

City of Charlotte

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



Meeting Agenda

Monday, November 14, 2022

COUNCIL CHAMBERS

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. Mayor and Council Consent Item Questions and Answers

Staff Resource(s):

Marie Harris, Strategy and Budget

Time: 10 minutes

Synopsis

Mayor and Council may ask questions about Consent agenda items.

2. Action Review Agenda Overview

Staff Resource(s):

Marcus Jones, City Manager

3. Action Review Items

Arts and Culture Update

Staff Resource(s):

Priya Sircar, City Manager's Office

Time: Presentation - 10 minutes; Discussion - 30 minutes

Explanation

- Provide an update on the Arts and Culture Plan.

City Supported Affordable Housing Update

Staff Resource(s):

Shawn Heath, Housing and Neighborhood Services

Time: Presentation - 10 minutes; Discussion - 30 minutes

Explanation

- Review city supported affordable housing recommendations.

[Arts and Culture Update Presentation](#)

[City Supported Affordable Housing Update Presentation](#)

4. Closed Session (as necessary)

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

Call to Order

Introductions

Invocation

Pledge of Allegiance

CONSENT

5. Consent agenda items 10 through 32 may be considered in one motion except for those items removed by a Council member. Items are removed by notifying the City Clerk.

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.

AWARDS AND RECOGNITIONS

6. Homelessness Awareness Month

Action:

Mayor Lyles will read a proclamation recognizing November 2022 as Homelessness Awareness Month.

POLICY

7. City Manager's Report

[11.14.22 City Manager's Memo](#)

BUSINESS

8. Juneteenth Holiday

Action:

Adopt a resolution to establish Juneteenth Independence Day as an annually recognized city holiday in which city offices will be closed.

Staff Resource(s):

Brent Cagle, City Manager's Office
Sheila Simpson, Human Resources

Explanation

- June 19, 1865 is the date on which news of the end of slavery reached the slaves in the Southwestern States, more than two and a half years after President Abraham Lincoln issued the Emancipation Proclamation on January 1, 1863.
- Juneteenth Independence Day began as a holiday in the State of Texas, became a federal observed holiday on June 17, 2021, and is now recognized as a holiday or observance by all 50 states and the District of Columbia.
- The proposed resolution serves to:
 - Recognize the historical significance of Juneteenth Independence Day;
 - Support the continued celebration of Juneteenth Independence Day in observance of the end of slavery as part of the history and heritage of the United States;
 - Designate June 19, 2023, as "Juneteenth Independence Day" in which the City of Charlotte offices will observe the holiday and be closed; and
 - Establish "Juneteenth Independence Day" as an annually observed holiday for the City of Charlotte.
- If Juneteenth is approved, this would bring the City of Charlotte to 12 observed paid calendared holidays and one paid Personal Holiday. When combined, this is equivalent to the number of paid observed holidays granted by Mecklenburg County, i.e., 13 paid holidays.

Attachment(s)

Resolution

[Juneteenth proposed resolution](#)

9. Land Acquisition for Expansion and Update of Charlotte Fire Station #21

Action:

- A. **Approve the purchase of 0.44 acres, located at 1017 Little Rock Road, for the expansion and update of Charlotte Fire Station #21, and**

- B. **Authorize the City Manager to negotiate and execute any documents necessary to complete this transaction.**

Staff Resource(s):

Phil Reiger, General Services
Greg Crawford, General Services
Reginald Johnson, Fire

Explanation

- Charlotte Fire Department (CFD) opened Fire Station #21 in 1978. It is one of 13 facilities evaluated in the Advanced Planning Fire Station Gender Equity Study. The study evaluates each fire station on nationally accepted safety standards, the provision of equal facilities for women, exercise facilities and ADA compliance.
- In October 2019, the Charlotte Fire Department adopted the Facilities Master Plan, which prioritizes capital improvements in the next two years and outlines goals for facilities through 2029.
- The CFD Gender Equity Study evaluates the gender equity in station restrooms, weight, and gym rooms. Acquiring the land adjacent to Fire Station #21 will allow for the expansion of the facility to achieve the study's recommended goals by adding a women's restroom, exercise room and adequate number of bunks.
- The property is zoned R-3 and located at 1017 Little Rock Road, bordering the existing fire station, in Council District 2.
- The terms of the transaction are as follows:
 - \$215,000 purchase price, with five percent due diligence and,
 - 30-day due diligence period with 30 days to close.
- This transaction is consistent with the Council-adopted City-Owned Real Estate and Facilities Policy.

Fiscal Note

Funding: General Capital Investment Plan

Attachment(s)

Map

[Map_Land Acquisition for Expansion and Update of Charlotte Firehouse 21.pdf](#)

CONSENT

10. Construct Freedom Drive Intelligent Transportation System

Action:

Approve a contract in the amount of \$675,544.20 to the lowest responsive bidder, STS Cable Services, Inc., for the Freedom Drive Intelligent Transportation System project.

Staff Resource(s):

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

Explanation

- Intelligent Transportation System (ITS) projects support current and future initiatives by using technology to improve safety and maximize capacity of existing roadway infrastructure, as described in the "Innovative" policy of the Strategic Mobility Plan.
- Traffic signals and traffic management cameras are major components of an Intelligent Transportation System and connecting them with fiber optic cable provides the ability to monitor and remotely adjust traffic signals to improve traffic flow.
- The project extends communications cable along Freedom Drive from Morehead Street to Bradford Drive/Edgewood Road, including several side streets off Freedom Drive in Council District 2.
- On September 13, 2022, the city issued an Invitation to Bid; three bids were received.
- STS Cable Services, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by third quarter 2023.

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: General Capital Investment Plan

11. Roof Repair Design Services and Building Envelope Consulting

Action:

A. **Approve unit price contracts with the following companies for roof repair services and building envelope consulting for an initial term of three years:**

- REI Engineers, Inc.,
- Wolf Trail Engineering, PLLC (SBE), and

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

Staff Resource(s):

Phil Reiger, General Services
David Wolfe, General Services
John Mrzygod, General Services

Explanation

- General Services is responsible for maintaining a portfolio of approximately 180 buildings, including offices, fire stations, police division offices, and equipment shops that house various city activities.
- These contracts will be used to provide roof repair design services and building envelope (windows, doors and other exterior openings) consulting for city facilities maintained by General Services' Facilities Operations.
- On June 7, 2022, the city issued a Request for Qualifications (RFQ); eight responses were received.
- The companies selected best meet the city's needs in terms of qualifications, experience, and responsiveness to RFQ requirements.
- Total annual expenditures are estimated to be \$350,000.

Charlotte Business INclusion

The city negotiated subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). For these contracts, the Prime Consultants have each committed 10.00% of the total contract amount to the following certified firms:

REI Engineers, Inc.

- Corner Stone Construction Services, Inc. (SBE) (roofing, waterproofing)
- J E Brown Construction, LLC (SBE) (general contractor)
- Rike Roofing Services, Inc. (WBE) (repairs)

Wolf Trail Engineering, PLLC (SBE)

- Bonilla Brothers, LLC (SBE, WBE) (contractor support services)

Fiscal Note

Funding: Various General Services Operating and Capital Budgets

12. Injection Grouting and Pipe Lining Services

Action:

- A. **Approve a unit price contract with Nu-Pipe, LLC for grouting and pipe lining 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):

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

Explanation

- Injection grouting and cured-in-place pipe lining are trenchless technologies that are used to repair and/or rehabilitate storm drainage infrastructure to maximize and extend the useful life of the system.
- On July 19, 2022, the city issued a Request for Proposals (RFP); four responses were received.
- Nu-Pipe, LLC meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$1,000,000.

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: Storm Water Operating Budget

13. Construct Bonwood Storm Drainage Improvement Project

Action:

Approve a contract in the amount of \$2,064,708.28 to the lowest responsive bidder OnSite Development LLC for the Bonwood Storm Drainage Improvement Project.

Staff Resource(s):

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

Explanation

- This project will improve aging infrastructure in the McMullen watershed along Bonwood Drive, Chadsford Place, Canterbury Hill Circle, and S. Canterbury Drive, in Council District 6.
- Construction will include the installation of storm drainage, drainage system rehabilitation, water/sanitary sewer, curb, gutter, and driveways.
- On September 16, 2022, the city issued an Invitation to Bid; three bids were received.
- OnSite Development LLC was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by first quarter 2024.

Charlotte Business INClusion

Established MBE Goal: 7.00%

Committed MBE Goal: 7.12%

OnSite Development LLC met the established subcontracting goal and has committed 7.12% (\$147,000) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INClusion Policy):

- L JR Concrete, LLC (MBE, SBE) (\$95,000) (concrete)
- Streeter Trucking Company, Inc. (MBE, SBE) (\$52,000) (hauling)

Established SBE Goal: 16.00%

Committed SBE Goal: 16.03%

OnSite Development LLC met the established subcontracting goal and has committed 16.03% (\$330,999) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INClusion Policy):

- AMP Utility Distribution Services, LLC (SBE, WBE) (\$45,000) (materials supplier)
- Bird Dog Traffic Control LLC. (SBE, WBE) (\$15,000) (traffic control)
- RAH Trucking, INC (MBE,SBE) (\$90,333) (hauling)
- Solanos Trucking (SBE) (\$90,333) (hauling)
- Tonys Trucking (MBE, SBE) (\$90,333) (hauling)

Fiscal Note

Funding: Storm Water Capital Investment Plan

Attachment(s)

Map

[Bonwood Map](#)

14. Brass Parts and Fittings

Action:

- A. **Approve a unit price contract with Ferguson Enterprises, Inc. for the purchase of brass parts and fittings for an initial term of one year, and**
- B. **Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

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

Explanation

- This parts and fittings contract will provide specialty brass components needed for the installation and repair of water lines, sanitary sewer lines, and meters.
- On October 11, 2022, the city issued an Invitation to Bid; four bids were received.
- Ferguson Enterprises, Inc. was selected as the lowest responsive, responsible bidder.
- Annual expenditures are estimated to be \$925,000.

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 not subcontracting opportunities identified for the contract; and (b) there are no SBEs or MBEs certified to perform the scopes of work that the city regards as realistic opportunities for subcontracting.

This contract meets the provisions of (b) - There are no MWBEs or SBEs certified.

Fiscal Note

Funding: Charlotte Water Operating Budget

15. Engineering Services to Support Field Operations System Repairs

Action:

- A. **Approve a unit price contract with Freese and Nichols, Inc. for engineering services to support Field Operations system repairs, for an initial term of three years, and**

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

Staff Resource(s):

Angela Charles, Charlotte Water

Jackie Jarrell, Charlotte Water

Marion Sanders, Charlotte Water

Explanation

- Charlotte Water is responsible for operating and maintaining approximately 9,051 miles of water and sanitary sewer infrastructure.
- This contract provides planning and design, construction drawings and specifications, and construction management for support of Field Operations repairs to the water distribution and sanitary sewer collection systems.
- On August 2, 2022, the city issued a Request for Qualifications (RFQ); four responses were received.
- Freese and Nichols, Inc. is the best qualified firm to meet the city's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- Annual expenditures are estimated to be \$1,500,000.

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). Freese and Nichols, Inc. has committed 10.00% of the total contract amount to the following certified firm(s):

- CriTek Engineering Group, PC (MBE, SBE) (construction inspection)
- Facilitator One, LLC (MBE, SBE) (public facilitation)
- Stewart Engineering, Inc. (MBE) (surveying)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

16. McAlpine Creek Wastewater Treatment Plant Filters and Pump Station Improvements

Action:

Approve a contract in the amount of \$1,125,105.00 to the lowest responsive bidder Gilbert Engineering Company, Inc. for the McAlpine Creek Wastewater Treatment Plant Improvements project.

Staff Resource(s):

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

Explanation

- This contract will provide new vital infrastructure for the McAlpine Wastewater Treatment Plant, located in the Town of Pineville (adjacent to Council District 7).
- On September 9, 2022, 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 October 6, 2022, the ITB was re-issued; two bids were received.
- Gilbert Engineering Company, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by fourth quarter 2023.

Charlotte Business INclusion

Per Charlotte 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.

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

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

17. Thermal Hydrolysis Process Design

Action:

Approve a contract in the amount of \$14,145,000.00 with PC Construction Company for Design-Build design services to construct the McAlpine Creek Wastewater Treatment Plan Thermal Hydrolysis Process project.

Staff Resource(s):

Angela Charles, Charlotte Water

David Czerr, Charlotte Water

Ron Hargrove, Charlotte Water

Explanation

- This contract is for design services and development of a guaranteed maximum price (GMP) for construction for a thermal hydrolysis process (THP) system at the McAlpine Creek Wastewater Treatment Plant, located in the Town of Pineville (adjacent to Council District 7).
- THP is an enhanced biosolids treatment process that destroys pathogens and reduces the volume of biosolids. This process supports the city's Strategic Energy Action Plan goals by enhancing biogas production and on-site energy generation.
- Charlotte Water will have the ability to diversify its management of biosolids products by implementing this system.
- On April 19, 2022, the city issued a Request for Qualifications (RFQ); six proposals were received.
- PC Construction Company is the best qualified firm to meet the city's needs on the basis of demonstrated competence and qualifications of professional services in response to the RFQ requirements.
- In the future, City Council will receive a request for the approval of the GMP for construction once it is established.

Charlotte Business INClusion

The city negotiates participation for Design-Build contracts after the firm is selected and scopes of work are defined for design and construction services. PC Construction Company has committed (\$835,170) or approximately 5.90% of the contract for design build design services to the following certified firms (Part G: Section 2.7 of the Charlotte Business INClusion Policy):

- Southeastern Consulting Engineers, Inc. (SBE) (\$401,000) (electrical engineering)
- Smart Electric Company, Inc. (WBE) (\$169,400) (electrical)
- CITI, LLC (MBE) (\$86,970) (instrumentation and controls)
- Richa Inc., dba Richa Graphics (MBE, SBE) (\$75,000) (document reproductions)
- Capstone Civil Engineering, Inc. (MBE, SBE) (\$50,000) (geotechnical services)
- Stewart Engineering, Inc. (MBE) (\$35,000) (land surveying)
- DiverseCity Services, LLC (MBE, SBE) (\$12,800) (outreach/CBI compliance assistance)
- Eloquent Creations Catering & Design Services, LLC (MBE, SBE) (\$5,000) (catering)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

18. Vacuum Truck Receiving Station

Action:

- A. **Reject the low bid submitted by Brushy Mountain Builders for the Field Operations Zone 2 Facility Vacuum Truck Receiving Station project, and**
- B. **Approve a contract in the amount of \$3,366,235.00 to the lowest responsive bidder Hall Contracting Corporation for the Field Operations Zone 2 Facility Vacuum Truck Receiving Station project.**

Staff Resource(s):

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

Explanation

- This contract will construct a new receiving station used to dispose of materials collected by vacuum trucks when cleaning out the sanitary sewer system, and a new canopy extension over material storage structures at the Field Operations Zone 2 facility (Council District 1).
- On August 2, 2022, 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 August 30, 2022, the ITB was re-issued; two bids were received
- Hall Contracting Corporation was selected as the lowest responsive, responsible bidder.
- The low bid for \$ 3,177,100.00 from Brushy Mountain Builders was found to be non-responsible for failing to meet the CBI Good Faith Efforts.
- The project is anticipated to be complete by fourth quarter 2023.

Charlotte Business INClusion

Established MBE Goal: 2.00%

Committed MBE Goal: 1.22%

Hall Contracting Corporation failed to meet the established MBE subcontracting goal but earned the minimum Good Faith Efforts (Part B: Section 5 of the Charlotte Business INClusion Policy). Hall Contracting Corporation has committed \$40,983 or approximately 1.22% of the total contract amount to the following certified firms:

- Five Boys Trucking (MBE, SBE) (\$40,983) (hauling)

Established SBE Goal: 5.00%

Committed SBE Goal: 2.83%

Hall Contracting Corporation failed to meet the established SBE subcontracting goal but earned the minimum Good Faith Efforts (Part B: Section 5 of the Charlotte Business INClusion Policy). Hall Contracting Corporation has committed \$95,189 or approximately 2.83% of the total contract amount to the following certified firms:

- Page Power Systems, Inc (SBE, WBE) (\$95,189) (electrical)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

19. Airport Runway Site Development

Action:

Approve a contract in the amount of \$2,415,892.84 to the lowest responsive bidder E.S. Wagner Company, LLC for the Fourth Parallel Runway Early Tree Clearing project.

Staff Resource(s):

Haley Gentry, Aviation
Jack Christine, Aviation

Explanation

- Aviation is currently in the design phase for the Fourth Parallel Runway project, which will enhance airfield capacity and operational efficiency.
- The overall project consists of approximately six packages of work. This package includes tree clearing of approximately 200 acres inside of the airport perimeter fence that conflicts with the proposed runway location.
- The scope of work includes general erosion and sedimentation control measures and the tree removal.
- On August 31, 2022, the city issued an Invitation to Bid; one bid was received.
 - NC General Statute 143-132 prohibits municipalities from awarding construction contracts over \$500,000 without receiving at least three competitive bids from the initial advertisement of the contract. The city may subsequently award the contract even if re-advertisements result in fewer than three competitive bids.
- On September 29, 2022, the city re-issued an ITB; three bids were received.
- ES Wagner Company, LLC was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by fourth quarter 2023.
- This activity is occurring on airport property.

Disadvantaged Business Enterprise

Established DBE Goal: 8.00%

Committed DBE Goal (at time of Bid): 18.09%

E.S. Wagner exceeded the established subcontracting goal, and has committed 18.09% (\$437,000) of the base bid amount to the following certified firm(s):

- Martin Landscaping Co. Inc. (DBE) (\$437,000) (seeding)

Fiscal Note

Funding: Aviation Capital Improvement Plan

20. Aviation Biometric Service for International Departure

Action:

- A. **Approve a contract with PRE, LLC dba Pangiam for Biometric Facial Recognition for International Exit for an initial term of five years, and**
- B. **Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Haley Gentry, Aviation

Ted Kaplan, Aviation

Explanation

- Customs and Border Protection (CBP) operating at Charlotte Douglas International Airport is under federal mandate to biometrically confirm visitors entering and exiting the U.S.
- This contract is for a systems integrator to manage the biometric hardware, software, and professional services.
- The systems integrator will install the biometric system hardware and software and provide system maintenance and support.
- On June 13, 2022, the city issued a Request for Proposals (RFP); five responses were received.
- PRE, LLC dba Pangiam best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- First year expenditures are estimated to be \$1,200,000. Subsequent years are estimated to be \$605,000 annually.

Disadvantaged Business Enterprise

The Federal DBE Program neither requires nor permits goals for every contract. There is no DBE goal for this contract.

Fiscal Note

Funding: Aviation Capital Investment Plan

21. Collection Agency Services

Action:

- A. **Approve a contract amendment for a total amount not to exceed \$1,320,000 to the contract with FirstPoint Collection Resources, Inc. for Collection Agency Services.**

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

Staff Resource(s):

Teresa Smith, Finance
Angela Charles, Charlotte Water

Explanation

- The Finance Department requires collection agency services for past due accounts for water, sewer, and storm water services, past due invoices related to code enforcement, Charlotte Water utility tap liens, and other services.
- The company performs collection services for first and second placements, electronically submits and processes payments, and administers the NC Debt Setoff program.
- This amendment is needed to continue collection services at the projected rate for the remainder of the contract term. Expense is variable based on the amount sent to collection and the rate of funds collected by the vendor.
- Fees for agency services are 15.95 percent of gross funds collected. There is no charge to the city for services relating to the NC Debt Setoff Program and no percent paid on the funds collected as a result of garnishment.
- On June 19, 2020, the city issued a Request for Proposals (RFP); 13 responses were received.
- FirstPoint Collection Resources, Inc. best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- The total value of this contract including this amendment is \$1,800,000.
- Annual expenditures are estimated to be \$360,000.

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 MBEs or SBEs certified to perform the scopes of work that the city regards as realistic opportunities for subcontracting.

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

Fiscal Note

Funding: Finance Department's Operating Budget

22. COVID-19 Cost Recovery Support

Action:

- A. **Approve a contract amendment for a total amount not to exceed \$110,000 to the contract with Hagerty Consulting, Inc. for COVID-19 Cost Recovery Support, and**
- B. **Authorize the City Manager to amend the contract consistent with the purpose for which the contract and this amendment were approved.**

Staff Resource(s):

Teresa Smith, Finance
Reginald Johnson, Fire
Hannah Brown, Fire

Explanation

- Hagerty Consulting, Inc is providing professional consulting services related to COVID-19 Cost Recovery, including supporting city staff in completing FEMA Public Assistance (FEMA PA) grant requests.
- To date, the city has worked with Hagerty Consulting on three FEMA PA projects and requires additional work to closeout and complete these COVID-19 related projects. These FEMA PA projects must be submitted by December 31, 2022 to be considered for reimbursement.
- On September 18, 2019, the city conducted a Request for Qualification for professional consulting services; 8 firms were qualified.
- Hagerty Consulting, Inc. was determined to best meet the city's needs in terms of qualifications and experience in continuity of operations and emergency management.
- The total value of this contract including this amendment is \$600,000.
- Once FEMA PA projects are completed, FEMA can reimburse eligible management costs (those related to developing or managing these grants) up to five percent of the total overall project(s).

Fiscal Note

Funding: General COVID Relief Fund

23. Refund of Property Taxes

Action:

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$17,018.34.

Staff Resource(s):

Teresa Smith, Finance

Explanation

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

Attachment(s)

Taxpayers and Refunds Requested
Resolution Property Tax Refunds

[Resolution November 14th](#)

[List of Taxpayers](#)

24. Set a Public Hearing on Cardinal Creek Area Voluntary Annexation

Action:

Adopt a resolution setting a public hearing for December 12, 2022, for the Cardinal Creek Area voluntary annexation petition.

Staff Resource(s):

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

Explanation

- The city has received a petition for voluntary annexation of private property.
- Public hearings are required prior to City Council action on annexation requests.
- This property is located within Charlotte's extraterritorial jurisdiction.
- The area proposed for annexation shares boundaries with current city limits.
- Annexation of this area will allow for more orderly development review, extension of city services, capital investments, and future annexation processes.
- The 64.8775-acre "Cardinal Creek" site is in eastern Mecklenburg County, located along the north side of Plaza Road, east of Faires Road.
 - The site is currently vacant.
 - The petitioner has plans to develop 245 single-family homes on the site.
 - The property is zoned R-3, which allows for single-family residential uses up to three dwelling units per acre.
 - The property is located immediately adjacent to City Council District 5.
 - The petitioned area consists of three parcels: parcel identification numbers 105-211-01, 105-222-15, and 105-222-14.

Consistency with City Council Policies

- The annexation is consistent with the 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

[Cardinal Creek Area Annexation Map](#)

[Resolution for Cardinal Creek Draft](#)

PROPERTY TRANSACTIONS

25. Charlotte Water Property Transactions - N. Tryon Pressure Zone Boundary Change and 960 Zone N-S Transmission Main (WT Harris-Plott Rd. Water Transmission), Parcel #28

Action: **Approve the following Condemnation: N. Tryon Pressure Zone Boundary Change and 960 Zone N-S Transmission Main (WT Harris-Plott Rd. Water Transmission), Parcel #28**

Project: N. Tryon Pressure Zone Boundary Change and 960 Zone N-S Transmission Main (WT Harris-Plott Rd. Water Transmission), Parcel #28

Owner(s): KG Commons, LLC

Property Address: 8715 Parkland Circle

Total Parcel Area: 600,438 sq. ft. (13.78 ac.)

Property to be acquired by Easements: 12,483 sq. ft. (0.29 ac.) in Permanent Utility Easement and 5,388 sq. ft. (0.12 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: Signs, exterior lighting

Landscaping to be impacted: Trees, shrubs, curbing

Zoned: R-17MF

Use: Multi Family

Parcel Identification Number(s): 109-171-01

<https://polaris3g.mecklenburgcountync.gov/#mat=278647&pid=10917101&qsid=10917101>

Appraised Value: \$83,825.00

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

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

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

Council District: 5

26. Property Transactions - 1615 Burnley Road, Parcel # 6

Action: Approve the following Condemnation: 1615 Burnley Road, Parcel # 6

Project: 1615 Burnley Road, Parcel # 6

Program: 1615 Burnley Road

Owner(s): Any heirs of Edmond Arthur Precourt, Phyllis Precourt, and Mattie Precourt, and their spouses if any

Property Address: Candlewood Drive

Total Parcel Area: 384 sq. ft. (0.009 ac.)

Property to be acquired by Easements: 384 sq. ft. (0.009 ac.) Storm Drainage Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: R-4

Use: Single-family Residential

Parcel Identification Number: 173-111-62

<https://polaris3g.mecklenburgcountync.gov/#pid=17311162&qisid=17311162>

Appraised Value: \$450

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

City's Response to Property Owner's Concerns: The city informed the property owner they could obtain their own appraisal in order to justify a counteroffer.

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

Council District: 6

27. Property Transactions - Shamrock Drive Improvements, Parcel # 19

Action: **Approve the following Acquisition: Shamrock Drive Improvements, Parcel # 19**

Project: Shamrock Drive Improvements, Parcel # 19

Program: Shamrock Drive Improvements

Owner(s): Bobby J. Raye

Property Address: 1723 Shamrock Drive

Total Parcel Area: 9,808 sq. ft. (0.23 ac.)

Property to be acquired by Fee Simple: 742 sq. ft. (0.017 ac.) Fee Simple

Property to be acquired by Easements: 1,102 sq. ft. (0.025 ac.) Sanitary Sewer Easement, 517 sq. ft. (0.012 ac.) Sidewalk Utility Easement, and 1,022 sq. ft. (0.023 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R-5

Use: Single-family Residential

Parcel Identification Number: 093-102-05

<https://polaris3g.mecklenburgcountync.gov/#mat=55818&pid=09310205&qisid=09310205>

Purchase Price: \$14,772

Council District: 1

28. Property Transactions - Shamrock Drive Improvements, Parcel # 48

Action: **Approve the following Acquisition: Shamrock Drive Improvements, Parcel # 48**

Project: Shamrock Drive Improvements, Parcel # 48

Program: Shamrock Drive Improvements

Owner(s): Claire Bowman

Property Address: 2226 Shamrock Drive

Total Parcel Area: 13,149 sq. ft. (0.30 ac.)

Property to be acquired by Easements: 1,470 sq. ft. (0.034 ac.) Utility Easement, 233 sq. ft. (0.0053 ac.) Sidewalk Utility Easement, and 100 sq. ft. (0.0023 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R-4

Use: Single-family Residential

Parcel Identification Number: 093-113-05

<https://polaris3g.mecklenburgcountync.gov/#mat=77271&pid=09311305&qisid=09311305>

Purchase Price: \$12,260

Council District: 1

29. Property Transactions - Shamrock Drive Improvements, Parcel # 59

Action: **Approve the following Acquisition: Shamrock Drive Improvements, Parcel # 59**

Project: Shamrock Drive Improvements, Parcel # 59

Program: Shamrock Drive Improvements

Owner(s): Gregory S. Jozwiakowski and Kelley Kimball Jozwiakowski

Property Address: 3351 Airlie Street

Total Parcel Area: 7,462 sq. ft. (0.17 ac.)

Property to be acquired by Easements: 1,425 sq. ft. (0.033 ac.) Utility Easement and 92 sq. ft. (0.002 ac.) Sidewalk Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: R-4

Use: Single-family Residential

Parcel Identification Number: 093-074-22

<https://polaris3g.mecklenburgcountync.gov/#mat=107899&pid=09307422&qsid=09307422>

Purchase Price: \$14,500

Council District: 1

30. Property Transactions - Shamrock Drive Improvements, Parcel # 71

Action: **Approve the following Acquisition: Shamrock Drive Improvements, Parcel # 71**

Project: Shamrock Drive Improvements, Parcel # 71

Program: Shamrock Drive Improvements

Owner(s): Harrison B. West and Jessica Grenia

Property Address: 2409 Shamrock Drive

Total Parcel Area: 11,992 sq. ft. (0.28 ac.)

Property to be acquired by Fee Simple: 179 sq. ft. (0.004 ac.) Fee Simple

Property to be acquired by Easements: 967 sq. ft. (0.022 ac.) Utility Easement, 840 sq. ft. (0.019 ac.) Sidewalk Utility Easement, and 35 sq. ft. (0.0008 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R-4

Use: Single-family Residential

Parcel Identification Number: 093-071-03

<https://polaris3g.mecklenburgcountync.gov/#mat=82639&pid=09307103&qisid=09307103>

Purchase Price: \$14,500

Council District: 1

31. Property Transactions - Shamrock Drive Improvements, Parcel # 80

Action: Approve the following Acquisition: Shamrock Drive Improvements, Parcel # 80

Project: Shamrock Drive Improvements, Parcel # 80

Program: Shamrock Drive Improvements

Owner(s): Jessica Lynne Bryant

Property Address: 2505 Shamrock Drive

Total Parcel Area: 12,023 sq. ft. (0.28 ac.)

Property to be acquired by Fee Simple: 493 sq. ft. (0.01 ac.) Fee Simple

Property to be acquired by Easements: 1,385 sq. ft. (0.03 ac.) Utility Easement, 421 sq. ft. (0.01 ac.) Sidewalk Utility Easement, and 34 sq. ft. (0.0008 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Fence

Landscaping to be impacted: None

Zoned: R-4

Use: Single-family Residential

Parcel Identification Number: 093-071-08

<https://polaris3g.mecklenburgcountync.gov/#mat=85157&pid=09307108&qisid=09307108>

Purchase Price: \$12,200

Council District: 1

32. Property Transactions - Shamrock Drive Improvements, Parcel # 81

Action: **Approve the following Acquisition: Shamrock Drive Improvements, Parcel # 81**

Project: Shamrock Drive Improvements, Parcel # 81

Program: Shamrock Drive Improvements

Owner(s): Phillip A. Snyder and Peter A. Snyder and spouse if any

Property Address: 2509 Shamrock Drive

Total Parcel Area: 12,014 sq. ft. (0.28 ac.)

Property to be acquired by Fee Simple: 591 sq. ft. (0.014 ac.) Fee Simple

Property to be acquired by Easements: 625 sq. ft. (0.023 ac.) Sidewalk Utility Easement, 1,131 sq. ft. (0.026 ac.) Utility Easement, and 33 sq. ft (0.0008 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R-4

Use: Single-family Residential

Parcel Identification Number: 093-071-09

<https://polaris3g.mecklenburgcountync.gov/#mat=85410&pid=09307109&qsid=09307109>

Purchase Price: \$15,141

Council District: 1

REFERENCES

33. 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.

34. 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.

35. 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.

Adjournment