

City of Charlotte

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



Meeting Agenda

Monday, October 24, 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: 5 minutes

Synopsis

Mayor and Council may ask questions about Consent agenda items.

[2022-10-24 Council Agenda QA updated@4.00](#)

2. Action Review Agenda Overview

Staff Resource(s):

Marcus Jones, City Manager

3. Action Review Items

Proposal of Land Exchange and Convention Center Plaza Enhancements

Staff Resource(s):

Tracy Dodson, City Manager's Office
Tom Murray, Charlotte Regional Visitors Authority

Time: Presentation - 10 minutes; Discussion - 30 minutes

Explanation

- Review a proposal from Millennium Venture Capital regarding land exchange and Convention Center Plaza enhancements.

Pending Housing Trust Fund Project Update

Staff Resource(s):

Shawn Heath, Housing and Neighborhood Services

Time: Presentation - 10 minutes; Discussion - 20 minutes

Explanation

- Provide an update on existing Housing Trust Fund balance and currently pending projects.

American Rescue Plan Act Update

Staff Resource(s):

Marcus Jones, City Manager

Time: Presentation - 5 minutes; Discussion - 10 minutes

Explanation

- Provide a high-level update of remaining American Rescue Plan Act funds.

[Presentation - Land Exchange and Convention Center Plaza Enhancements](#)

[Presentation - Pending Housing Trust Fund Project Update](#)

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 16 through 39 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.

PUBLIC FORUM

6. Public Forum

AWARDS AND RECOGNITIONS

7. Charlotte Women's Small Business Month

Action:

Mayor Lyles will read a proclamation recognizing October 2022 as Charlotte Women's Small Business Month.

PUBLIC HEARING

8. Public Hearing on a Resolution to Close a Portion of the Alleyway off of Rozzelles Ferry Road, Lakewood Avenue and Oregon Street

Action:

- A. Conduct a public hearing to close a Portion of the Alleyway off of Rozzelles Ferry Road, Lakewood Avenue and Oregon Street, and
- B. Adopt a resolution and close a Portion of the Alleyway off of Rozzelles Ferry Road, Lakewood Avenue and Oregon Street.

Staff Resource(s):

Debbie Smith, Transportation
Anthony Mendez, Transportation

Explanation

- NC General Statute Section 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation (CDOT) received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way and attaches it to the adjacent property.
- The attached Resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.
- The right-of-way to be closed is located in Council District 2.

Petitioner

Urban Trends Real Estate, Inc.

Right-of-Way to be Abandoned

A Portion of the Alleyway off of Rozzelles Ferry Road, Lakewood Avenue and Oregon Street

Reason

Per the petition submitted by Urban Trends Real Estate, Inc, the abandonment will allow for development of the abutting properties. The city has no objections.

Notification

As part of the city's notification process, and in compliance with NC General Statute 160A-299, the CDOT submitted this abandonment petition for review by the public and city departments.

Adjoining property owner(s)

Urban Trends Real Estate, Inc. - No objections
Lakewood Apartments, LLC - No objections

City Departments

- Review by City departments identified no apparent reason this closing would:
 - Be contrary to the public interest;
 - Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to their property as outlined in the statutes; and
 - Be contrary to the adopted policy to preserve existing rights-of-way for connectivity.

Attachment(s)

Map
Resolution

[Map - Alleyway Rozzelles Ferry & Lakewood & Oregon Abandonment](#)

[Resolution - Alleyway Rozzelles Ferry & Lakewood & Oregon Abandonment](#)

9. Public Hearing on a Resolution to Close an Unopened Portion of Whittington Street

Action:

- A. Conduct a public hearing to close an Unopened Portion of Whittington Street, and
- B. Adopt a resolution and close an Unopened Portion of Whittington Street

Staff Resource(s):

Debbie Smith, Transportation

Anthony Mendez, Transportation

Explanation

- NC General Statute Section 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation (CDOT) received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way and attaches it to the adjacent property.
- The attached Resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.
- The right-of-way to be closed is located in Council District 4.

Petitioner

SDP Acquisitions I, LLC

Right-of-Way to be Abandoned

An unopened portion of Whittington Street

Reason

Per the petition submitted by SDP Acquisitions I, LLC, the abandonment will allow for development of the abutting properties. The city has no objections.

Notification

As part of the city's notification process, and in compliance with NC General Statute 160A-299, the CDOT submitted this abandonment petition for review by the public and city departments.

Adjoining property owner(s)

DH Griffin Infrastructure, LLC - No objections

City Departments

- Review by City departments identified no apparent reason this closing would:
 - Be contrary to the public interest;
 - Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to their property as outlined in the statutes; and
 - Be contrary to the adopted policy to preserve existing rights-of-way for connectivity.

Attachment(s)

Map

Resolution

[Map - Portion of Whittington St Abandonment](#)

[Resolution - Portion of Whittington St Abandonment](#)

POLICY

10. City Manager's Report

[10.24.2022 City Manager's Memo](#)

11. Equity in Governance Framework

Action:

Approve the Environment, Engagement and Equity Committee recommended Equity in Governance Framework as an approach to address racial and other inequities and work towards a more inclusive, healthy, thriving, and equitable Charlotte.

Committee Chair:

Dimple Ajmera, Environment, Engagement and Equity Committee

Staff Resource(s):

Shawn Heath, Housing & Neighborhood Services

Federico Rios, Housing & Neighborhood Services

Proposed Framework

- The Equity in Governance Framework (Framework) establishes an approach for Council to intentionally incorporate an equity lens in policy development and other decision-making processes.
- The Framework is comprised of a statement of commitment and intention, a visual representation of how equity in governance is structured, and a set of equity lens guiding questions that act as a tool for policy development and review.
- The approach established in the Framework seeks to advance equity by:
 - Prioritizing disenfranchised residents
 - Mitigating disproportionate impacts
 - Acknowledging and addressing historic inequities
 - Creating more opportunities for upward mobility
 - Consistently evaluating government systems
 - Meaningfully engaging residents
- The Framework outlines a set of questions that Council can use to guide the development, implementation and evaluation of policies and decisions through an equity lens, including:
 - What does the policy seek to accomplish?
 - Have the people most impacted been engaged and how?
 - Who benefits or could be burdened by the proposal?
 - What benefits or adverse impacts could result from the proposal?
 - How was addressing racial or other inequities considered?
 - Will the proposal reduce disparities?
- The Framework is a living document that will continue to be refined based on continuous community engagement and lessons learned through implementation.
- In support of Council's approval of the Framework, the City Manager will direct staff to ensure that Council members are provided with information that supports the use of the equity lens guiding questions in policy development and decision-making.

Committee Discussion

- In February 2022, the Environment, Engagement and Equity (EEE) Committee began developing the Framework.
- On April 18, 2022, the EEE Committee voted unanimously (Ajmera, Winston, Johnson) to send the Framework to the full Council for consideration.
- On June 6, 2022, Council discussed the Framework and the engagement plan to seek feedback from Council-appointed boards and commissions, and community-based organizations.
- On October 10, 2022, Council received an update on and discussed the Framework.

Attachment(s)

Equity in Governance Framework

[Equity in Governance Framework](#)

BUSINESS

12. Norfolk Southern Intermodal Yard Property Acquisition

Action:

- A. Authorize the City Manager to negotiate and execute a purchase sale agreement and any ancillary agreements with Norfolk Southern Railway and their affiliates for \$14,800,000 to acquire 17.88 acres of land, and**
- B. Adopt a budget ordinance appropriating \$8,500,000 from the CATS Revenue Reserve Fund to the CATS Capital Projects Fund.**

Staff Resource(s):

John Lewis, CATS
Kelly Goforth, CATS

Explanation

- The 17.88-acre property (parcel identification numbers: 083-011-26, 083-011-29, 083-011-30, 083-011-31) is located along North Brevard Street and Parkwood Avenue in the Optimist Park neighborhood (Council District 1).
- This property sits immediately adjacent to the existing CATS North Brevard Light Rail Facility (NBLRF), which was constructed as part of the Blue Line Extension (BLE) project.
- This purchase will preserve the ability to expand the existing CATS rail yard to meet ongoing and future needs of CATS.
- Given the location of this property next to existing CATS operations and the constrained capacity of existing facilities, CATS believes the acquisition of this property is critical to ensuring that CATS can meet the long-term capacity requirements of operating and maintaining the LYNX Blue Line light rail service.
- In addition, this site is being evaluated as a location to meet the future vehicle maintenance and storage needs for the future LYNX Silver Line project.
- The remaining \$6,300,000 required to purchase the property was previously budgeted for in the CATS Capital Projects Fund.

History

- The BLE project purchased the existing NBLRF site from Norfolk Southern in 2014, when Norfolk Southern relocated its intermodal facility to the airport and the city secured an option to purchase the property.
- Although CATS had originally planned to purchase the entire intermodal property, due to financial capacity constraints identified in 2009, the amount of property to be acquired for the BLE project was reduced.
- After working with Norfolk Southern to determine the limits of the property to be acquired, the city had an appraisal and review appraisal completed, which established the valuation at \$14.8 million.
- On September 8, 2022, CATS received approval from FTA on the environmental documentation to acquire this property as a protective purchase. On October 3, 2022, Norfolk Southern accepted \$14.8 million as the purchase price.

Fiscal Note

Funding: CATS Capital Investment Plan

Attachment(s)

Map
Budget Ordinance

[Map - North Yard Acquisition](#)

[Budget Ordinance - 10.24.22 CATS NS Property](#)

13. LYNX Blue Line Sugar Creek Station Developer Agreement

Action:

- A. **Amend the FY2023 Capital Investment Plan (CIP) to include \$250,000 in funding from Third and Urban for the design, construction, and testing of a proposed pedestrian connection to the LYNX Blue Line Sugar Creek Station, and**
- B. **Adopt a budget ordinance appropriating \$250,000 from Third and Urban to the CATS Capital Projects Fund.**

Staff Resource(s):

John Lewis, CATS
Kelly Goforth, CATS

Explanation

- Third and Urban is currently developing land that it owns at 4100 Raleigh Street and has requested a pedestrian connection to the north end of Sugar Creek Station along the LYNX Blue Line, in Council District 1.
- The Sugar Creek Station is currently only accessible on the south end of the station directly adjacent to the CATS Sugar Creek parking garage.
- CATS has evaluated the request and determined that the connection would be in the public interest, as it will provide safe and direct access to the light rail station.
- Third and Urban will provide an accessible route from the proposed station connection to Raleigh Street to ensure the station connection is accessible to the general public.
- The project will also include additional safety improvements, including railings, pedestrian gates, and signage modifications.
- CATS and Third and Urban have developed a funding agreement in which CATS will be responsible for designing, constructing, and testing the improvements, while Third and Urban will be responsible for funding the improvements.

Fiscal Note

Funding: CATS Capital Investment Plan

Attachment(s)

Budget Ordinance

[Budget Ordinance - 10.24.22 CATS Sugar Creek](#)

14. Amend the 2022 City Council Regular Meeting Schedule

Action:

Approve amendments to the 2022 City Council Regular Meeting Schedule.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- NC General Statute Section 143-318.12 requires that the City Clerk maintain on file a schedule of the City Council's regular meetings and that the approved schedule shall be posted to the city's website. If a schedule is duly adopted and filed, no further notice of regular meetings is necessary.
- The 2022 City Council Regular Meeting Schedule (Schedule) is being amended in accordance with the revised 2022 City Council Meeting schedule.
- This action amends the Schedule, most recently adopted by City Council on September 26, 2022, by:
 - Changing the third Monday Council Zoning Meetings to begin at 4:00 p.m.,
 - Including the City Clerk's Evaluation at 2:00 p.m. on November 14, 2022,
 - Including the City Manager's Evaluation at 2:00 p.m. on November 21, 2022, and
 - Including a Council Zoning Meeting on December 19, 2022.

Attachment(s)

Amended 2022 City Council Meeting Schedule

[2022 Council Meeting Schedule Amended \(Proposed\)](#)

15. Charlotte Mecklenburg Public Access Corporation Contract

Action:

- A. **Approve an amendment to the contract with Charlotte Mecklenburg Public Access Corporation for the provision of Public Access Facilities and Support,**
- B. **Authorize the City Manager to negotiate and execute an amendment to the contract with Charlotte Mecklenburg Public Access Corporation to increase the percentage of state-provided video and telecom revenues paid to the Charlotte Mecklenburg Public Access Corporation from 6.6 percent to eight percent, and**
- C. **Authorize the City Manager to amend the contract consistent with the purpose for which the contract and this amendment were approved.**

Staff Resource(s):

Jason Schneider, Charlotte Communication and Marketing

Explanation

- Pursuant to Section 611 of the Communications Act of 1934, as amended, local franchising authorities may require cable operators to set aside channels for public, educational, or governmental ("PEG") use.
- The Charlotte Mecklenburg Public Access Corporation (CMPAC) is a private, non-profit corporation that was incorporated in May of 2000 for the purpose of operating the public access channel (Access 21) on the Spectrum cable system serving Mecklenburg County and the City of Charlotte.
- The city has an agreement with CMPAC to provide public access services including but not limited to:
 - Administering program production and management of the public access channel(s) for the City of Charlotte.
 - Providing residents within the City of Charlotte - on a nondiscriminatory basis - the necessary resources to produce public access programming, including channel time, equipment, and production facilities free of charge.
 - Providing training to residents of the City of Charlotte in the use of production facilities and equipment.
- After the state ended local franchising authority for cable television, the state began distributing a portion of state sales taxes on video programming to municipal governments, including the city.
- Under the current agreement the city provides CMPAC with 6.6 percent of the video tax revenues that the city receives from the state. The current 6.6 percent was selected because this was the historical percentage of video programming tax revenue that the city had allocated to PEG when the city still controlled video franchising.
- Due to the broader societal shift away from traditional cable TV, funds provided by the state have diminished and funding for CMPAC has fallen. In fiscal year 2010 the 6.6 percent equated to approximately \$510,000. In fiscal year 2022, this had decreased to approximately \$460,000.
- The increase to eight percent contained in this amendment would increase funding for this service by approximately \$95,000 per year and provide adequate funding to continue service level and equipment maintenance for CMPAC to serve the community.
- The contract automatically renews annually for additional one-year terms unless terminated by one of the parties.
- Annual expenditures going forward are estimated to be \$555,000.

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: State of NC use tax on cable and satellite fees

CONSENT

16. The Bureau of Justice Assistance's Fiscal Year 2022 DNA Capacity Enhancement for Backlog Reduction Grant Program

Action:

Authorize the City Manager to accept a grant in the amount of \$523,047 from the Bureau of Justice Assistance for DNA Capacity Enhancement for Backlog Reduction.

Staff Resource(s):

Johnny Jennings, Police

Tonya Arrington, Police

Matthew Mathis, Police

Explanation

- The goal of this grant program is to fund states and units of local governments with existing crime laboratories that conduct DNA analysis to increase the capacity of publicly funded forensic DNA and DNA database laboratories to process more DNA samples. This will help to reduce the number of forensic DNA and DNA database samples waiting analysis and prevent a backlog of forensic and database DNA samples.
- The grant will fund:
 - four full-time positions: one Crime Laboratory Technician and three DNA Analysts;
 - travel expenses for three crime lab employees to attend the award recipients' 2-day forensic workshop located in Washington, D.C. The workshop will focus on the elements of a successful project and key issues addressing forensic DNA processing for National DNA Index System participating laboratories; and
 - the purchase of supplies and equipment to enhance the CMPD Crime Lab's DNA testing efforts.
- The grant period is from October 1, 2022 through September 30, 2024.
- This grant does not require matching funds from the city.

Fiscal Note

Funding: General Grants Fund

17. U.S. Department of Justice Fiscal Year 2022 Edward Byrne Memorial Justice Assistance Grant

Action:

- A. Authorize the City Manager to accept a grant in the amount of \$643,254 from the U.S. Department of Justice for neighborhood patrols and crime lab staff overtime, and the Police Cadet Program, and
- B. Adopt a resolution authorizing the City Manager, or his designee, to enter into a memorandum of understanding with Mecklenburg County as a law enforcement partner.

Staff Resource(s):

Johnny Jennings, Police
Steven Brochu, Police
Morgan Parks, Police

Explanation

- The Charlotte-Mecklenburg Police Department (CMPD) often applies for grants to fund programs and expenses that support the approved operating budget.
- Each year, the city applies for and receives the Edward Byrne Memorial Justice Assistance Grant.
- According to grant parameters, the city must accept the grant award by November 11, 2022, to receive the funding.
- The grant project period lasts from October 1, 2021, until September 30, 2025.
- The grant will fund overtime for neighborhood patrols and crime lab staff, and the Police Cadet Program.
- The grant requires that Mecklenburg County receive 25 percent of the total award as a law enforcement partner.
- The city's share of the funding will be \$484,690; Mecklenburg County will receive \$158,564.
- No matching contribution from the city is required.

Fiscal Note

Funding: General Grants Fund

Attachment(s)

Resolution

[Resolution - FY22 JAG](#)

18. National Sexual Assault Kit Initiative Fiscal Year 2022 Grant Program

Action:

Authorize the City Manager to accept funding through the Fiscal Year 2022 National Sexual Assault Kit Initiative Grant Program in the amount of \$2,500,000 from the U.S. Department of Justice.

Staff Resource(s):

Johnny Jennings, Police

Coerte Voorhees, Police

Joel McNelly, Police

Explanation

- The Charlotte-Mecklenburg Police Department (CMPD) often applies for grants to fund programs and expenses that support the approved operating budget.
- CMPD has received the Sexual Assault Kit Initiative (SAKI) grant from the U.S Department of Justice's Bureau of Justice Assistance since Fiscal Year 2016.
- The goal of the grant program is to address the number of unsubmitted Sexual Assault Kits in law enforcement custody and to help provide resolution for victims when possible.
- The FY 2022 SAKI grant funds will be used to:
 - retain three full time positions: a Site Coordinator, a Sexual Assault Victim Advocate, and one DNA Criminalist Analyst;
 - support two part-time detective positions to review and investigate sexual assault cold cases;
 - outsource secondary evidence tied to sexual assault kits as needed; and
 - fund detective overtime expenses in case research and investigation.
- The grant is for a three-year term from October 1, 2022, to September 30, 2025.
- No matching contribution from the city is required.

Fiscal Note

Funding: General Grants Fund

19. Ready Mix Concrete

Action:

- A. Approve unit price contracts for the purchase of ready-mix concrete for an initial term of one year to the following:**
- Concrete Supply Co.,
 - Stevenson-Weir Southern LLC., and
- B. Authorize the City Manager to renew the contracts for up to three, one-year renewal terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

Debbie Smith, Transportation

Charles Jones, Transportation

Explanation

- Ready-mix concrete is used in the maintenance, repair, and installation of sidewalks, curbs, gutters, driveways, traffic signal cabinet foundations, pedestrian signal foundations, and accessible ramps.
- The Charlotte Department of Transportation is responsible for the maintenance of more than 2,200 miles of sidewalk, 32,000 accessible ramps and more than 900 signalized intersections.
- These contracts allow for the delivery or pick up of concrete products. Multiple vendors are necessary to meet scheduling demands and customer service needs.
- On August 19, 2022, the city issued an Invitation to Bid; two bids were received.
- Concrete Supply Co., and Stevenson-Weir Southern LLC. were selected as the lowest responsive, responsible bidders.
- Total annual expenditures are estimated to be \$2,500,000.

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.

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

Fiscal Note

Funding: Powell Bill Fund

20. Charlotte-Mecklenburg Government Center HVAC Replacement Construction Manager at Risk Contract

Action:

Authorize the City Manager to negotiate and approve the total guaranteed maximum price up to \$21,500,000 to J.E. Dunn Construction Company for Construction Manager at Risk Services for the Charlotte-Mecklenburg Government Center HVAC Replacement Project.

Staff Resource(s):

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

Explanation

- The Charlotte-Mecklenburg Government Center was completed in 1986. Most of the heating, ventilation, and air conditioning (HVAC) equipment is original to the building. The HVAC equipment is beyond its useful life and in need of replacement to ensure proper heating, cooling, and air flow throughout the building.
- This contract with J.E. Dunn Construction Company is for construction phase services, including coordinating all construction activities, managing all subcontractors, and delivering the project in collaboration with the city and the design consultant.
- In December 2021, one of the two boilers failed and was unable to be repaired, resulting in an early work package being expedited to replace the boilers. The contract was awarded to J.E. Dunn Construction Company on May 9, 2022, in an amount not to exceed \$960,000. The project was completed in September 2022.
- The total amount authorized to date for this contract is \$15,100,000. In FY 2024 an additional \$6,400,000 is programmed for funding and is contingent upon the approved FY 2024 Capital Investment Plan.
- The project is anticipated to be complete by first quarter 2026.

Charlotte Business INclusion

All additional work involved on the contract amendment will be performed by J.E. Dunn Construction Company and their existing subcontractors. (Part D: Section 6 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: General Capital Investment Plan

21. Construct Jordan - Davidson Intersection Project

Action:

Approve a contract in the amount of \$1,974,419.15 to the lowest responsive bidder Nassiri Development, LLC for the Jordan - Davidson Intersection project.

Staff Resource(s):

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

Explanation

- Identified in the Northeast Corridor Infrastructure Program, this project will include improvements to the North Davidson Street and Jordan Place intersection in Council District 1.
- This project will improve connectivity to the 25th Street light rail station and to the Davidson to Matheson Cross Charlotte Trail Project along Brevard Street.
- Work will include grading, paving, milling, drainage, concrete sidewalk, signals, two-way cycle track, curb, gutter, and a retaining wall.
- On August 22, 2022, the city issued an Invitation to Bid; four bids were received.
- Nassiri Development, LLC was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by second quarter 2024.

Charlotte Business INclusion

Established MBE Goal: 8.00%

Committed MBE Goal: 8.00%

Nassiri Development, LLC met the established subcontracting goal, and has committed 8.00% (\$158,000) of the total contract amount to the following certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- R.R.C. Concrete Inc (MBE, SBE) (\$158,000) (concrete)

Established SBE Goal: 19.00%

Committed SBE Goal: 19.04%

Nassiri Development, LLC exceeded the established subcontracting goal, and has committed 19.04% (\$376,000) of the total contract amount to the following certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- AMP Utility Distribution Services, LLC (WBE,SBE) (\$88,000) (drainage structures, utility supplies)
- Countywide Commercial, Inc. (SBE) (\$100,000) (asphalt paving, milling)
- Penatcle, Inc (SBE) (\$38,000) (fence, gate)
- Streeter Trucking Company, Inc. (MBE, SBE) (\$22,500) (hauling)
- Striping Concepts, LLC (SBE) (\$105,000) (hauling)
- Sun King Trucking, LLC (MBE, SBE) (\$22,500) (hauling)

Fiscal Note

Funding: General Capital Investment Plan

Attachment(s)

Map

[Map_Construct Jordan - Davidson Intersection Project.pdf](#)

22. Engineering Services for the Implementation of Sustainable Infrastructure

Action:

- A. Approve unit price contracts with the following firms for engineering services for the implementation of sustainable infrastructure for an initial term of three years:**
- AME Consulting Engineering, PC (SBE),
 - Atom Engineering, PLLC (SBE),
 - Beacon Engineering, Inc. (SBE),
 - HDR Engineering Inc. of the Carolinas,
 - LaBella Associates, PC,
 - Quality Consulting Engineers (SBE),
 - Tich2-JV, LLP (MBE, SBE), 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 contracts were approved.**

Staff Resource(s):

Phil Reiger, General Services
Sarah Hazel, General Services
Heather Bolick, General Services

Explanation

- The Office of Sustainability and Resilience within General Services is responsible for guiding the implementation of the Strategic Energy Action Plan (SEAP).
- These contracts support City Council's unanimously adopted SEAP, with a goal of sourcing 100 percent of the city's energy use from zero-carbon sources by 2030.
- Projects include but are not limited to:
 - Strategic Plan Development,
 - Engineering Planning and Design,
 - Construction Administration, and
 - Energy Audits.
- On March 21, 2022, the city issued a Request for Qualifications (RFQ); 12 responses were received.
- The firms 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.
- Annual expenditures are estimated to be \$1,800,000.

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). On these contracts, the Prime Consultants have each committed 10.00% of the total contract amount to the following certified firms:

AME Consulting Engineering, PC (SBE)

- LTArchitecture (SBE) (architectural services, professional design services)

Atom Engineering, PLLC (SBE)

- BEC, Banks Electrical Contractors, Inc. (SBE) (electrical engineer)
- Maloney Engineering (SBE) (mechanical engineer)

Beacon Engineering, Inc. (SBE)

- John Chapman Engineering, PLLC (SBE) (electrical engineering)
- Manning Design and Engineering Group, PLLC (SBE) (electrical engineering)
- Richa Graphics (MBE,SBE) (print scanning & reproduction)

HDR Engineering Inc. of the Carolinas

- Stewart Engineering, Inc (MBE) (civil & landscape architecture)
- Utility Coordination Consultants, LLC (SBE) (utility coordination)

LaBella Associates, PC

- BESCO Electric Corporation (MBE) (installation, maintenance & testing)

Quality Consulting Engineers (SBE)

- JC Engineering, PLLC (SBE) (mechanical engineering)

Tich2-JV, LLP (MBE,SBE)

Fiscal Note

Funding: Various Department Operating and Capital Investment Plan budgets

23. Municipal Solar Energy Generating Systems

Action:

Authorize the City Manager to negotiate and approve a contract with Renu Energy Solutions, LLC in an amount not to exceed \$1,700,000.00 for the Municipal Solar Energy Generating Systems project.

Staff Resource(s):

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

Explanation

- This contract will include the engineering and installation of solar panels, including both roof-mounted and parking canopy-mounted arrays at the following city facilities:
 - CMPD Central, 700 West 5th Street (Council District 2),
 - Police & Fire Training Academy, 1770 Shopton Road (Council District 3),
 - Spratt Street, 531 Spratt Street (Council District 1),
 - Solid Waste Services, 1105 Otts Street (Council District 1), and
 - Government Center, 600 East 4th Street (Council District 1).
- CMPD Central Division Station will also include installation of an innovative energy storage solution which will maximize the amount of clean energy used at the facility.
- Once constructed, these solar panel installations will generate approximately 588,300 kilowatt-hours of zero-carbon electricity, which is equivalent to powering 53 homes with clean, renewable energy annually.
- The solar panel installations, funded in the FY 2022 Budget, support City Council's unanimously adopted Strategic Energy Action Plan, with a goal of sourcing 100 percent of the city's energy use from zero-carbon sources by 2030.
- On August 10, 2022, the city issued an Invitation to Bid (ITB) for the Charlotte Solar Photovoltaic Initiative; 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 September 15, 2022, the ITB was re-issued; one bid was received.
- Renu Energy Solutions, LLC was the lowest responsive, responsible bidder.
- NC General Statute Section 143-129 (b) authorizes municipalities to enter into negotiations with the lowest responsive, responsible bidder if the bid is in excess of the funds available for the project by making reasonable changes in the plans and specifications as may be necessary to bring the contract price within the funds available.
- The project is anticipated to be complete by second quarter 2024.

Charlotte Business INclusion

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

However, Renu Energy Solutions, LLC has committed 0.09% (\$1,500) of the total Contract amount to the following certified firm(s):

- Structural Capacity, PC (SBE) (\$1,500) (structural engineering)

Fiscal Note

Funding: General Capital Investment Plan

Attachment(s)

Map

[Map - Municipal Solar Energy Generating Systems](#)

24. Various Architectural Services for City Facilities

Action:

- A. Approve an amendment in the amount of \$600,000 with ADW Architects, P.A., for various architectural services for city facilities,**
- B. Approve an amendment in the amount of \$1,500,000 with Boomerang Design, P.A., for various architectural services for city facilities, and**
- C. Authorize the City Manager amend the contracts consistent with the purpose for which the contracts and these amendments were approved.**

Staff Resource(s):

Phil Reiger, General Services

Jennifer Smith, General Services

Kathleen Cishek, General Services

Explanation

- The contracts provide architectural and engineering services for existing and future facilities maintained by General Services.
- These amendments are needed due to higher than originally projected needs for architectural and engineering services, including fire stations and police division improvements.
- On September 18, 2019, the city issued a Request for Qualifications (RFQ); 22 proposals were received.
- ADW Architects, P.A. and Boomerang Design, P.A. are two of several firms selected to be best qualified firms to meet the city's needs based on demonstrated competence and qualification of professional services in response to the RFQ requirements.
- The original contracts with each vendor were in the amount of \$400,000.
- The new total value of the contract with ADW Architects, P.A., including this amendment, will be \$1,000,000.
- The new total value of the contract with Boomerang Design, P.A., including this amendment, will be \$1,900,000.

Charlotte Business INclusion

Action A:

All additional work involved on the contract amendment will be performed by ADW Architects, P.A. and their existing subcontractors. (Part D: Section 6 of the Charlotte Business INclusion Policy).

Action B:

All additional work involved on the contract amendment will be performed by Boomerang Design, P.A. and their existing subcontractors. (Part D: Section 6 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: General Capital Investment Plan

25. Construct Storm Drainage Improvement Projects

Action:

Approve a contract in the amount of \$3,319,328.32 to the lowest responsive bidder United Construction Company, Inc. for the Collective Storm Drainage Improvement Projects - Series R.

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:
 - 2329 Bancroft Street (Council District 1),
 - 2613 Hutchinson-McDonald Road (Council District 2),
 - 7322 Kilcullen Drive (Council District 6), and
 - 2012 Vinton Street (Council District 1).
- The work includes grading; drainage; structural foundation protection; water/sanitary sewer; sidewalks; curb and gutter; asphalt repair; and landscaping.
- On August 30, 2022, the city issued an Invitation to Bid; four bids were received.
- United Construction Company, Inc. was selected as the lowest responsive, responsible bidder.
- These projects are anticipated to be complete by the first quarter of 2024.

Charlotte Business INclusion

Established MBE Goal: 10.00%

Committed MBE Goal: 10.24%

United Construction Company, Inc. met the established MBE subcontracting goal and has committed 10.24% (\$340,000) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- RRR Concrete, Inc. (MBE, SBE) (\$210,000) (concrete)
- Streeter Trucking Company, Inc. (MBE, SBE) (\$70,000) (hauling)
- Diamond Trucking of NC, Inc. (MBE, SBE) (\$60,000) (hauling)

Established SBE Goal: 20.00%

Committed SBE Goal: 20.34%

United Construction Company, Inc. met the established SBE subcontracting goal and has committed 20.34% (\$675,000) 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) (\$400,000) (material)
- Carolina Cajun Concrete, Inc. (SBE) (\$160,000) (general services)
- Countywide Commercial, Inc. (SBE) (\$70,000) (paving)
- Piceno Concrete, LLC (SBE) (\$30,000) (concrete driveway)
- Whitesell Trucking, Inc. (SBE) (\$10,000) (clearing & grubbing)
- BELL Engineering (SBE) (\$5,000) (assessment report)

Fiscal Note

Funding: Storm Water Capital Investment Plan

26. Construct Storm Water Repair and Improvements

Action:

- A. **Approve a contract in the amount of \$5,085,255.00 to the lowest responsive bidder Onsite Development, LLC. for the Storm Water Repair and Improvement FY2023-D project,**
- B. **Approve a contract in the amount of \$5,044,445.96 to the lowest responsive bidder United of Carolinas, Inc. for the Storm Water Repair and Improvement FY2023-E project, and**
- C. **Approve a contract in the amount of \$4,998,079.30 to the lowest responsive bidder Onsite Development, LLC. for the Storm Water Repair and Improvement FY2023-F project.**

Staff Resource(s):

Angela Charles, Charlotte Water
Mike Davis, Storm Water Services
Susan Tolan, Storm Water Services

Explanation

- These contracts are part of an ongoing program to provide repairs and/or improvements to storm drainage systems.
- Approximately 25 projects may be constructed from each 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.

Action A

- On September 8, 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 completed by the first quarter of 2025.

Action B

- On September 15, 2022, the city issued an Invitation to Bid; three bids were received.
- United of Carolinas, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be completed by the first quarter of 2025.

Action C

- On September 20, 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 completed by the first quarter of 2025.

Charlotte Business INclusion

Action A

Established MBE Goal: 9.00%

Committed MBE Goal: 9.00%

Onsite Development LLC. met the established subcontracting goal and has committed 9.00% (\$457,673) of the total contract amount to the following certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Streeter Trucking (MBE, SBE) (\$457,673) (hauling)

Established SBE Goal: 19.00%

Committed SBE Goal: 19.00%

Onsite Development LLC. met the established subcontracting goal and has committed 19.00% (\$966,185) of the total contract amount to the following certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- LJR (MBE, SBE) (\$425,000) (concrete)
- AMP Utility Services (WBE, SBE) (\$221,000) (material supplier)
- BirdDog Traffic Control (SBE) (\$100,000) (traffic control)
- RAH Trucking (MBE, SBE) (\$73,395) (hauling)
- Solano's Trucking (SBE) (\$73,395) (hauling)

- Tony's Trucking (SBE) (\$73,395) (hauling)

Action B

Established MBE Goal: 9.00%

Committed MBE Goal: 9.00%

United of Carolinas, Inc. met the established subcontracting goal and has committed 9.00% (\$454,000) of the total contract amount to the following certified firm(s) (Part B: Section 3 of the Charlotte Business INClusion Policy):

- Cesar A. Leon (MBE, SBE) (\$227,000) (hauling)
- Silverback (MBE, SBE) (\$158,900) (hauling)
- Sun King Trucking (MBE, SBE) (\$68,100) (hauling)

Established SBE Goal: 19.00%

Committed SBE Goal: 19.00%

United of Carolinas, Inc. met the established subcontracting goal and has committed 19.00% (\$958,444) of the total contract amount to the following certified firm(s) (Part B: Section 3 of the Charlotte Business INClusion Policy):

- Whitesell Trucking Inc (SBE) (\$671,609) (sitework, construction services - general)
- RRC Concrete (MBE, SBE) (\$237,000) (concrete work- various)
- Pentacle (SBE) (\$49,835) (fence installation)

Action C

Established MBE Goal: 9.00%

Committed MBE Goal: 9.00%

Onsite Development LLC met the established subcontracting goal and has committed 9.00% (\$449,827) of the total contract amount to the following certified firm(s) (Part B: Section 3 of the Charlotte Business INClusion Policy):

- Streeter Trucking (MBE, SBE) (\$449,827) (hauling)

Established SBE Goal: 19.00%

Committed SBE Goal: 19.00%

Onsite Development LLC met the established subcontracting goal and has committed 19.00% (\$949,634) of the total contract amount to the following certified firm(s) (Part B: Section 3 of the Charlotte Business INClusion Policy):

- LJR (MBE, SBE) (\$425,000) (concrete)
- AMP Utility (WBE, SBE) (\$221,000) (material supplier)
- RAH Trucking (MBE, SBE) (\$67,878) (hauling)
- Solano's Trucking (SBE) (\$67,878) (hauling)
- Tony's Trucking (SBE) (\$67,878) (hauling)
- Bird Dog Traffic Control (SBE) (\$100,000) (traffic control)

Fiscal Note

Funding: Storm Water Capital Investment Plan

27. Metering Equipment

Action:

- A. **Approve the purchase of water meters, registers, transmitters, replacement meter parts, and maintenance by the sole source exemption,**
- B. **Approve unit price contracts for the purchase of water meters, registers, transmitters, replacement meter parts, and maintenance for the term of one year to the following:**
- **Badger Meter, Inc.,**
 - **Core & Main LP dba L & M Supply,**
 - **Itron Inc.,**
 - **Mueller Systems, LLC, and**
- C. **Authorize the City Manager to renew the contracts for up to four, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

Angela Charles, Charlotte Water
Jackie Jarrell, Charlotte Water
Jon Behrendt, Charlotte Water

Sole Source Exemption

- NC General Statute Section 143-129(e)(6) provides that formal bidding requirements do not apply when:
 - Performance or price competition are not available;
 - A needed product is available from only one source or supply; or
 - Standardization or compatibility is the overriding consideration.
- Sole sourcing is necessary for these contracts because the needed products and maintenance are available from only one source.
- City Council approval is required for any purchases made under the sole source exception.

Explanation

- These contracts will provide for routine replacement of water meter parts, registers, transmitters, and new installations of residential, commercial, and industrial meters.
- The replacement meter parts, accessories, and radio equipment must be compatible with the existing meters and current city systems.
- Annual expenditures are estimated to be \$3,300,000.

Charlotte Business INclusion

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

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

28. Paw Creek Pump Station Upgrades Construction Change Order

Action:

Approve a change order for \$639,314.37 to State Utility Contractors, Inc. for the Paw Creek Pump Station Upgrades project.

Staff Resource(s):

Angela Charles, Charlotte Water

David Czerr, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- This project will upgrade the Paw Creek Pump Station, which serves areas in northwest Mecklenburg County (adjacent to and including Council Districts 2 and 3), to accommodate future flows. The project will support the operations of the new Stowe Regional Water Resource Recovery Facility.
- This change order is for addition of an odor control system and protective coatings for wet wells and piping.
- On January 14, 2019, April 13, 2020, and April 12, 2021, City Council approved the contract for design services, guaranteed maximum price for the Paw Creek Pump Station upgrades construction services, and a change order to add a third wetwell at the pump station.
- The new total value of the contract is \$53,802,704.17.

Charlotte Business INclusion

All additional work involved in this change order will be performed by State Utility Contractors, Inc. and their existing subcontractors (Part G of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Map

[Map-Paw Creek Pump Station Upgrades Construction Change Order](#)

29. Construction Materials for Pipeline from Vest to Franklin Water Treatment Plants

Action:

- A. **Approve a unit price contract with Core & Main LP for the purchase of 16-inch ductile pipe and associated fittings for an initial term of two years, and**

- B. **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 contracts were approved.**

Staff Resource(s):

Angela Charles, Charlotte Water

David Czerr, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- Charlotte Water is designing a pipeline to convey water treatment solids from the Vest Water Treatment Plant (WTP) to the Franklin WTP in Council District 2. This contract will provide the pipe and fittings to meet the project schedule and materials will need to be purchased ahead of the construction advertisement.
- On September 26, 2022, the city issued an Invitation to Bid; three bids were received.
- Core & Main LP was selected as the lowest responsive, responsible bidder.
- Annual expenditures are estimated to be \$1,411,063.

Charlotte Business INclusion

Per the 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: Charlotte Water Capital Investment Plan

30. Water Main Replacement Design

Action:

Approve a contract in the amount of \$2,801,194 with R.H. Price Inc. for Design-Build design services for the Zone 2 Water Replacement Package 1 project.

Staff Resource(s):

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

Explanation

- This contract provides for the design of 60,000 linear feet of water mains to replace old infrastructure that has reached the end of its useful life in northeast Charlotte (Council Districts 1 and 5).
- The project is within the city's Sugar Creek Road/I-85 Corridor of Opportunity.
- On May 21, 2022, the city issued a Request for Qualifications (RFQ); seven responses were received.
- R.H. Price 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.
- In the future, City Council will receive requests for the approval of guaranteed maximum prices for construction once they are 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 (Part G: Section 2.4 of the Charlotte Business INclusion Policy). R.H. Price Inc. has committed 17.85% (\$500,000) with the following certified firm:

- Stewart Engineering, Inc. (MBE) (\$500,000) (surveying and utility locates)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Map

[Map - Water Main Replacement Design](#)

31. Cooperative Purchasing Contract for Battery Electric Bus Purchase

Action:

- A. Approve the purchase of battery electric buses from a cooperative contract,
- B. Approve a unit price contract with Gillig for the purchase of battery electric buses for a term of one year under State of Washington Master Contract #06719, and
- C. Authorize the City Manager to extend the contract for additional terms for as long as the cooperative contract is in effect, at prices and terms that are the same or more favorable than those offered under the cooperative contact.

Staff Resource(s):

John Lewis, CATS

Allen Smith III, CATS

Jennifer Fehribach, CATS

Explanation

- The Charlotte Area Transit System (CATS) has 316 buses in its fixed-route bus fleet and per federal guidelines is eligible to retire and replace buses that have reached end of useful life, which is defined as 12 years and/or 500,000 miles.
- These purchases are anticipated to expand the current battery electric bus fleet, advancing CATS' efforts supporting the Strategic Energy Action Plan.
- NC General Statute Section 143-129(e)(3) allows local governments to purchase from formally organized cooperative purchasing contracts.
- A cooperative purchasing agreement results from the consolidation and competitive solicitation of multiple public agency requirements. By aggregating common needs, all agencies can leverage economies of scale, such as volume discounts, improved terms and conditions, reduced administrative costs, and access to professional and technical expertise.
- Initial expenditures are estimated to be \$27,834,411.

Disadvantage Business Enterprises (DBE)

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

Fiscal Note

Funding: CATS Capital Investment Plan

PROPERTY TRANSACTIONS**32. Property Transactions - Elevated Storage Tanks, Parcel # 4**

Action: Approve the following Acquisition: Elevated Storage Tanks, Parcel # 4

Project: Elevated Storage Tanks, Parcel # 4

Program: Elevated Storage Tanks

Owner(s): TTP Investments, LLC

Property Address: 211 Peachtree Drive South

Total Parcel Area: 64,775 sq. ft. (1.49 ac.)

Property to be acquired by Easements: 3,452 sq. ft. (0.08 ac.) Access Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: I-1

Use: Light Industrial

Parcel Identification Number(s): 169-041-01

<https://polaris3g.mecklenburgcountync.gov/#mat=528216&pid=16904101&qisid=16904101>

Purchase Price: \$10,936

Council District: 3

33. Property Transactions - Shamrock Drive Improvements, Parcel # 10

Action: Approve the following Acquisition: Shamrock Drive Improvements, Parcel # 10

Project: Shamrock Drive Improvements, Parcel # 10

Program: Shamrock Drive Improvements

Owner(s): Matthew A Francis

Property Address: 3105 Florida Avenue

Total Parcel Area: 8,915 sq. ft. (0.20 ac.)

Property to be acquired by Easements: 27 sq. ft. (0.0006 ac.) Sidewalk Utility Easement, 1,373 sq. ft. (0.03 ac.) Storm Drainage Easement, 532 sq. ft. (0.01 ac.) Utility Easement, 327 sq. ft. (0.008 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Power pole and fence

Landscaping to be impacted: None

Zoned: R-5

Use: Single-family Residential

Parcel Identification Number(s): 093-097-04

<https://polaris3g.mecklenburgcountync.gov/#mat=100029&pid=09309704&qsid=09309704>

Purchase Price: \$10,257

Council District: 1

34. Property Transactions - XCLT Tryon to Orr, Parcel # 4, 5, and 7

Action: Approve the following Condemnation: XCLT Tryon to Orr, Parcel # 4, 5, and 7

Project: XCLT Tryon to Orr, Parcel # 4, 5, and 7

Program: XCLT Tryon to Orr

Owner(s): Victor Murrillo

Property Address: 124 and 128 Mellow Drive and 221 Burroughs Street

Total Parcel Area: 79,227 sq. ft. (1.82 ac.)

Property to be acquired by Fee Simple: 9,958 sq. ft. (0.229 ac.) Fee Simple

Property to be acquired by Easements: 5,342 sq. ft. (0.123 ac.) Permanent Greenway Easement, 9,514 sq. ft. (0.219 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-12MF

Use: Multi-family Residential

Parcel Identification Number(s): 089-021-04, 089-021-03, 089-021-07

<https://polaris3g.mecklenburgcountync.gov/#mat=28347&pid=08902104&qisid=08902104>

<https://polaris3g.mecklenburgcountync.gov/#mat=49473&pid=08902103&qisid=08902103>

<https://polaris3g.mecklenburgcountync.gov/#mat=75916&pid=08902107&qisid=08902107>

Appraised Value: \$160,000

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

City's Response to Property Owner's Concerns: The city explained the rationale of the design and how it meets the objectives for the project and 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: 1

35. Property Transactions - XCLT Tryon to Orr, Parcel # 6

Action: Approve the following Condemnation: XCLT Tryon to Orr, Parcel # 6

Project: XCLT Tryon to Orr, Parcel # 6

Program: XCLT Tryon to Orr

Owner(s): Victor Murrillo

Property Address: 4725 and 4727 North Tryon Street

Total Parcel Area: 81,780 sq. ft. (1.88 ac.)

Property to be acquired by Easements: 332 sq. ft. (0.008 ac.) Permanent Greenway Easement, 1,612 sq. ft. (0.037 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: B-2

Use: Business

Parcel Identification Number(s): 089-021-06

<https://polaris3g.mecklenburgcountync.gov/#mat=462367&pid=08902106&gisid=08902106>

Appraised Value: \$8,300

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

City's Response to Property Owner's Concerns: The city explained the rationale of the design and how it meets the objectives for the project and 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: 1

36. Property Transactions - XCLT Tryon to Orr, Parcel # 8

Action: Approve the following Condemnation: XCLT Tryon to Orr, Parcel # 8

Project: XCLT Tryon to Orr, Parcel # 8

Program: XCLT Tryon to Orr

Owner(s): Victor Murillo

Property Address: 224 Burroughs Street

Total Parcel Area: 79,174 sq. ft. (1.82 ac.)

Property to be acquired by Easements: 8,736 sq. ft. (0.20 ac.) Permanent Greenway Easement, 7,292 sq. ft. (0.167 ac.) Post Construction Control Easement, 7,640 sq. ft. (0.175 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-12MF

Use: Multi-family Residential

Parcel Identification Number(s): 089-023-03

<https://polaris3g.mecklenburgcountync.gov/#mat=77854&pid=08902303&qisid=08902303>

Appraised Value: \$100,575

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

City's Response to Property Owner's Concerns: The city explained the rationale of the design and how it meets the objectives for the project and 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: 1

37. Property Transactions - XCLT Tryon to Orr, Parcel # 27, 28

Action: Approve the following Acquisition: XCLT Tryon to Orr, Parcel # 27, 28

Project: XCLT Tryon to Orr, Parcel # 27, 28

Program: XCLT Tryon to Orr

Owner(s): Roni R. Cook and Timmy R. Cook

Property Address: 601 Dawn Circle and 611 Dawn Circle

Total Parcel Area: 97,160 sq. ft. (2.23 ac.)

Property to be acquired by Fee Simple: 21,292 sq. ft. (0.49 ac.) Fee Simple

Property to be acquired by Easements: 765 sq. ft. (0.02 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(s): 089-211-01, 089-211-02

<https://polaris3g.mecklenburgcountync.gov/#mat=159284&pid=08921101&qsid=08921101>

<https://polaris3g.mecklenburgcountync.gov/#mat=161720&pid=08921102&qsid=08921102>

Purchase Price: \$70,000

Council District: 1

38. Property Transactions - XCLT Tryon to Orr, Parcel # 36

Action: Approve the following Condemnation: XCLT Tryon to Orr, Parcel # 36

Project: XCLT Tryon to Orr, Parcel # 36

Program: XCLT Tryon to Orr

Owner(s): Victor Murrillo

Property Address: Burroughs Street

Total Parcel Area: 29,659 sq. ft. (0.68 ac.)

Property to be acquired by Easements: 3,723 sq. ft. (0.086 ac.) Post Construction Controls Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: B-2

Use: Business

Parcel Identification Number(s): 089-023-20
<https://polaris3g.mecklenburgcountync.gov/#pid=08902320&gisid=08902320>

Appraised Value: \$15,625

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

City's Response to Property Owner's Concerns: The city explained the rationale of the design and how it meets the objectives for the project and 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: 1

39. Charlotte Water Property Transactions - Clarke Creek Basin Pump Station and Forcemain, Parcel #13

Action: Approve the following Acquisition: Clarke Creek Basin Pump Station and Forcemain, Parcel #13

Project: Clarke Creek Basin Pump Station and Forcemain, Parcel #13

Owner(s): Metrolina Greenhouses, Inc.

Property Address: 15744 Huntersville-Concord Road

Total Parcel Area: 9,560,505.89 sq. ft. (219.48 ac.)

Property to be acquired by Easements: 218,750 sq. ft. (5.02 ac.) in Fee Simple

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R

Use: Agricultural - Commercial Production

Parcel Identification Number(s): 021-061-04

<https://polaris3g.mecklenburgcountync.gov/#mat=604027&pid=02106104&qisid=02106104>

Purchase Price: \$250,000

Council District: Adjacent to Council District 4

Adjournment

REFERENCES

40. 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.

41. 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.

42. 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.