 2021B General Obligation Bond Anticipation Notes (BANs) to convert short-term financing for transportation and neighborhood improvement projects, and refunding of outstanding 2013B GO Bonds.
- The refunding of the 2013B GO Bonds is expected to produce economic savings over the life of refunding.
- This action authorizes the City Manager and the authorized officers named in the resolution to take the necessary actions to complete the financing, including applying to the Local Government Commission.
- The city issues BANs, which are short-term, variable rate debt, during construction periods for transportation and neighborhood improvement projects with a plan to convert the BANs to permanent debt at the end of a 24 to 36-month construction period. This approach is consistent with financial best practices and results in a lower cost to taxpayers.
- Council will be asked to take further actions at the Business Meeting on September 11, 2023 to:
  - Conduct the public hearing on the issuance of General Obligation Refunding Bonds, and
  - Adopt a Bond Order approving the issuance of General Obligation Refunding Bonds.

### **Fiscal Note**

Funding: Municipal Debt Service Fund

### **Attachment(s):**

Bond Order

Resolution

[Intro of Bond Order - Charlotte 2023B Refunding GOs \(refund draw program 2013s\);](#)

[Resolution making statements of fact - Charlotte 2023B Refunding GOs \(refund draw program 2013s\)](#)

## 29. Upset Bid Process for City-Owned Property on Witham Passage

### Action:

- A. **Adopt a resolution to accept an offer and authorize the upset bid process for three city-owned properties (parcel identification numbers: 105-311-10, 105-311-11, and 105-271-98) located at Witham Passage, and**
  
- B. **Authorize the City Clerk to cause a notice of the proposed sale to be published, which notice shall describe the property, the amount of the offer, and state the terms under which the offer may be upset.**

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

Phil Reiger, General Services  
Gregory Crawford, General Services  
Angela Charles, Charlotte Water

### **Explanation**

- MartinRay Holdings, LLC a North Carolina limited liability company (MartinRay), offered to purchase three city-owned parcels (parcel identification numbers: 105-311-10, 105-311-11, and 105-271-98), located at Witham Passage in the Brantley Oaks Subdivision ("Property"), in Council District 5. The properties total 1.3 acres and are zoned R-3 Residential.
- MartinRay intends to use the Property for utility connections to a new subdivision development project.
- City Council has the authority to sell property in accordance with NC General Statute §160A-229, and the City Charter Section 8.22.
- In June 2020 and May 2021, the Charlotte-Mecklenburg Planning Commission reviewed the proposed request to sell and had no comments.
- On February 23, 2021, the Property received an internal consulting estimate of \$28,600 representative of the current market value. On June 29, 2023, Real Estate completed an updated appraisal for the properties. The updated value is \$28,500.
- MartinRay has offered to purchase the Property for the amount of \$28,600, and deposited the required five percent of the offer.

### **Fiscal Note**

Funding: Proceeds from the sale will be deposited in the Charlotte Water Operating Fund.

### **Attachment(s)**

Map  
Resolution

[Map Upset Bid Process for City-Owned Property on Witham Passage.pdf](#)

[Resolution Authorizing Upset Bid 8.28.23.docx](#)



## 30. Replacement Ladder Trucks Purchase

### **Action:**

- A. Approve the purchase of fire apparatus from a cooperative contract, Sourcewell Contract #113021-RVG-4, and**
- B. Adopt a budget ordinance appropriating \$3,405,838 from the Municipal Debt Service Fund to the General Capital Equipment Fund.**

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

Reginald T. Johnson, Fire  
Jerry Winkles, Fire  
Damian Owens, Fire

### **Explanation**

- On May 18, 2023, Charlotte experienced a historic 5-alarm fire in the South Park area.
- During the incident, Ladders 2 and 16 were positioned strategically for life saving efforts.
- Both apparatuses were damaged significantly due to extensive heat and debris.
- Estimates to repair each apparatus exceed \$700,000.
- Given the age and current value of each apparatus, it is not feasible to invest in these repairs.
- NC General Statute Section 143-129(e)(3) allows local governments to purchase from formally organized cooperative purchasing contracts.
- A cooperative purchasing agreement results from the consolidation and competitive solicitation of multiple public agency requirements. By aggregating common needs all agencies can leverage economies of scale, such as volume discounts, improved terms and conditions, reduced administrative costs, and access to professional and technical expertise.

### **Charlotte Business INClusion**

These are cooperative purchasing contracts and are exempt (Part A: Appendix 1.27 of Charlotte Business INClusion Policy).

### **Fiscal Note**

Funding: General Capital Equipment Fund

### **Attachment(s)**

Budget Ordinance

[Ladder Truck Budget Ordinance](#)

## NOMINATIONS

### 31. Nominations to the Alternative Compliance Review Committee

**Action:**

Nominate residents to serve as specified.

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a Community Representative for a partial term beginning upon appointment and ending June 30, 2025.
  - Mary Kelly has resigned.

**Attachment(s)**

Alternative Compliance Review Committee Applications

### 32. Nominations to the Business Advisory Committee

**Action:**

Nominate residents to serve as specified.

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a three-year term recommended by the Black Chamber of Commerce beginning upon beginning April 29, 2023, and ending April 28, 2026.
  - Steven Lewis did not meet attendance requirements.
- One appointment for a three-year term recommended by the Certified SBE-Hispanic Contractors Association beginning April 29, 2023, and ending April 28, 2026.
  - Domenico Santilli is eligible but not interested in reappointment.
- One appointment for a three-year term recommended by the Latin American Chamber of Commerce beginning April 29, 2023, and ending April 28, 2026.
  - Richard Cuebas is eligible but not interested in reappointment.

**Attachment(s)**

Business Advisory Committee Applications

### 33. Nominations to the Charlotte Business INClusion Advisory Committee

**Action:**

**Nominate residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a two-year term recommended by the Hispanic Contactors Association of the Carolinas beginning March 1, 2022, and ending February 28, 2024.
  - Sandra Velez did not meet attendance requirements and is ineligible for reappointment.

**Attachment(s)**

Charlotte Business INClusion Advisory Committee Applications

### 34. Nominations to the Charlotte Neighborhood Equity and Stabilization Commission

**Action:**

**Nominate residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a For-Profit Affordable Housing Developer for a partial term beginning upon appointment and ending August 31, 2024.
  - Naiyar Ghaswala did not meet attendance requirements.
- One appointment for a Housing Finance category representative for a partial term beginning upon appointment and ending August 31, 2024.
  - Vanessa Allen did not meet attendance requirements

**Attachment(s)**

Charlotte Neighborhood Equity and Stabilization Commission Applications

### 35. Nominations to the Charlotte Regional Visitors Authority

**Action:**

**Nominate residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a three-year term for a Mecklenburg County Towns Representative beginning July 1, 2023, and ending June 30, 2026.
  - Karen Bentley has served two terms and is ineligible for reappointment.

**Attachment(s)**

Charlotte Regional Visitors Authority Applications

## 36. Nominations to the Charlotte Tree Advisory Committee

**Action:**

**Nominate residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a partial term beginning upon appointment and ending December 13, 2023, and a three-year term beginning December 14, 2023, and ending December 13, 2026.
  - Olivia Scott did not meet attendance requirements.

**Attachment(s)**

Charlotte Tree Advisory Committee Applications

## 37. Nominations to the Civil Service Board

**Action:**

**Nominate residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a partial term beginning upon appointment and ending May 15, 2024.
  - Ryon Smalls will resign on October 1st, 2023, due to military service.

**Attachment(s)**

Civil Service Board Applications

## 38. Nominations to the Domestic Violence Advisory Board

**Action:**

**Nominate residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a three-year term beginning September 22, 2023, and ending September 21, 2026.
  - Tanisha Patterson-Powe is eligible and interested in reappointment.

**Attachment(s)**

Domestic Violence Advisory Board Applications

## 39. Nominations to the Historic District Commission

**Action:**

**Nominate residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a partial term for a Resident Owner of Hermitage Court beginning upon appointment and ending June 30, 2024.
  - James Jordan has resigned.

**Attachment(s)**

Historic District Commission Applications

## 40. Nominations to the Historic Landmarks Commission

**Action:**

**Nominate residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a partial term beginning upon appointment and ending July 16, 2024.
  - Joshua Shope has resigned.

**Attachment(s)**

Historic Landmarks Commission Applications

## 41. Nominations to the Storm Water Advisory Committee

**Action:**

**Nominate residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a Environmental Professional category representative for a three-year term beginning July 1, 2023, and ending June 30, 2026.
  - Rick Roti is eligible and interested reappointment.
- One appointment for a General Contractor or Residential Neighborhood category representative for a three-year term beginning July 1, 2022, and ending June 30, 2025.
  - Bill Cornett has served two terms and is ineligible for reappointment.

**Attachment(s)**

Storm Water Advisory Committee Applications

## 42. Nominations to the Transit Services Advisory Committee

**Action:**

**Nominate residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a Vanpool Rider category representative for a three-year term beginning February 1, 2022, and ending January 31, 2025.
  - Parker Cains has resigned.

**Attachment(s)**

Transit Services Advisory Committee Applications

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

**Action:**

**Nominate residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a Hospitality/Tourism Industry category representative for a partial term beginning upon appointment and ending June 30, 2024.
  - Shelia Etheridge-Boddie has served two terms and is ineligible for reappointment.

**Attachment(s)**

Passenger Vehicle for Hire Board Applications

## CONSENT

### 44. Project Lifesaver International Equipment and Supplies

**Action:**

- A. Approve the purchase of Project Lifesaver International equipment and supplies by the sole source exemption,**
- B. Approve a contract with Project Lifesaver International for the purchase of equipment and supplies for the term of two years, and**
- C. Authorize the City Manager to renew the contract for up to one, one-year term 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

Joel McNelly, 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 source is necessary because Project Lifesaver International is the only vendor capable of supplying the equipment and supplies that are compatible with the tracking program currently used by the Charlotte-Mecklenburg Police Department's (CMPD) Missing Person Unit.
- The City Council approval is required for purchases made under the sole source exemption.

**Explanation**

- Project Lifesaver is a search and rescue program operated by public safety agencies, including CMPD, and is strategically designed for "at risk" individuals who are prone to the life-threatening behavior of wandering.
- The program supplies equipment and uses radio frequency technology to provide timely response to save lives and reduce potential injury for adults and children with propensity to wander due to a cognitive condition.
- Price adjustments for renewal terms may be considered based on legitimate and justified increases in the cost of doing business.
- Annual expenditures are estimated to be \$70,000.

**Charlotte Business INclusion**

This is a sole source contract and is exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

**Fiscal Note**

Funding: General Grants Fund

## 45. Secondhand Goods Tracking System

### Action:

- A. **Authorize the City Manager to negotiate and execute a contract with LeadsOnline LLC to provide, implement, and maintain the Secondhand Goods Tracking/Pawn System for an initial term of five years,**
- B. **Authorize the City Manager to renew the contract for up to five, 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 such additional software licenses, services, hardware, maintenance, and support as required to maintain the system for as long as the city uses the system.**

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

Johnny Jennings, Police

Tonya Arrington, Police

Crystal Combs, Innovation & Technology

### **Explanation**

- NC General Statute Section 66-391 provides that pawnbrokers must maintain records for each pawn transaction.
- To facilitate the electronic reporting of records the Charlotte-Mecklenburg Police Department (CMPD) uses a secondhand goods tracking stem which catalogs transactions at the various secondhand dealers throughout the city.
- 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 continuity of service with the current system and technology platform in place.-
- This system is used by hundreds of agencies across the country and will allow CMPD personnel to locate and recover stolen property which is frequently sold at these establishments across multiple jurisdictions. The system will increase the ability to collaborate with other agencies to solve cases.
- Price adjustments will occur at the time of renewal based on a negotiated 3 percent annual increase to then current pricing.
- Annual expenditures are estimated to be \$158,000.

### **Charlotte Business INclusion**

This is a contract with a waiver of solicitation for services and is exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

### **Fiscal Note**

Funding: Police Operating Budget



## 46. Fire Personal Protective Equipment

### Action:

- A. Approve unit price contracts for the purchase of firefighting helmets, boots, and gloves for a term of three years with the following vendors:**
- CW Williams & Co. LLC,
  - Newton's Fire & Safety Equipment Inc.,
  - Rhinehart Family Company, dba Rhinehart Fire Services, 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):**

Reginald Johnson, Fire  
Damian Owens, Fire

### **Explanation**

- The Charlotte Fire Department issues personal protective equipment to every employee with firefighting and rescue responsibilities.
- To provide safe and reliable equipment to perform duties, items are replaced throughout an employee's career as needed due to wear and tear and degradation. Additionally, NFPA certified items must be replaced within 10 years of manufacture date.
- On May 15, 2023, the city issued an Invitation to Bid; five bids were received.
- CW Williams & Co. LLC, Newton's Fire & Safety Equipment Inc., and Rhinehart Fire Services were selected as the lowest responsive, responsible bidders.
- The prices stated in the Price Schedule shall remain fixed for the Initial Term. At renewal, price increases shall only be allowed when justified in the city's sole discretion based on legitimate, bona fide increases in the cost of materials in accordance with the CPI data reported by the Bureau of Labor Statistics.
- Annual expenditures are estimated to be \$295,000.

### **Charlotte Business INclusion**

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

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

### **Fiscal Note**

Funding: Charlotte Fire Department Operating Budget

## 47. Bond Issuance Approval for Aldersgate Apartments

### **Action:**

**Adopt a resolution granting INLIVIAN's request to issue new multi-family housing revenue bonds in an amount not to exceed \$16,500,000, to finance the development of an affordable housing development known as Aldersgate Apartments.**

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

Shawn Heath, Housing and Neighborhood Services  
Warren Wooten, Housing and Neighborhood Services

### **Explanation**

- This action will not obligate the city financially or impact the Capital Investment Plan and is requested to satisfy Section 147(f) of the Internal Revenue 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 new multi-family housing revenue bonds for Aldersgate Apartments, a 136-unit new construction affordable housing development to be developed, owned, and operated by Shamrock Drive A, LLC, a North Carolina limited liability company and subsidiary of Laurel Street (Developer), or an affiliated or related entity.
- The development will be located on approximately six acres at the intersection of Shamrock Drive and Willard Farrow Drive. The six-acre development area is a portion of a larger ten-acre parcel (parcel identification number 101-02-111) located in Council District 1.
- The development will serve households earning up to 80 percent of the Area Median Income (AMI) with income averaging at 60 percent of AMI for the entire development.
- The INLIVIAN bonds, not to exceed \$16,500,000, will be used to finance land acquisition and construction of the development.
- This action further supports City Council's September 27, 2021 approval of \$2,992,000 Housing Trust Fund support.
- The developer anticipates closing the financing for this development and beginning construction by the end of 2023.

### **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 housing bond allocation capacity from the North Carolina Housing Finance Agency to help finance the land acquisition and construction of the development.
- The North Carolina Housing Finance Agency approved the Developer's application pursuant to its Qualified Allocation Plan and awarded the requested four percent tax credits and bond allocation capacity totaling \$16,500,000 for the development. Tax credit and bond allocations are subject to federal income limits, 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 does not have a direct interest.

### **Attachment(s)**

Map  
City of Charlotte Resolution - Aldersgate Apartments

[Map Aldersgate Apartments](#)

[City Resolution INLIVIAN Bonds Aldersgate Apartments](#)

## 48. Aluminum Sheeting and Signposts

### Action:

- A. **Approve a unit price contract with Vulcan, Inc. for the purchase of Aluminum Sheeting and Signposts 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 contracts consistent with the purpose for which the contract was approved.**

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

Debbie Smith, Transportation

David Smith, Transportation

### **Explanation**

- The Charlotte Department of Transportation (CDOT) uses aluminum sheeting for the fabrication of traffic signs, such as speed limit signs and stop signs.
- In many cases, these signs are mounted on metal signposts.
- The main purpose of traffic control signs are to provide information to road users so that they can safely and efficiently move along the highway, street, pedestrian facility, or bikeway.
- On May 22, 2023, the city issued an Invitation to Bid; four bids were received.
- Vulcan, Inc. was selected as the lowest responsive, responsible bidder.
- Price adjustments may be considered based on legitimate and justified increases in the cost of doing business.
- Annual expenditures are estimated to be \$504,500.

### **Charlotte Business INClusion**

Per Charlotte Business INClusion Policy: Part B: Section 2.3, The city shall not establish Subcontracting Goals for Contracts where: (a) there are not subcontracting opportunities for the Contract; or (b) there are no MWSBES certified to perform the scope of work that the city regards as realistic opportunities for subcontracting.

This contract meets the provision of (a) - No subcontracting opportunities.

### **Fiscal Note**

Funding: Transportation Operating Budget

## 49. Asphalt Traffic Calming Device Installation

### **Action:**

**Approve a contract in the amount of \$1,470,000.00 to the lowest responsive bidder Carolina Cajun Concrete, Inc. (SBE) for Asphalt Traffic Calming Device Installation.**

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

Debbie Smith, Transportation  
David Smith, Transportation  
Bruce Horltdt, Transportation

### **Explanation**

- The Neighborhood Traffic Calming Policy was adopted in 1997, with the latest revision occurring in 2022.
- The Policy provides guidance for when traffic calming tools are appropriate for use on residential streets. These tools include speed cushions and multi-way stops.
- This contract will be utilized to install asphalt speed cushions for neighborhood traffic calming when applicable.
- On April 5, 2023, the city issued an Invitation to Bid (ITB); one bid was received.
  - NC General Statute Section 143-132 prohibits municipalities from awarding construction contracts over \$500,000 without receiving at least three competitive bids from the initial advertisement of the contract. The city may subsequently award the contract even if re-advertisements result in fewer than three competitive bids.
- On May 9, 2023, the ITB was re-issued; one bid was received.
- Carolina Cajun Concrete, Inc. (SBE) was selected as the lowest responsive, responsible bidder.

### **Charlotte Business INclusion**

Carolina Cajun Concrete, Inc. is a city certified SBE.

Established MBE Goal: 5.00%

Committed MBE Goal: 5.00%

Carolina Cajun Concrete, Inc. has met the established subcontracting goal and has committed 5.00% (\$73,500) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Chambers Express Trucking, Inc. (MBE) (\$73,500) (hauling)

Established SBE Goal: 12.00%

Committed SBE Goal: 12.00%

Carolina Cajun Concrete, Inc. has met the established subcontracting goal and has committed 12.00% (\$176,400) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Countywide Commercial, Inc. (SBE) (\$176,400) (paving, resurfacing)

### **Fiscal Note**

Funding: General Capital Investment Plan

## 50. Rubber Speed Cushion Installation

### Action:

- A. **Approve a unit price contract with AWP, Inc. dba AWP Safety for Rubber Speed Cushion Installation for an initial term of three years, and**
  
- B. **Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

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

Debbie Smith, Transportation

David Smith, Transportation

Bruce Horltdt, Transportation

### **Explanation**

- The Neighborhood Traffic Calming Policy was adopted in 1997, with the latest revision occurring in 2022.
- The Policy provides guidance for when traffic calming tools are appropriate for use on residential streets. These tools include speed cushions and multi-way stops.
- This contract will be utilized to install rubber speed cushions for neighborhood traffic calming when applicable.
- On May 18, 2022, the city issued a Request for Proposals (RFP); three responses were received.
- AWP, Inc. dba AWP Safety best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to 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 \$219,500.

### **Charlotte Business INClusion**

Per Charlotte Business INClusion Policy: Part B: Section 2.3, The city shall not establish Subcontracting Goals for Contracts where: (a) there are not subcontracting opportunities for the Contract; or (b) there are no MWSBES certified to perform the scope of work that the city regards as realistic opportunities for subcontracting.

This contract meets the provision of (a) - No subcontracting opportunities.

### **Fiscal Note**

Funding: General Capital Investment Plan

## 51. Cooperative Purchasing Contracts for Locking Devices and Accessories

### Action:

- A. Approve the purchase of locks, cylinders and key systems from cooperative contracts,
- B. Approve unit price contracts with the following vendors for the purchase of locking devices and accessories for a term of four years under North Carolina Department of Administration - 4617A:
- Accredited Lock Supply Co.,
  - Craftmaster Hardware LLC,
  - Independent Hardware Inc.,
  - Southern Lock & Supply Co., and
- C. Authorize the City Manager to extend the contracts for additional terms as long as the cooperative contracts are in effect, at prices and terms that are the same or more favorable than those offered under the cooperative contracts.

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

Phil Reiger, General Services

Marcy Mars, General Services

### **Explanation**

- Locks, cylinders and key system parts ensure security to restricted areas at city-owned buildings and facilities.
- NC General Statute Section 143-129(e)(3) allows local governments to purchase from formally organized cooperative purchasing contracts.
- A cooperative purchasing agreement results from the consolidation and competitive solicitation of multiple public agency requirements. By aggregating common needs all agencies are able to leverage economies of scale, such as volume discounts, improved terms and conditions, reduced administrative costs, and access to professional and technical expertise.
- Annual expenditures are estimated to be \$550,000.

### **Charlotte Business INclusion**

These are cooperative purchasing contracts and are exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

### **Fiscal Note**

Funding: Various Departments' Operating Budgets

## 52. Cross Charlotte Trail - Orr Road to Rocky River Road

### **Action:**

**Approve a contract in the amount of \$6,153,844.40 to the lowest responsive bidder Polivka International Company, LLC for the Cross Charlotte Trail - Orr Road to Rocky River Road project.**

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

Phil Reiger, General Services

Jennifer Smith, General Services

### **Explanation**

- The Cross Charlotte Trail (XCLT) is a joint project of the City of Charlotte and Mecklenburg County to create over 30 miles of trail and greenway facilities.
- This contract includes construction services for the Orr Road to Rocky River Road segment 9 (two miles) of the XCLT trail in Council District 4.
- The work includes but is not limited to clearing, grading, retaining walls, bridges, storm drainage, accessible ramps, landscaping, asphalt and concrete pathway.
- On May 11, 2023, the city issued an Invitation to Bid; five bids were received.
- Polivka International Company, LLC was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by second quarter 2027.

### **Charlotte Business INclusion**

Established MBE Goal: 7.00%

Committed MBE Goal: 7.09%

Polivka International Company, LLC has exceeded the established subcontracting goal and has committed 7.09% (\$436,150) of the total contract amount to the following certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- DMD Supply Services Group LLC (MBE, SBE) (\$282,750) (aggregate, asphalt)
- Five Boys Trucking, LLC (MBE, SBE) (\$130,000) (hauling)
- Mid-Atlantic Erosion Control, Inc. (MBE, SBE) (\$23,400) (erosion control)

Established SBE Goal: 15.00%

Committed SBE Goal: 16.04%

Polivka International Company, LLC has exceeded the established subcontracting goal and has committed 16.04% (\$986,957) of the total contract amount to the following certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Taproot Construction, LLC (SBE) (\$986,957) (retaining wall)

### **Fiscal Note**

General Capital Investment Plan

### **Attachment(s)**

Map

[Map\\_Cross Charlotte Trail - Orr Road to Rocky River Road.pdf](#)

## 53. Diesel Exhaust Extraction System Services

### Action:

- A. **Approve a unit price contract with Air Cleaning Specialists, Inc for Diesel Exhaust Extraction System Services for an initial term of three years, and**
  
- B. **Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

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

Phil Reiger, General Services

David Wolfe, General Services

John Mrzygod, General Services

### **Explanation**

- The City of Charlotte currently operates 43 separate firehouses and seven fleet shop locations, which are equipped with Plymovent Exhaust Systems. The diesel exhaust produced by vehicles contains multiple toxic air contaminants that must be removed from the air to provide a clean and safe work environment.
- Services from this contract will include regular preventive maintenance, testing and inspection, and as-needed repair of the exhaust removal systems at each location.
- On April 26, 2023, the city issued a Request for Proposals (RFP); two responses were received.
- Air Cleaning Specialists, Inc best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to the 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 expenditures are estimated to be \$300,000.

### **Charlotte Business INclusion**

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

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

### **Fiscal Note**

Funding: General Services Operating Budget



## 54. Electrical Lighting and Related Supplies

### **Action:**

- A. Approve unit price contracts for the purchase of electrical lighting and related supplies for a term of three years to the following:**
- State Line Lighting, Inc.
  - Sid Tool Co., dba MSC Industrial Supply Company, 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  
Bill Witherell, General Services  
Bryant Beachum, General Services

### **Explanation**

- The General Service Department's Facilities Operations provides around-the-clock maintenance and caretaking services for approximately 200 city-owned facilities that comprise 4.4 million square feet of space.
- As a result, there is considerable demand for electrical lighting components and related supplies including but not limited to luminaires, lamps, ballasts, dimmers, wiring devices, ceiling fans, photo controls, lenses, repair parts and any accessories and related components necessary for new or retrofit requirements.
- On March 3, 2023, the city issued an Invitation to Bid; two bids were received.
- State Line Lighting, Inc and Sid Tool Co., dba MSC Industrial Supply Company, were selected as the lowest responsive, responsible bidders.
- 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 \$485,000.

### **Charlotte Business INclusion**

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

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

### **Fiscal Note**

Funding: General Services Operating Budget

## 55. Surveying Services for Various Projects

### Action:

- A. Approve contracts with the following companies for Surveying Services for various projects for a term of three years:
- ACRO Development Services, PLLC (SBE),
  - Bateman Civil Survey Company, PC,
  - BGE, Inc.,
  - CES Group Engineers, LLP (WBE),
  - Civil & Environmental Consultants, Inc.,
  - Colliers Engineering & Design CT, P.C.,
  - Concord Engineering & Surveying, Inc.,
  - Dewberry Engineers Inc.,
  - DRMP NC Inc.,
  - Dunbar Geomatics Group, PLLC (SBE),
  - ESP Associates, Inc.,
  - GPI Geospatial, Inc.,
  - Lawrence Associates, P.A.,
  - McKim & Creed, Inc.,
  - NV5 Engineers and Consultants, Inc.,
  - Professional Property Surveyors, Inc.,
  - R. Joe Harris & Associates, Inc.,
  - The Schneider Corporation,
  - Stewart Engineering, Inc. (MBE),
  - Taylor, Wiseman & Taylor, Inc.,
  - The Isaacs Group, P.C.,
  - The John R. McAdams Company, Incorporated,
  - The Survey Company, Inc. (SBE),
  - Timmons Group, Inc.,
  - TranSystems Corporation, and
  - WSP USA Inc.
- 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  
Tonia Wimberly, General Services  
Jackie Brim, General Services

### **Explanation**

- These contracts will provide surveying services for construction staking and for boundary, topographical, and physical surveys for various Capital Investment Plan projects on an as-needed basis.
- On February 16, 2023, the city issued a Request for Qualifications (RFQ); 29 responses were received.
- The companies selected are the best qualified to meet the city's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- 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 price decreases, if warranted.
- Total annual aggregate expenditures are estimated to be \$10,500,000.

**Charlotte Business INclusion**

The city negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). Each of the Prime Consultants listed has committed 10.00% of the total contract amount to the following certified firms:

ACRO Development Services, PLLC (SBE)

- Center Line Locating, LLC (WBE, SBE) (utility locating)

Bateman Civil Survey Company, PC

- Mohawk Traffic Services, LLC (SBE) (traffic control)
- Bird Dog Traffic Control, LLC (WBE, SBE) (traffic control)

BGE, Inc.

- Center Line Locating, LLC (WBE, SBE) (utility locating)
- Roadmasters Traffic Control LLC (WBE, SBE) (traffic control)
- CS4 Services North Carolina LLC (MBE) (utility locating)

CES Group Engineers, LLP (WBE)

- Avioimage Mapping Services, Inc. (SBE) (mapping)
- The Survey Company, Inc. (SBE) (surveying)
- Dronescape PLLC (MBE) (drone piloting services)

Civil & Environmental Consultants, Inc.

- Avioimage Mapping Services, Inc. (SBE) (photogrammetry)
- Sweetwater Utility Exploration LLC (WBE, SBE) (utility locating)

Colliers Engineering & Design CT, P.C.

- Avioimage Mapping Services, Inc. (SBE) (photogrammetry)
- CS4 Services North Carolina, LLC (MBE) (utility locating)

Concord Engineering & Surveying, Inc.

- Avioimage Mapping Services, Inc. (SBE) (photogrammetry)
- Sweetwater Utility Exploration LLC (WBE, SBE) (utility locating)

Dewberry Engineers Inc.

- Avioimage Mapping Services, Inc. (SBE) (photogrammetry)

DRMP NC Inc.

- Avioimage Mapping Services, Inc. (SBE) (photogrammetry)
- Tidemark Land Services (SBE) (surveying)

Dunbar Geomatics Group, PLLC (SBE)

- Avioimage Mapping Services, Inc. (SBE) (photogrammetry)
- Center Line Locating, LLC (WBE, SBE) (utility locating)
- Sweetwater Utility Exploration LLC (WBE, SBE) (utility locating)

ESP Associates, Inc.

- Avioimage Mapping Services, Inc. (SBE) (photogrammetry)
- The Survey Company, Inc. (SBE) (surveying)
- Roadmasters Traffic Control LLC (WBE, SBE) (traffic control)
- Brand RPM (MBE) (First Aid and Safety Equipment)

GPI Geospatial, Inc.

- Center Line Locating, LLC (WBE, SBE) (utility locating)
- Stewart Engineering, Inc. (MBE) (surveying)

Lawrence Associates, P.A.

- Avioimage Mapping Services, Inc. (SBE) (photogrammetry)
- Sweetwater Utility Exploration LLC (WBE, SBE) (utility locating)
- Center Line Locating, LLC (WBE, SBE) (utility locating)

McKim & Creed, Inc.

- Tidemark Land Services (SBE) (surveying)

NV5 Engineers and Consultants, Inc.

- Avioimage Mapping Services, Inc. (SBE) (aerial mapping)
- CES Group Engineers, LLP (WBE) (conventional surveys)

Professional Property Surveyors, Inc.

- Avioimage Mapping Services, Inc. (SBE) (photogrammetry)
  - Sweetwater Utility Exploration LLC (WBE, SBE) (utility locating)
  - Dunbar Geomatics Group, PLLC (SBE) (surveying)
  - Probe Utility Locating (WBE, SBE) (utility locating)
- R. Joe Harris & Associates, Inc.
- Avioimage Mapping Services, Inc. (SBE) (photogrammetry)
  - Center Line Locating, LLC (WBE, SBE) (utility locating)
- The Schneider Corporation
- Avioimage Mapping Services, Inc. (SBE) (aerial photography services)
- Stewart Engineering, Inc. (MBE)
- Avioimage Mapping Services, Inc. (SBE) (photogrammetry)
  - Center Line Locating, LLC (WBE, SBE) (utility locating)
  - Tidemark Land Services (SBE) (surveying)
  - Sweetwater Utility Exploration LLC (WBE, SBE) (utility locating)
- Taylor, Wiseman & Taylor, Inc.
- Avioimage Mapping Services, Inc. (SBE) (photogrammetry)
  - Survey & Mapping Control, Inc. (SBE) (surveying)
  - Bird Dog Traffic Control, LLC (WBE, SBE) (traffic control)
- The Isaacs Group, P.C.
- Avioimage Mapping Services, Inc. (SBE) (photogrammetry)
  - Center Line Locating, LLC (WBE, SBE) (utility locating)
  - RDL Private Utility Locating LLC (MBE) (utility locating)
- The John R. McAdams Company, Incorporated
- The Survey Company, Inc. (SBE) (surveying)
  - RDL Private Utility Locating LLC (MBE) (utility locating)
- The Survey Company, Inc. (SBE)
- Avioimage Mapping Services, Inc. (SBE) (photogrammetry)
  - Sweetwater Utility Exploration LLC (WBE, SBE) (utility locating)
  - Center Line Locating, LLC (WBE, SBE) (utility locating)
  - Dronescape PLLC (MBE) (drone piloting services)
- Timmons Group, Inc.
- Avioimage Mapping Services, Inc. (SBE) (photogrammetry)
  - Sweetwater Utility Exploration LLC (WBE, SBE) (utility locating)
- TranSystems Corporation
- Avioimage Mapping Services, Inc. (SBE) (photogrammetry)
- WSP USA, Inc.
- Stewart Engineering Inc., PLLC Corp (MBE) (surveying)
  - CES Group Engineers, LLP (WBE) (subsurface utility engineering)

**Fiscal Note**

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

## 56. Surveying Services for Various Projects

### **Action:**

- A. Reject the low bid submitted by Onsite Development, LLC. for Collective Storm Drainage Improvement Project Series Z, and**
- B. Approve a contract in the amount of \$2,288,773.70 to the lowest responsive, responsible bidder United of Carolinas, Inc. for the Collective Storm Drainage Improvement Project Series Z.**

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

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

### **Explanation**

- This contract is part of an ongoing program to provide repairs and/or improvements to storm drainage systems.
- This contract will address storm drainage systems at:
  - 1818 Baxter Street (Council District 1)
  - 7316 Thornclyff Drive (Council District 6)
- The work includes grading, drainage, water/sanitary sewer, sidewalks, asphalt replacement, channel repair, and curb and gutter.
- On May 30, 2023, the city issued an Invitation to Bid; five bids were received.
- United of Carolinas, Inc was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by fourth quarter of 2024.
- The low-bid of \$1,978,915.11 submitted by Onsite Development, LLC. was found not to be responsive for failing to meet the established M/SBE goal and Good Faith Efforts requirement.

### **Charlotte Business INclusion**

Established MBE Goal: 7.00%  
 Committed MBE Goal: 15.79%

United of Carolinas, Inc. exceeded the established subcontracting goal and has committed approximately 15.79% (\$361,367) of the total contract amount to the following certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- RRC Concrete, Inc. (MBE) (\$301,367) (concrete)
- Cesar A Leon (MBE, SBE) (\$60,000) (hauling)

Established SBE Goal: 16.00%  
 Committed SBE Goal: 7.24%

United of Carolinas, Inc. failed to meet the established contract goal but earned the required minimum Good Faith Effort (Part B: Section 5 of the Charlotte Business INclusion Policy). United of Carolinas, Inc. has committed 7.24% (\$165,672) of the total contract amount to the following certified firm(s):

- Whitesell Trucking, Inc. (SBE) (\$105,000) (sitework)
- AMP Utility Distribution Services, Inc. (SBE, WBE) (\$24,500) (pipe, tubing)
- Habitat Assessment & Restoration Services (SBE, WBE) (\$18,277) (landscaping)
- Pentacle, Inc. (SBE, WBE) (\$17,895) (fence installation)

### **Fiscal Note**

Storm Water Capital Investment Plan

### **Attachment(s)**

Map

[Location Map Collective Z](#)

## 57. Construct Storm Water Repair and Improvements

### **Action:**

**Approve a contract in the amount of \$4,898,640.00 to the lowest responsive bidder OnSite Development, LLC. for the Storm Water Repair and Improvement FY2024-A project.**

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

Angela Charles, Charlotte Water  
Mike Davis, Storm Water Services  
Logan Oliver, Storm Water Services

### **Explanation**

- This contract is part of an ongoing program to provide repairs and/or improvements to storm drainage systems.
- Approximately 25 projects may be constructed from this contract, within a contract term that may not exceed 24 months. The number of projects may vary depending on the nature and extent of the repairs constructed.
- On June 27, 2023, the city issued an Invitation to Bid; three bids were received.
- Onsite Development, LLC. was selected as the lowest responsive, responsible bidder.
- The contract is anticipated to be complete by fourth quarter of 2025.

### **Charlotte Business INclusion**

Established MBE Goal: 9.00%  
Committed MBE Goal: 9.01%

Onsite Development, LLC met the established subcontracting goal and has committed approximately 9.01% (\$441,368) of the total contract amount to the following certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- LJR Concrete (MBE, SBE) (\$225,000) (concrete work)
- Streeter Trucking (MBE, SBE) (\$108,184) (hauling)
- Tony's Trucking (MBE, SBE) (\$108,184) (hauling)

Established SBE Goal: 19.00%  
Committed SBE Goal: 19.01%

Onsite Development, LLC met the established subcontracting goal and has committed approximately 19.01% (\$931,232) of the total contract amount to the following certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- AMP Utility (SBE, WBE) (\$250,000) (supplier of materials)
- Birddog Traffic Control (SBE, WBE) (\$125,000) (traffic control)
- RAH Trucking (SBE) (\$278,116) (hauling)
- Solano's Trucking (SBE) (\$278,116) (hauling)

### **Fiscal Note**

Funding: Storm Water Capital Improvement Plan

## 58. Engineering Services for the Pipeline Rehabilitation and Replacement Program

### Action:

- A. **Approve a unit price contract with Gavel & Dorn Engineering, PLLC (SBE) for professional engineering 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):**

Angela Charles, Charlotte Water

Jackie Jarrell, Charlotte Water

### **Explanation**

- This contract provides engineering and construction management services for the Pipeline Rehabilitation and Replacement Program.
- The contract supports Charlotte Water's effort to reduce sanitary sewer overflows, maintain water quality, and provide sufficient fire hydrant flows throughout its service area.
- On May 9, 2023, the city issued a Request for Qualifications (RFQ); two proposals were received.
- Gavel & Dorn Engineering, PLLC (SBE) was selected as 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.
- 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 price decreases, if warranted.
- Annual expenditures are estimated to be \$750,000.

### **Charlotte Business INclusion**

Gavel & Dorn Engineering, PLLC is a city certified SBE.

The city negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). Gavel & Dorn Engineering, PLLC has committed 10.00% of the total contract amount to the following certified firms:

- Carolina Wetland Services, Inc. (WBE, SBE) (wetland delineation/assessment)
- CG2 Exploration, LLC (SBE) (boring and drilling services)
- Landtec (SBE) (land surveying services)
- Southeast Geomatics Group, Inc. (SBE) (land surveying services)
- Southern Engineering and Testing, P.C. (SBE) (laboratory services - concrete)

### **Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

## 59. 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 and replacement of water and sanitary sewer infrastructure located within the North Carolina Department of Transportation's (NCDOT) highway improvements project (Project U-5873), located along Main Street (NC Highway 115), Davidson Street, and Potts Street in the Town of Cornelius (adjacent to Council District 4).
- 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 \$2,200,000.

### **Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

### **Attachment(s)**

Map  
Resolution

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

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



## 60. 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 and replacement of water and sanitary sewer infrastructure located within the North Carolina Department of Transportation's (NCDOT) highway improvements project (Project U-5907), located along Griffith Street, Beatty Street, Sloan Street, and Potts Street in the Town of Davidson (adjacent to Council District 4).
- 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 \$2,200,000.

### **Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

### **Attachment(s)**

Map

Resolution

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

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

## 61. Municipal Agreement for Water Infrastructure Improvements

### Action:

- A. **Adopt a resolution authorizing the City Manager to execute a municipal agreement with the Town of Huntersville for construction of water infrastructure 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 project will replace water line along Gibson Park Drive in the Town of Huntersville (adjacent to Council District 4).
- This is a Town of Huntersville project that is being administered and funded by the town.
- The Town of Huntersville requires that the city enter into a municipal agreement for the replacement of city-owned water lines within the town's roadway projects prior to construction.
- The city will reimburse the Town of Huntersville for actual construction costs at the conclusion of the project.
- The total estimated city cost of this construction is \$315,400.

### **Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

### **Attachment(s)**

Map

Resolution

[Map-Municipal Agreement for Water Infrastructure Improvements](#)

[Resolution-Municipal Agreement for Water Infrastructure Improvements](#)

## 62. On-Call Stream Restoration and Sanitary Sewer Repair

### **Action:**

- A. Approve a unit price contract with the lowest responsive bidder R.H. Price Inc. for on-call stream restoration and sanitary sewer repair for an initial term of two years, and**
  
- B. Authorize the City Manager to renew the contract for up to three, two-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

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

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

### **Explanation**

- This contract provides on-call construction services for spot repairs where erosion along streams has damaged Charlotte Water infrastructure. This includes repairing pipes, stabilizing banks, and restoring sections of streams.
- On March 29, 2023, the city issued an Invitation to Bid (ITB); two bids were received.
  - N.C. General Statute Section 143-132 prohibits municipalities from awarding construction contracts over \$500,000 without receiving at least three competitive bids from the initial advertisement of the contract. The city may subsequently award the contract even if re-advertisements result in fewer than three competitive bids.
- On May 4, 2023, the ITB was re-issued; two bids were received.
- R.H. Price Inc. was selected as the lowest responsive, responsible bidder.
- Price adjustments may be considered at the time of renewal based on the Engineering News Record Construction Cost Index. The ability to consider price adjustments also allows the city to accept price decreases, if warranted.
- Annual expenditures are estimated to be \$2,796,612.50.

### **Charlotte Business INclusion**

Established MBE Goal: 2.00%  
Committed MBE Goal: 2.00%

R.H. Price Inc. met the established MBE subcontracting goal and has committed \$112,000 or approximately 2.00% of the total contract amount to the following certified firms (Part B: Section 2.3 of the Charlotte Business INclusion Policy):

- Uniforce Construction Corporation (MBE, SBE) (\$112,000) (sanitary sewer installations)

Established SBE Goal: 7.00%  
Committed SBE Goal: 7.06%

R.H. Price Inc. met the established SBE subcontracting goal and has committed \$395,000 or approximately 7.06% of the total contract amount to the following certified firms (Part B: Section 2.3 of the Charlotte Business INclusion Policy):

- Carolina Wetland Services, Inc. (WBE, SBE) (\$395,000) (stream restoration)

### **Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

## 63. On-Call Stream Restoration and Sanitary Sewer Repair

**Action:**

Approve change order #1 for \$1,974,962 to Atrium Health for Upper Little Sugar Creek Trunk Sewer Atrium Segment project.

**Staff Resource(s):**

Angela Charles, Charlotte Water

David Czerr, Charlotte Water

Carl Wilson, Charlotte Water

**Explanation**

- On March 22, 2021, City Council approved an interlocal agreement with Atrium Health for the sanitary sewer improvements to be funded by Charlotte Water and installed as part of the Atrium Health CMC Main Expansion and Greenway Improvements project (Council District 1) through direct construction cost payments to Atrium Health.
- In May 2023, the tunneling contractor for this project encountered unexpected rock conditions which halted progress. This change in conditions required additional equipment and time to complete the tunnel.
- The new total value of the contract is \$29,230,554.

**Charlotte Business INclusion**

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

**Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

## 64. Water Testing Devices

### Action:

- A. **Approve a unit price contract with Ferguson Enterprises, Inc. for the purchase of water testing devices and accessories for an initial term of two years, and**
  
- B. **Authorize the City Manager to renew the contract for up to three, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

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

Angela Charles, Charlotte Water  
Jackie Jarrell, Charlotte Water  
Marion Sanders, Charlotte Water

### **Explanation**

- This contract will provide for two types of water testing devices (colorimeter and turbidimeter), to be used to measure the quality of the water in field conditions.
- On March 17, 2023, the city issued an Invitation to Bid; one bid was received.
- Ferguson Enterprises, Inc. was selected as the lowest responsive, responsible bidder.
- 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 price decreases, if warranted.
- Annual expenditures are estimated to be \$150,000.

### **Charlotte Business INclusion**

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

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

### **Fiscal Note**

Funding: Charlotte Water Operating Budget

## 65. Lease of City-Owned Property at University City Boulevard Parking Deck

### Action:

- A. **Adopt a resolution to approve a lease agreement with Greyhound Lines Inc. with a 63 -month term for retail space in the University City Blvd Parking Deck and non-exclusive use of two bus bays,**
- B. **Authorize the City Manager to renew the lease for up to two, 60-month terms, and**
- C. **Authorize the City Manager to negotiate and execute all documents necessary to complete the transactions.**

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

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

### **Explanation**

- The University City Blvd. (UCB) Parking Deck on the LYNX Blue Line Extension (BLE) in Council District 4 incorporates approximately 11,495 square feet of leasable space for office and retail, per the Transit Oriented Development Ordinance.
- The leasable spaces provide opportunities for retail and business firms to offer goods and services to customers using the BLE, along with walk-up customers from surrounding areas.
- Greyhound Lines Inc. (Greyhound) proposes using this space to provide intercity bus service.
- Greyhound is currently leasing city-owned property at 601 W. Trade St. but is required to vacate for future construction of the Charlotte Gateway Station. A new location is necessary for Greyhound to continue providing intercity bus service.
- The provision of light rail, local bus, and intercity bus services at this location will enhance transportation options for the community and CATS riders.
- The lease terms include:
  - Premises: Approximately 2,472 square feet of retail space at UCB Parking Deck (Unit 215);
  - Base Rent: \$4,223 per month (\$50,676 per year) for year one, escalating at a rate of 3 percent annually for each year thereafter. This rate is consistent with market rates; and
  - Tenant would pay a share of common area maintenance costs.
- Tenant is responsible for improvement costs related to upfit of the retail space, and costs related to capital improvements to the bus bays.
- The city agrees to reimburse tenant for tenant improvement costs (upfit) only if the city terminates the lease during the initial term for transit-related activity. This does not include reimbursement for capital improvements to the bus bays. The total amount of reimbursable expenses shall not exceed \$40 per square foot or \$98,880.

### **Charlotte Business INclusion**

This is a real estate leasing and acquisition contract and is exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

### **Fiscal Note**

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

### **Attachment(s)**

Resolution

[Resolution - UCB Greyhound Lines Inc](#)

## 66. Airport Asphalt Purchasing and Pavement Testing Services

### **Action:**

- A. Approve unit price contracts with the following companies for Asphalt Purchasing and Pavement Testing for an initial term of three years:**
- Blythe Brothers Asphalt Co., LLC,
  - Piedmont Parking Solutions, LLC dba Carolina Site Concepts, 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):**

Haley Gentry, Aviation

Jack Christine, Aviation

### **Explanation**

- Aviation needs to replace or repair asphalt portions of the airfield, roadways, and parking lots on airport property. Some of these sections of asphalt will require further testing for quality assurance to ensure durability and safety.
- On April 6, 2023, the city issued an Invitation to Bid (ITB); two responses were received.
- The companies selected meet the city's needs in terms of qualifications, experience, cost, and responsiveness to ITB requirements.
- Price adjustments may be considered based on legitimate and justified increases in the cost of doing business.
- Estimated annual expenditures are:
  - Blythe Brothers Asphalt, CO LLC. \$2,100,000
  - Piedmont Parking Solutions, LLC dba Carolina Site Concepts \$900,000

### **Charlotte Business INclusion**

The city negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). The specific tasks and subcontracting opportunities associated with this contract are undefined.

### **Fiscal Note**

Funding: Aviation Operating Budget

## 67. Airport Baggage Handling System Masterplan Professional Services

### Action:

- A. **Approve a contract with JSM & Associates, LLC for Baggage Handling System Masterplan professional services for term of three years, and**
- B. **Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.**

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

Haley Gentry, Aviation

Jack Christine, Aviation

### **Explanation**

- Aviation has seen unprecedented growth post-pandemic which has put a strain on the baggage handling system (BHS). Aviation will conduct a review of the BHS to determine what changes may be needed in the short, medium, and long-term to accommodate the operation.
- The BHS Masterplan will be performed in two phases to ensure system performance integrity and provide framework for future expansion of the BHS to support Aviation's long-term development plans.
- Phase one will identify immediate and short-term plans for the next five years at a cost of \$498,688.01, and phase two will identify medium and long-term plans for fifteen years for an estimated \$1,500,000.
- On February 21, 2023, the city issued a Request for Qualifications (RFQ); five responses were received.
- JSM & Associates, LLC is the best qualified firm to meet the city's needs based on demonstrated competence and qualification of professional services in response to the RFQ requirements.
- This activity is occurring on Airport property.
- Total expenditures are estimated to be \$2,000,000.

### **Charlotte Business INclusion**

The city negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy).

JSM & Associates, LLC has identified the following certified firm(s) to be utilized as the project evolves:

- ALR Architecture (MBE) (architecture)
- Richa Graphics (MBE) (graphics & documents)

### **Fiscal Note**

Funding: Aviation Capital Investment Plan



## 68. Airport Concourse A Expansion Phase 2 Change Order

**Action:**

Approve change order #1 for \$3,549,014.48 to JE Dunn-McFarland, A Joint Venture, for construction manager at risk services for the Concourse A Expansion Phase 2 project.

**Staff Resource(s):**

Haley Gentry, Aviation  
Jack Christine, Aviation

**Explanation**

- On March 28, 2022, City Council approved a contract in the amount of \$172,599,811.11 with JE Dunn-McFarland, A Joint Venture, for construction manager at risk services for the Concourse A Expansion Phase 2 project.
- The project includes constructing a new baggage handling system Make-up Device (MU8) Expansion at Concourse A.
- This change order will provide for the foundations and structure of the mid-connector expansion to enclose the MU8 addition.
- Concourse A Expansion Phase 2 (CAP2), was designed in a manner that could be expanded when the Airlines required more baggage make-up space. When CAP2 was designed in 2019, passenger volume did not demand additional capacity for baggage handling operations. Passenger numbers now require the added capacity this project will provide and the Airlines have requested the addition of the MU8.
- The new total value of the contract is \$176,148,825.59.
- Aviation intends to return to City Council in the second quarter of fiscal year 2024 for the balance of construction cost related to the additional makeup device on the connector.
- This activity is occurring on Airport property.

**Disadvantaged Business Enterprise**

The current DBE goal for this project will remain at 10.00%.

All additional work involved with this amendment will be performed by JE Dunn-McFarland, A Joint Venture and their existing subconsultant(s)/subcontractor(s).

**Fiscal Note**

Funding: Aviation Capital Investment Plan

## 69. Airport Concrete Spall Repair Services

### **Action:**

- A. Approve a unit price contract with Hi-Way Paving, Inc for Portland Concrete Cement Spall Repair Program for an initial term of three years, and**
- B. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

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

Haley Gentry, Aviation  
Jack Christine, Aviation

### **Explanation**

- The Aviation department requires a spall repair service contract to maintain infrastructure and concrete on the ramp and runways.
- This contract will provide services to repair and maintain essential movement areas required for aircraft operation.
- On June 8, 2023, the city issued an Invitation to Bid (ITB); no bids were received.
- On July 6, 2023, the city re-issued an ITB; one bid was received.
  - NC General Statute Section 143-132 prohibits municipalities from awarding construction contracts over \$500,000 without receiving at least three competitive bids from the initial advertisement of the contract. The city may subsequently award the contract even if readvertisements result in fewer than three competitive bids.
- Hi-Way Paving, Inc was selected as the lowest responsive, responsible bidder.
- Price adjustments may be considered based on legitimate and justified increases in the cost of doing business.
- Annual expenditures are estimated to be \$350,000.

### **Charlotte Business INclusion**

Per Charlotte Business INclusion Policy: Part B: Section 2.3, The city shall not establish Subcontracting Goals for Contracts where (a) there are no subcontracting opportunities identified for the Contract; or (b) there are no MWBEs or SBEs certified to perform the scopes of work that the city regards as realistic opportunities for subcontracting.

This contract meets the provisions of (a) - No subcontracting opportunities.

### **Fiscal Note**

Funding: Aviation Operating Budget

## 70. Airport Fuel Line Construction

### **Action:**

**Approve a contract in the amount of \$2,188,105.43 to the lowest responsive bidder NJR Group, Inc. for the FBO Fuel Line Repair project.**

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

Haley Gentry, Aviation  
Jack Christine, Aviation

### **Explanation**

- This contract provides for construction to remove and replace fuel lines serving the Airport Fixed Base Operator.
- Specific work includes flushing and abandoning fuel lines that previously served a corporate hangar, the removal and crating of two fueling cabinets, and fuel farm tank repairs.
- On May 25, 2023, the city issued an Invitation to Bid (ITB); no bids were received.
- On June 30, 2023, the city re-issued an ITB; two bids were received.
  - NC General Statute Section 143-132 prohibits municipalities from awarding construction contracts over \$500,000 without receiving at least three competitive bids from the initial advertisement of the contract. The city may subsequently award the contract even if readvertisements result in fewer than three competitive bids.
- NJR Group, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by first quarter fiscal year 2025.
- This activity is occurring on Airport property.

### **Charlotte Business INclusion**

Established M/S/BE Goal: 10.00%

Committed M/S/BE Goal (at time of Bid): 10.55%

NJR Group, Inc. exceeded the established subcontracting goal and has committed 10.55% (\$209,814) of the base bid amount to the following certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Besco Electric Corporation (MBE) (\$126,064) (electrical)
- Davis & Sons (SBE) (\$49,250) (hauling)
- Martin Landscaping Co. Inc. (MBE) (\$30,000) (erosion control)
- RRC Concrete, Inc. (MBE) (\$4,500) (concrete)

### **Fiscal Note**

Funding: Aviation Capital Investment Plan

## 71. Airport Marketing Agency Services Contracts

### **Action:**

- A. Approve contracts with the following companies for Marketing Agency Services for an initial term of three years:**
- Chernoff Newman, LLC,
  - Fuseideas, LLC, 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):**

Haley Gentry, Aviation

Ted Kaplan, Aviation

### **Explanation**

- The Airport utilizes marketing agency services to develop appropriate strategies and to implement, monitor and optimize campaigns to ensure maximum revenue for Airport products (parking, concessions, air service, etc.), programs (Airport development), services and employment opportunities.
- On March 3, 2023, the city issued a Request for Proposals (RFP); four responses were received.
- The companies selected best meet the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Price adjustments may be considered based on legitimate and justified increases in the cost of doing business.
- Annual aggregate expenditures are estimated to be \$1,650,000.

### **Charlotte Business INclusion**

The city negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). The specific tasks and subcontracting opportunities associated with this contract are undefined; however, each Prime consultant has identified certified firms to be utilized as the contract evolves and the scopes of work are defined:

#### Chernoff Newman, LLC

- Heritage Printing & Graphics, Inc (SBE) (printing, signage)
- Rebrand Collective, LLC (SBE) (videography)

#### Fuseideas, LLC

- Avenir Bold, LLC (SBE) (account management)

### **Fiscal Note**

Funding: Aviation Operating Budget and Capital Investment Plan

## 72. Aviation On-Call General Contractor

### **Action:**

- A. Approve contracts with the following companies for on-call general contracting services for an initial term of three years:**
- Kelby Construction, Inc. (MBE, SBE),
  - Keach Construction, Inc. and
- B. Authorize the City Manager to renew the contracts for up to two, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

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

Haley Gentry, Aviation

Jack Christine, Aviation

### **Explanation**

- The Airport requires on-call general contractors for small facilities maintenance projects that do not meet the threshold for standalone construction contracts. Work includes small scale facilities demolition, repair, and construction.
- On May 31, 2013, the city issued an Invitation to Bid (ITB); four responses were received.
- The companies selected best meet the city's needs in terms of qualifications, experience, cost, and responsiveness to ITB requirements.
- Price adjustments may be considered based on legitimate and justified increases in the cost of doing business.
- Annual aggregate expenditures are estimated to be \$450,000.

### **Charlotte Business INclusion**

The city negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). The specific tasks and subcontracting opportunities associated with this contract are undefined.

Kelby Construction, Inc. is a city certified MBE and SBE firm.

### **Fiscal Note**

Funding: Aviation Operating Budget and Aviation Capital Investment Plan

## 73. Set a Public Hearing on Torrence Area Voluntary Annexation

### **Action:**

**Adopt a resolution setting a public hearing for September 25, 2023, for Torrence Area voluntary annexation petition.**

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

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

### **Explanation**

- The City of Charlotte seeks the annexation of a city-owned parcel immediately adjacent to Council District 2.
- 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.
- The property was purchased by the city in October of 2022 as part of the West Boulevard Extension project.
- This annexation is necessary for the extension of West Boulevard and will support the planned developments in the larger area. The property will be constructed as future right-of-way for the ongoing West Boulevard extension project. Annexation of this property ensures that planned city infrastructure is located within city limits.
- The 1.84-acre "Torrence Area" site is located west of Interstate 485 and north of Garrison Road in western Mecklenburg County. The property:
  - is currently vacant,
  - is zoned MUDD-O (mixed use development district, optional). Rezoning petition 2016-056 rezoned this parcel as part of the 1,378-acre River District petition that was approved in 2016; and
  - consists of one parcel; parcel identification number: 141-142-14.

### **Consistency with City Council Policies**

- The annexation is consistent with voluntary annexation policy approved by City Council on March 24, 2003; more specifically this annexation:
  - 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;
  - Is consistent with the policy to not create unincorporated areas that will be encompassed by new city limits.

### **Attachment(s)**

Map

Resolution

Rezoning Petition 2016-056 Approved Site Plan

[Torrence Area Annexation Map](#)

[Resolution for Torrence Area](#)

[Rezoning Petition 2016-056 Approved Site Plan](#)

## 74. Resolution of Intent to Abandon a Portion of Public Right-of-Way Adjacent to David Taylor Drive

### **Action:**

- A. Adopt a Resolution of Intent to abandon a Portion of Public Right-of-way Adjacent to David Taylor Drive, and**
  
- B. Set a Public Hearing for September 25, 2023.**

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

Debbie Smith, Transportation

Casey Mashburn, Transportation

### **Explanation**

- North Carolina General Statute Section 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The right-of-way is located in Council District 4.

### **Petitioners**

Infinity 260 Owner, LLC

### **Attachment(s)**

Map

Resolution

[David Taylor Abandonment Map](#)

[2023-002939A Resolution of Intent 08.28.2023](#)

## 75. Resolution of Intent to Abandon a Portion of Woodcrest Avenue

### **Action:**

- A. Adopt a Resolution of Intent to abandon a Portion of Woodcrest Ave, and**
- B. Set a Public Hearing for September 25, 2023.**

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

Debbie Smith, Transportation  
Casey Mashburn, Transportation

### **Explanation**

- North Carolina General Statute Section 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The right-of-way is located in Council District 3.

### **Petitioners**

1900 S. Tryon, LLC

### **Attachment(s)**

Map  
Resolution

[Portion of Woodcrest Ave & S Tryon St Abandonment Map](#)

[2022-003737A Resolution of Intent 08.28.2023](#)



## 76. Resolution of Intent to Abandon Unopened Right-of-Way off S. Cedar Street

**Action:**

- A. Adopt a Resolution of Intent to abandon Unopened Right-of-Way off S. Cedar Street, and
- B. Set a Public Hearing for September 25, 2023.

**Staff Resource(s):**

Debbie Smith, Transportation  
Casey Mashburn, Transportation

**Explanation**

- North Carolina General Statute Section 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The right-of-way is located in Council District 2.

**Petitioners**

Asana Partners

**Attachment(s)**

Map  
Resolution

[2023-001846A - Abandonment Map](#)

[2023-001846A Resolution of Intent 08.28.2023](#)

## 77. Fiscal Year 2022 Tax Collector's Settlement Statement and Fiscal Year 2023 Order of Collection

### Action:

- A. Receive as information and record in full in the minutes the Mecklenburg County Tax Collector's Settlement Statement for Fiscal Year 2023, and
- B. Adopt an Order of Collection, pursuant to NC General Statute Section 105-321 (b), authorizing the Mecklenburg County Tax Collector to collect the taxes for Fiscal Year 2024.

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

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

### **Explanation**

#### Action A

- According to NC General Statute Section 105-373:
  - After July 1, and before being charged with collecting taxes for the current fiscal year, the Tax Collector must submit to the governing board an annual report of the amount collected on the preceding fiscal year's taxes with which he/she is charged and the amount remaining uncollected, and
  - The Tax Collector's Settlement Statement must be entered in full into the official record of the governing board.
- The Tax Collector's Settlement Statement is an informational report on property tax collection activity for the preceding fiscal year (July 1, 2022- June 30, 2023) and previous fiscal years.

#### Action B

- According to NC General Statute Section 105-321(b), an order directing the Tax Collector to collect the taxes charged in tax records and receipts must be entered into the official record of the governing board.
- The Order of Collection authorizes the collection of Fiscal Year 2024 real estate and motor vehicle taxes.

### **Attachment(s)**

Fiscal Year 2023 Tax Collector's Settlement Statement and Fiscal Year 2024 Order of Collection

[Charlotte Settlement Statement Order of Collection August 2023](#)

## 78. Meeting Minutes

### **Action:**

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

- **March 21, 2022 Zoning Meeting,**
- **March 28, 2022 Business Meeting,**
- **April 04, 2022 Strategy Session,**
- **April 06, 2022 Budget Workshop,**
- **April 11, 2022 Business Meeting,**
- **April 18, 2022 Zoning Meeting,**
- **April 28, 2022 Legislative Briefing,**
- **May 02, 2022 Strategy Session, and**
- **May 05, 2022 Special Meeting.**

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

Stephanie Kelly, City Clerk's Office

### **Explanation**

- City Council meeting minutes can be accessed at <https://charlottenc.gov/CityClerk/Pages/Minutes.aspx>.

## PROPERTY TRANSACTIONS

### 79. Aviation Property Transactions - 9010 Whispering Pines Lane

**Action:** Approve the following Acquisition: Aviation Master Plan

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

**Owner(s):** Charles H. Renner III and Carolyn N. Renner

**Property Address:** 9010 Whispering Pines Lane

**Total Parcel Area:** 52,272 sq. ft. (1.204 ac.)

**Property to be acquired by Easements:** None

**Structures/Improvements to be impacted:** Single-family home

**Landscaping to be impacted:** Grass and small shrubs

**Zoned:** R-3

**Use:** Single-family Residential

**Parcel Identification Number(s):** 141-101-41

<https://polaris3g.mecklenburgcountync.gov/#mat=212358&pid=14110141&qisid=14110141>

**Purchase Price:** \$373,000, and all relocation benefits in compliance with Federal, State or Local regulations.

**Council District:** 3

## 80. Aviation Property Transactions - 9013 Steeleberry Drive

**Action:** Approve the following Acquisition: Aviation Master Plan

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

**Owner(s):** James B. Braswell & Frederick Wilks

**Property Address:** 9013 Steeleberry Drive

**Total Parcel Area:** 44,997 sq. ft. (1.033 ac.)

**Property to be acquired by Easements:** None

**Structures/Improvements to be impacted:** Single-family home

**Landscaping to be impacted:** Grass and small shrubs

**Zoned:** R-3

**Use:** Single-family Residential

**Parcel Identification Number:** 141-101-37

<https://polaris3g.mecklenburgcountync.gov/#mat=212475&pid=14110137&qisid=14110137>

**Purchase Price:** \$280,000, and all relocation benefits in compliance with Federal, State or Local regulations.

**Council District:** 3

**81. Property Transactions - Beckwith Meadow SDIP, Parcel # 4**

**Action:** Approve the following Acquisition: Beckwith Meadow SDIP, Parcel # 4

**Project:** Beckwith Meadow SDIP, Parcel # 4

**Program:** Beckwith Meadow SDIP

**Owner(s):** Patio Charlotte Holdings, LLC

**Property Address:** 2000 Patio Court

**Total Parcel Area:** 163,717 sq. ft. (3.758 ac.)

**Property to be acquired by Easements:** 2,027 sq. ft. (0.047 ac.) Storm Drainage Easement and 2,872 sq. ft. (0.066 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** N2-B

**Use:** Neighborhood 2 Zoning District

**Parcel Identification Number:** 093-062-37

<https://polaris3g.mecklenburgcountync.gov/#mat=591737&pid=09306237&qsid=09306237>

**Purchase Price:** \$17,500

**Council District:** 1

## 82. Property Transactions - Beckwith Meadow SDIP, Parcel # 16

**Action:** Approve the following Acquisition: Beckwith Meadow SDIP, Parcel # 16

**Project:** Beckwith Meadow SDIP, Parcel # 16

**Program:** Beckwith Meadow SDIP

**Owner(s):** Steven B. Pilker

**Property Address:** 1650 Academy Street

**Total Parcel Area:** 10,060 sq. ft. (0.231 ac.)

**Property to be acquired by Easements:** 1,350 sq. ft. (0.031 ac.) Sanitary Sewer Easement and 2,601 sq. ft. (0.060 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** Fence and French drain

**Landscaping to be impacted:** Shrubs

**Zoned:** N1-B

**Use:** Neighborhood 1 Zoning District

**Parcel Identification Number:** 093-062-14

<https://polaris3g.mecklenburgcountync.gov/#mat=52940&pid=09306214&qisid=09306214>

**Purchase Price:** \$27,753

**Council District:** 1

### 83. Property Transactions - Beckwith Meadow SDIP, Parcel # 22

**Action:** Approve the following Acquisition: Beckwith Meadow SDIP, Parcel # 22

**Project:** Beckwith Meadow SDIP, Parcel # 22

**Program:** Beckwith Meadow SDIP

**Owner(s):** Robert L. Fluitt

**Property Address:** 1708 Anderson Street

**Total Parcel Area:** 17,968 sq. ft. (0.413 ac.)

**Property to be acquired by Easements:** 2,122 sq. ft. (0.049 ac.) Sanitary Sewer Easement and 5,355 sq. ft. (0.123 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** Tree

**Zoned:** N1-B

**Use:** Neighborhood 1 Zoning District

**Parcel Identification Number:** 093-041-03

<https://polaris3g.mecklenburgcountync.gov/#mat=54496&pid=09304103&qisid=09304103>

**Purchase Price:** \$24,059

**Council District:** 1



## 84. Property Transactions - Beckwith Meadow SDIP, Parcel # 28

**Action:** Approve the following Acquisition: Beckwith Meadow SDIP, Parcel # 28

**Project:** Beckwith Meadow SDIP, Parcel # 28

**Program:** Beckwith Meadow SDIP

**Owner(s):** Ronnie W. Jenkins and Glendora Jenkins

**Property Address:** 1910 Academy Street

**Total Parcel Area:** 7,980 sq. ft. (0.183 ac.)

**Property to be acquired by Easements:** 209 sq. ft. (0.183 ac.) Storm Drainage Easement and 607 sq. ft. (0.014 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:** 093-023-03

<https://polaris3g.mecklenburgcountync.gov/#mat=62194&pid=09302303&qisid=09302303>

**Purchase Price:** \$15,000

**Council District:** 1

## 85. Property Transactions - Monroe Road MUP, Parcel # 17

**Action:** Approve the following Acquisition: Monroe Road MUP, Parcel # 17

**Project:** Monroe Road MUP, Parcel # 17

**Program:** Monroe Road MUP

**Owner(s):** Thomas Management, LLC

**Property Address:** 5527 Monroe Road

**Total Parcel Area:** 19,107 sq. ft. (0.439 ac.)

**Property to be acquired by Easements:** 422 sq. ft. (0.010 ac.) Sidewalk Utility Easement and 1521 sq. ft. (0.035 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** OFC

**Use:** Office Flex Campus Zoning District

**Parcel Identification Number:** 163-021-47

<https://polaris3g.mecklenburgcountync.gov/#mat=151705&pid=16302147&qisid=16302147>

**Purchase Price:** \$10,500

**Council District:** 5

**86. Property Transactions - Monroe Road MUP, Parcel # 24**

**Action:** Approve the following Acquisition: Monroe Road MUP, Parcel # 24

**Project:** Monroe Road MUP, Parcel # 24

**Program:** Monroe Road MUP

**Owner(s):** Joan P. Baker

**Property Address:** 5701 Monroe Road

**Total Parcel Area:** 20,445 sq. ft. (0.469 ac.)

**Property to be acquired by Easements:** 257 sq. ft. (0.006 ac.) Sidewalk Utility Easement and 4,057 sq. ft. (0.093 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** OFC

**Use:** Office Flex Campus Zoning District

**Parcel Identification Number:** 163-021-55

<https://polaris3g.mecklenburgcountync.gov/#mat=153801&pid=16302155&qsid=16302155>

**Purchase Price:** \$14,350

**Council District:** 5

## 87. Property Transactions - Shamrock Drive Improvements, Parcel # 69

**Action:** Approve the following Condemnation: Shamrock Drive Improvements, Parcel # 69

**Project:** Shamrock Drive Improvements, Parcel # 69

**Program:** Shamrock Drive Improvements

**Owner(s):** Benjamin Werner Slone

**Property Address:** 2401 Shamrock Drive

**Total Parcel Area:** 13,163 sq. ft. (0.302 ac.)

**Property to be acquired by Fee Simple:** 90 sq. ft. (0.002 ac.)

**Property to be acquired by Easements:** 983 sq. ft. (0.023 ac.) Utility Easement, 831 sq. ft. (0.019 ac.) Sidewalk Utility Easement and 310 sq. ft. (0.007 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** Tree

**Zoned:** N1-B

**Use:** Neighborhood 1 Zoning District

**Parcel Identification Number:** 093-071-01

<https://polaris3g.mecklenburgcountync.gov/#mat=82230&pid=09307101&gisid=09307101>

**Appraised Value:** \$23,725

**Property Owner's Concerns:** The property owner is opposed to the project and the city has been unable to reach an agreement with the owner. The property owner has requested to discontinue all acquisition efforts prior to condemnation proceedings.

**City's Response to Property Owner's Concerns:** At the specific request of the owner, the city has discontinued negotiations at this time, however the city remains open to further settlement discussions upon the property owner's request.

**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:** 1

**88. Property Transactions - Shamrock Gardens SDIP, Parcel # 2**

**Action:** Approve the following Acquisition: Shamrock Gardens SDIP, Parcel # 2

**Project:** Shamrock Gardens SDIP, Parcel # 2

**Program:** Shamrock Gardens SDIP

**Owner(s):** One7 Ministries, Inc.

**Property Address:** 2551 Finchley Drive

**Total Parcel Area:** 50,407 sq. ft. (1.157 ac.)

**Property to be acquired by Easements:** 12,381 sq. ft. (0.284 ac.) Storm Drainage Easement and 4,224 sq. ft. (0.097 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:** 099-063-12

<https://polaris3g.mecklenburgcountync.gov/#mat=534156&pid=09906312&qsid=09906312>

**Purchase Price:** \$88,975

**Council District:** 1

**89. Property Transactions - Thermal Culverts SDIP, Parcel # 2**

**Action:** Approve the following Acquisition: Thermal Culverts SDIP, Parcel # 2

**Project:** Thermal Culverts SDIP, Parcel # 2

**Program:** Thermal Culverts SDIP

**Owner(s):** DreamKey Partners, Inc.

**Property Address:** 6737 Thermal Road

**Total Parcel Area:** 13,808 sq. ft. (0.317 ac.)

**Property to be acquired by Easements:** 5,202 sq. ft. (0.120 ac.) Storm Drainage Easement and 1,744 sq. ft. (0.040 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:** 189-261-18

<https://polaris3g.mecklenburgcountync.gov/#mat=176198&pid=18926118&qisid=18926118>

**Purchase Price:** \$21,500

**Council District:** 6

**90. Property Transactions - Thermal Culverts SDIP, Parcel # 9**

**Action:** Approve the following Acquisition: Thermal Culverts SDIP, Parcel # 9

**Project:** Thermal Culverts SDIP, Parcel # 9

**Program:** Thermal Culverts SDIP

**Owner(s):** Wells Fargo Bank, N.A., trustee of the E.T. Garsed Trust for the benefit of Alexander Youth Network

**Property Address:** 6220, 6240, 6324 & 6434 Thermal Road and 8200 Monroe Road

**Total Parcel Area:** 2,552,616 sq. ft. (58.600 ac.)

**Property to be acquired by Easements:** 1,859 sq. ft. (0.043 ac) Storm Drainage Easement and 2,018 sq. ft. (0.046 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** INST(CD)

**Use:** Industrial District (Conditional Zoning)

**Parcel Identification Number:** 189-251-01

<https://polaris3g.mecklenburgcountync.gov/#mat=598270&pid=18925101&qisid=18925101>

**Purchase Price:** \$10,000

**Council District:** 6

## Adjournment



## REFERENCES

## 91. 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.

## 92. 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.

## 93. 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.