

City of Charlotte

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



Meeting Agenda

Monday, November 27, 2023

Council Chamber

City Council Business Meeting

Mayor Vi Lyles

Mayor Pro Tem Braxton Winston II

Council Member Dimple Ajmera

Council Member Danté Anderson

Council Member Tariq Scott Bokhari

Council Member Ed Driggs

Council Member Malcolm Graham

Council Member Reneé Johnson

Council Member LaWana Mayfield

Council Member James Mitchell

Council Member Marjorie Molina

Council Member Victoria Watlington

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

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

1. 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.

2. Consent agenda items 17 through 49 may be considered in one motion except for those items removed by a Council member. Items are removed by notifying the City Clerk.

Time: 10 minutes

Consideration of Consent Items shall occur in the following order:

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

3. Action Review Agenda Overview

Staff Resource(s):

Marcus Jones, City Manager

4. Action Review Items

FY 2023 Year-End Audit

Staff Resource(s):

Teresa Smith, Finance

Time: Presentation - 10 minutes; Discussion - 30 minutes

Explanation

- Receive an overview of the FY 2023 Year-End Audit.

2024 Council Calendar

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Time: Presentation - 10 minutes; Discussion - 25 minutes

Explanation

- Receive an overview of the proposed 2024 Council Calendar.

[Item 4.1 Action Review - FY 2023 Audit](#)

[Item 4.2 Action Review - 2024 Council Meeting Schedule](#)

5. Closed Session (as necessary)

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

Call to Order

Introductions

Invocation

Pledge of Allegiance

PUBLIC FORUM

6. Public Forum

PUBLIC HEARING

7. Public Hearing and Decision on a Resolution to Close a Portion of Alleyway off Roland Street

Action:

- A. Conduct a public hearing to close a Portion of Alleyway off Roland Street, and
- B. Adopt a resolution and close a Portion of Alleyway off Roland Street

Staff Resource(s):

Debbie Smith, Transportation
Casey Mashburn, Transportation

Explanation

- NC General Statute Section 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation (CDOT) received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way and attaches it to the adjacent property.
- The attached Resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.
- The alleyway to be closed is located in Council District 1.

Petitioner

Adam J. Senk

Right-of-Way to be Abandoned

Portion of Alleyway off Roland Street

Reason

Per the petition submitted by Adam J. Senk, the abandonment will allow improved drainage and assist with stormwater management. 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)

Sarah McGrath - No objections
Colin Petersen - No objections
Alexandria Acerni - No objections
Jennifer Willson - No objections
Wendal Jones - No objections
Steven Wall - No objections
Patrick O'Malley - No objections
Wanda Kelley - No objections
Nicholas Cheek - No objections
SRL Central Avenue Properties, LLC - No objections
SRL Holdings, 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

[2023-000435A - Abandonment Map](#)

[2023-000435A Resolution to Close 11.27.2023](#)

8. Public Hearing on a Resolution to Close a Portion of Paragon Drive

Action:

- A. Conduct a public hearing to close a Portion of Paragon Drive, and
- B. Adopt a resolution and close a Portion of Paragon Drive.

Staff Resource(s):

Debbie Smith, Transportation
Casey Mashburn, Transportation

Explanation

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

Petitioner

Ram Realty Acquisitions VI, LLC

Right-of-Way to be Abandoned

Portion of Paragon Drive.

Reason

Per the petition submitted by Ram Realty Acquisitions VI, LLC , the petitioner will redevelop abutting parcels and construct a mixed-use future development. The city has no objections.

Notification

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

Adjoining property owner(s)

William L. Harraman - No objections
Kenneth Dwight Johnson - No objections
Richard F. Bigham - No objections
Joan H. Hoover - No objections
Michael T. Farnham - No objections
William Gary McNeil - No objections

City Departments

- Review by City departments identified this closing would:
 - Not be contrary to the public interest;
 - Not 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
 - Not be contrary to the adopted policy to preserve existing rights-of-way for connectivity.

Attachment(s)

Map
Resolution

[2023-002395A - Abandonment Map](#)

[2023-002395A Resolution to Close 11.27.2023](#)

9. Public Hearing and Decision on the Savona Mill Historic Landmark Designation

Action:

- A. **Conduct a public hearing to consider historic landmark designation for the property known as the "Savona Mill" (parcel identification number 071-114-17), and**
- B. **Adopt an ordinance with an effective date of November 27, 2023, designating the property known as the "Savona Mill" (parcel identification number 071-114-17) as a historic landmark.**

Staff Resource(s):

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

Explanation

- The city has received a recommendation from the Charlotte-Mecklenburg Historic Landmarks Commission to designate the Savona Mill as a local historic landmark.
- Public hearings are required prior to City Council action on designation requests.
- The Savona Mill is located at 528 South Turner Avenue in Council District 2.
- Designation of this property could significantly contribute to its long-term preservation.
- The Savona Mill is listed under parcel identification number 071-114-17, and the recommended designation would include the interior and exterior of the structure and an approximately 3.168-acre rectangular portion of land associated with this tax parcel incorporating and immediately surrounding the entirety of the building's overall principal structure.
- The property is zoned MUDD-O which allows for mixed use development with additional modified standards as previously specified and approved within the MUDD-O application.
- The property is owned by Savona Mill Office (NC), LLC.
- Based on the current value, the potential amount of deferrable taxes would be approximately \$9,716.09 for the City of Charlotte taxes and \$17,652 for Mecklenburg County taxes.

Attachment(s)

Ordinance
Information Sheet
Designation Report

[Ordinance - Savona Mill](#)

[Cover Sheet - Savona Mill](#)

[Designation Report - Savona Mill](#)

10. Public Hearing and Decision on the Wyche-Dobson-McCoy House Historic Landmark Designation

Action:

- A. **Conduct a public hearing to consider historic landmark designation for the property known as the "Wyche-Dobson-McCoy House" (parcel identification number 080-102-08), and**
- B. **Adopt an ordinance with an effective date of November 27, 2023, designating the property known as the "Wyche-Dobson-McCoy House" (parcel identification number 080-102-08) as a historic landmark.**

Staff Resource(s):

Alyson Craig, Planning, Design & Development

Dave Pettine, Planning, Design & Development

Explanation

- The city has received a recommendation from the Charlotte-Mecklenburg Historic Landmarks Commission to designate the Wyche-Dobson-McCoy House as a local historic landmark.
- Public hearings are required prior to City Council action on designation requests.
- The Wyche-Dobson-McCoy House is located at 801 East Eighth Street in Council District 1.
- Designation of this property could significantly contribute to its long-term preservation.
- The Wyche-Dobson-McCoy House is listed under parcel identification number 080-102-08, and the recommended designation would include the exterior of the structure and the land associated with the tax parcel.
- The property is zoned N1-E which allows for the development of residential dwellings on lots of 3,000 square feet or greater.
- The property is owned by Joyce A. Zimmerman.
- Based on the current value, the potential amount of deferrable taxes would be approximately \$95.15 for the City of Charlotte taxes and \$172.87 for Mecklenburg County taxes.

Attachment(s)

Ordinance

Information Sheet

Designation Report

[Ordinance - Wyche-Dobson-McCoy House](#)

[Cover sheet - Wyche-Dobson-McCoy House](#)

[Designation Report - Wyche-Dobson-McCoy House](#)

POLICY

11. City Manager's Report

[11.27.2023 City Manager's Memo](#)

BUSINESS

12. Extension of Option to Ground Lease for Affordable Housing

Action:

- A. Adopt a resolution approving an extension to the option for a ground lease of city-owned property located on Providence Road West and Ballancroft Parkway (parcel identification number 223-132-40 and a portion of 223-132-39) with CSE Communities, LCC through June 30, 2024, with an option to further extend up to six additional months as needed, and**
- B. Authorize the City Manager, or his designee, to negotiate and execute all documents necessary to complete the extension to the option for a ground lease of the property.**

Staff Resource(s):

Rebecca Hefner, Housing & Neighborhood Services
Phil Reiger, General Services
Greg Crawford, General Services

Explanation

- On June 12, 2023, City Council approved a long-term ground lease transaction and granted CSE Communities, LLC (Crosland) an option to ground lease (Option) approximately 3.37 acres of city-owned property at Providence Road West and Ballancroft Parkway (parcel identification number 223-132-40 and a portion of 223-132-39) (Property) in Council District 7 upon certain terms and conditions, including affordability restrictions. This Option is set to expire January 18, 2024.
- The ground lease will support the Evoke Living at Ballantyne multifamily affordable housing development.
- Crosland has requested, and staff recommends extending the Option through June 30, 2024, to allow additional time for Crosland to finalize their overall project financing and obtain final permits.
- Due to continuing uncertainty in commercial financial markets and complexities associated with federal funding requirements, this action provides additional flexibility to further extend the Option for an additional six-months if needed.
- Crosland anticipates finalizing and closing on their financing by June 30, 2024. A further extension would be contingent upon Crosland demonstrating substantial progress in finalizing their financing.

Background

- On February 14, 2022, and in response to a competitive Request for Proposals, City Council authorized the City Manager and staff to work with Crosland to finalize a preliminary affordable housing proposal and negotiate a long-term ground lease for an affordable multi-family rental housing development known as Evoke Living at Ballantyne.
- Due to the unique characteristics of the Property, it took Crosland longer than originally anticipated to finalize the building and site plans. Staff worked with Crosland throughout the design process to arrive at the best building configuration that will deliver the most housing units.
- On April 24, 2023, City Council approved a \$3,100,000 Housing Trust Fund allocation for the Evoke Living at Ballantyne affordable housing development, consisting of 60 for-rent apartment units affordable to households earning 80 percent and below the area median income.
- In conjunction with the Housing Trust Fund allocation, Crosland has applied for four percent low-income housing tax credits and a housing bond allocation capacity from the North Carolina Housing Finance Agency (NCHFA) to help with construction of the Development. The NCHFA has accepted the Developer's funding request.

Attachment(s)

Map
Resolution

[Map - Lease of City-Owned Property](#)

[Resolution - Extend Option Term](#)

13. Property Transaction Related to Hambright Park and Ride

Action:

- A. Approve payment to the North Carolina Department of Transportation for removal of a Deed Restriction (a property interest), in the amount of \$141,450, and**
- B. Adopt a budget ordinance appropriating \$141,450 from Beltway 77 Phase I Owner, LLC to the CATS Capital Projects Fund.**

Staff Resource(s):

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

Explanation

- In July 2021, the North Carolina Department of Transportation (NCDOT) conveyed to the City of Charlotte a 21.182-acre site in Huntersville, NC along Hambright Road, at no cost, for the purpose of building a Park and Ride Facility.
- As part of the conveyance, NCDOT included a deed restriction that stated if the property was no longer used for a public purpose, the property would revert to NCDOT, and NCDOT would have the right to terminate all rights, titles, and interests held by the City of Charlotte.
- Plans for the CATS Park & Ride Facility initially included a driveway connection onto Hambright Road, which was designed to allow for a future roadway to extend through the adjacent property to Alexandriana Road.
- In 2022, the adjacent property owner, Beltway 77 Phase I Owner LLC (Beltway 77), approached CATS with a proposal to pay for and construct a road from Hambright Road to Alexandriana Road. The Town of Huntersville is supportive of this proposal and has approved the developer's site plan.
- The proposal would provide CATS with more direct access to the park-and-ride lot than the initially proposed driveway, provide access for the Beltway 77 development, and improve connectivity in the area.
- As a standard requirement for development along state-owned roads, NCDOT requires a dedication of 50-feet of right-of-way along Hambright Road. This dedication must occur for NCDOT to issue a driveway permit for the new road to be constructed by Beltway 77.
- NCDOT is requiring that the city pay NCDOT for the removal of the deed restriction for the portion of the property where the roadway would be constructed. The appraised value of the deed restriction is \$141,450.
- The city would grant Beltway 77 a non-exclusive permanent access easement, with the following terms:
 - Payment of \$141,450
 - Maintenance of roadway improvements within the Access Easement Area
 - Installation of utility improvements that would extend from Beltway 77's-parcel to the CATS park and ride lot.
- Upon completion of the road and acceptance of the improvements by the Town of Huntersville, the city would dedicate the road as public right-of-way to the Town of Huntersville via an access easement agreement, and the Town would then be responsible for maintenance of the road.

Attachment(s)

Map
Site Plan
Budget Ordinance

[Map - Property Agreements Hambright Park and Ride](#)

[Site Plan - Property Agreements Hambright Park and Ride](#)

[Budget Ordinance - Property Agreements Hambright Park and Ride](#)

14. Independence Boulevard Busway Restoration Project

Action:

- A. Adopt a resolution authorizing the City Manager to negotiate and execute an amendment for \$950,000 to the Municipal Agreement with the North Carolina Department of Transportation for the design and construction of the busway entrance and exit on Independence Boulevard to cover the updated project cost, and**
- B. Adopt a budget ordinance appropriating an additional \$950,000 from the CATS Revenue Reserve Fund to the CATS Capital Projects Fund for the Independence Boulevard Busway restoration project.**

Staff Resource(s):

Brent Cagle, CATS
Kelly Goforth, CATS
David McDonald, CATS

Explanation

- The Independence Boulevard Busway was closed during the construction of the Hawthorne Lane Bridge for the CityLYNX Gold Line Phase 2 project and was anticipated to remain closed while the North Carolina Department of Transportation (NCDOT) converted the busway to a toll facility as part of the Independence Boulevard widening project.
- NCDOT funding shortfalls have delayed the busway conversion to a toll facility, leaving the busway needing interim work to restore busway operation.
- On February 28, 2022, Charlotte City Council authorized the City Manager to enter into a Municipal Agreement with NCDOT to design and construct a project to reopen the busway at an estimated total cost of \$750,000.
- The design of the project is complete, and NCDOT advertised the project for bid on July 19, 2023. No bids were received, so the project was readvertised on October 3, 2023. Two bids were received.
- Due to higher unit costs and contractor shortages, the project cost exceeds the previously authorized budget.
- On November 15, 2023, the Metropolitan Transit Commission approved an amendment to the FY2024 Capital Investment Plan to authorize additional funding to cover the updated cost of the project, now totaling \$1,700,000.
- Construction is estimated to begin in early 2024 and be completed by mid-2024.

Charlotte Business INclusion

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

Fiscal Note

Funding: CATS Capital Investment Plan

Attachment(s)

Resolution
Budget Ordinance

[Resolution - Independence Busway Restoration MA Amendment.docx](#)

[Independence Blvd Busway Restoration - Budget Ordinance](#)

15. Eastland Property Transfer to Mecklenburg County

Action:

- A. Adopt a resolution approving the transfer of approximately 4.5 acres of city-owned property (a portion of parcel identification number 103-041-99) to Mecklenburg County for use as a public park, and**
- B. Authorize the City Manager, or his designee, to negotiate and execute all documents necessary to complete the transaction as authorized.**

Staff Resource(s):

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

Explanation

- To support the accessibility of quality park and open spaces in East Charlotte, the city will transfer approximately 4.5 acres to Mecklenburg County (County) for the construction of a public park.
- In June 2023, the County appropriated approximately \$12.3 million in its FY 24-28 Capital Improvement Program for development of a park on the park parcel within the Eastland Yards redevelopment site plan.
- Key terms of the proposed property transfer include:
 - City shall convey the ~4.5 parcel to the County in fee simple for so long as it is used as a public park and used for activities generally consistent with those sponsored by public parks and recreation departments;
 - Should County at any time fail to use the parcel for public park purposes, the land shall automatically revert to the city;
 - Should County ever desire to convey any of the parcel to a third party with or without restrictions of a park, the city must first be given the right to reacquire the parcel at no cost; and
 - Any material change to the park design shall be subject to review and approval of city staff.

Background

- The city purchased approximately 80.4 acres of the former Eastland Mall property in 2012 as an opportunity to aid economic development and neighborhood revitalization in the area. The mall structure was demolished in 2013.
- From 2017 to 2018, the Economic Development Committee, now known as the Jobs and Economic Development Committee (Committee), reviewed proposals from four development teams and voted unanimously to engage exclusively with the development team led by Crosland Southeast (Developer).
- Throughout 2019, the city partnered with the Developer to lead a robust and broad outreach effort for more inclusive community engagement.
- On November 9, 2020, City Council authorized the City Manager to negotiate and execute a Master Development Agreement and other necessary agreements for the reimbursement of costs for public infrastructure, public parking, and other public improvements.
- On August 3, 2022, the city and the Developer held a groundbreaking ceremony on the site to initiate site work and infrastructure construction.
- On May 31, 2022, City Council adopted a resolution authorizing conveyance of options to purchase certain portions of the Eastland site, pursuant to a Master Development Agreement, to C4 Development, LLC.
- August 22, 2022, City Council authorized the City Manager to negotiate and execute an amendment to the contract with the Developer to increase the city's investment in public infrastructure by \$6,000,000 of Capital Investment Plan funds to reduce overall time and cost as well as better position the city to work with a new partner for the approximate 28-acre site targeted for sports and recreation uses.

Attachment(s)

Map

Resolution

[Map - Eastland Property Transfer](#)

[Resolution - Eastland Property Transfer](#)

16. Sale of City-Owned Land for West Boulevard/Remount Redevelopment

Action:

- A. Adopt a resolution approving the sale of 0.7 acres of city-owned property at 1527, 1537, and 1541 West Boulevard (parcel identification numbers 119-033-40, 119-033-41, and 119-033-42) to Lambert Commercial Real Estate LLC for \$500,000,**
- B. Authorize the City Manager to negotiate and execute all documents necessary to complete the sale of the property, and**
- C. Adopt a budget ordinance appropriating \$500,000 from Lambert Commercial Real Estate LLC to the General Capital Projects Fund.**

Staff Resource(s):

Tracy Dodson, City Manager's Office
Monica Holmes, Planning, Design & Development
Lilias Folkes John, Economic Development

Explanation

- The city-owned property at 1527, 1537, and 1541 West Boulevard (collectively, the "Property") is located in Council District 3 and is currently zoned General Commercial.
- In 2018, the city initiated community engagement activities through the West Boulevard playbook to gather input and ensure that infrastructure and development along the corridor aligns with the community's aspirations.
- In May of 2022, the city acquired the Property at 1527 and 1537 West Boulevard (parcel identification numbers 119-033-40 and 119-033-41) via a structured settlement of a federal foreclosure brought against the former owner to mitigate crime and drug activity.
- The city authorized the purchase to assist in the economic revitalization of the West Boulevard Corridor. The West Boulevard Corridor Playbook identifies the intersection of Remount Road and West Boulevard as a key intersection to create dense, urban and walkable nodes.
- To further leverage that goal, the city acquired the neighboring parcel at 1541 West Boulevard (parcel identification number 119-033-42) in August of 2022.
- Prior to the city's purchase, the Property was appraised and had an estimated combined fair market value of \$1,635,000.
- Following the acquisition, the Corridors of Opportunity team launched a request for proposal (RFP) for the Property site. The RFP specifically sought retail and commercial development proposals to revitalize and transform the property into a vibrant hub of commerce that enhances economic growth and community development.
- Proposals for the West Boulevard/Remount site were accepted through August 31, 2023; three proposals were received.
- Considering the feedback from community engagement that identified community aspirations for the corridor, Lambert Commercial Real Estate, LLC, was selected due to their proven track record of working hand-in-hand with the community throughout the development process. Lambert Commercial also provided a sound financial feasibility model for the project.
- Key elements of the proposed project include small commercial retail spaces, an improved façade, and improved outdoor space as part of the project. Staff is currently working with the purchaser on limiting uses to those that are in line with the previous community engagement efforts prior to purchase.
- The proposal includes the following terms:
 - Purchase price of \$500,000,
 - \$5,000 Earnest Money Deposit,
 - 120 days due diligence period,
 - Buyer will have 120 days after the due diligence period ("Permitting Period") to obtain all

- required government authorizations, permits and approvals, and
- Closing will occur within 30 days after the expiration of the Permitting Period.
 - On November 14, 2023, the Planning Committee reviewed the proposed request to sell and had no comments.
 - This transaction is consistent with the City-Owned Real Estate and Facilities Policy, adopted by City Council in June 2017 and the West Boulevard Corridor Playbook.

Fiscal Note

Funding: Proceeds to be deposited into the General Capital Investment Plan

Attachment(s)

Map

Resolution

Budget Ordinance

[Map - West Blvd & Remount Sale](#)

[Resolution - West Blvd & Remount Sale](#)

[Budget Ordinance - West Blvd & Remount Sale](#)

CONSENT

17. Traffic Signal Components

Action:

- A. Approve unit price contracts for the purchase of Traffic Signal Components for an initial term of three years to the following:**
- Econolite Contract Products, Inc.,
 - RAI Products, and
 - Temple, Inc.
- B. Authorize the City Manager to renew the contracts for up to two, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

Debbie Smith, Transportation

David Smith, Transportation

Bryan Tarlton, Transportation

Explanation

- The Charlotte Department of Transportation (CDOT) operates and maintains a transportation system that includes traffic signals and supporting infrastructure to manage traffic operations throughout the city.
- CDOT maintains traffic signals at over 900 intersections across the city.
- These contracts will provide various traffic signal components such as cabinets, cabinet risers, blank-out signs, traffic signal loop sealant, and pedestrian signal parts.
- On June 27, 2023, the city issued an Invitation to Bid; four bids were received.
- Econolite Contract Products, Inc., RAI Products, and Temple, Inc., were selected as the lowest responsive, responsible bidders.
- Price adjustments may be considered based on legitimate and justified increases in the cost of doing business.
- Annual total aggregate expenditures are estimated to be \$1,000,000.

Charlotte Business INClusion

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

Fiscal Note

Funding: Charlotte Department of Transportation Operating Budget and Capital Investment Plan

18. Citywide Emergency Management WebEOC

Action:

- A. **Approve amendment #2 to extend the existing contract for five years with ESi Acquisition, Inc., for a web-based information management system,**
- B. **Authorize the City Manager to amend the contract with possible price adjustments, consistent with the purpose for which the contract and this amendment were approved, and**
- C. **Authorize the City Manager to purchase such additional software licenses, services, maintenance, support, and upgrades as required to maintain the system for as long as the city uses the system.**

Staff Resource(s):

Reginald Johnson, Fire
Haley Gentry, Aviation
Phil Reiger, General Services

Explanation

- Charlotte-Mecklenburg Emergency Management Office uses emergency management WebEOC software to help coordinate the flow of information during planned events and crisis situations with other agencies in the UASI-10 regional area.
- The proposed amendment will provide for extending the maintenance while the city uses the system, and provide for additional usage of the system and components by Aviation for emergency communications.
- ESi Acquisition, Inc. is the creator of the WebEOC software solution and has become the industry leader for emergency management operations software because it is a web-based program that allows emergency managers to communicate with responders from multiple jurisdictions during large-scale planned events and crisis situations with up-to-date information, heightened visibility, and enhanced resource sharing.
- The State of North Carolina, the Federal Bureau of Investigation, the Federal Emergency Management Agency, and numerous U.S. States and local jurisdictions including Wake County, Iredell County, and Guilford County, currently operate their emergency management operations through WebEOC.
- A waiver of a competitive solicitation process for services may be granted on a limited basis when deemed appropriate and in the city's best interest. A waiver has been approved for these services based on standardization and continuity of service.
- The new estimated value of the contract is \$970,000 through the five-year amendment #2 term with an estimated \$150,000 on-going annual expense for subscription and support services.
- Potential price adjustments may be considered based on legitimate and justified increases in the cost of doing business.

Charlotte Business INclusion

This contract is exempt under the CBI Program.

Fiscal Note

Funding: Charlotte-Mecklenburg Emergency Management Office and Aviation Operating Budget

19. Construct RiverGate Parkway Bridge

Action:

Approve a contract in the amount of \$1,293,041.50 to the lowest responsive, responsible bidder Dane Construction, Inc. for construction of the RiverGate Parkway Bridge project.

Staff Resource(s):

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

Explanation

- This project involves the construction of a new bridge connecting opposite ends of RiverGate Parkway, a 2-lane local road, over Hoover Creek in the Steele Creek area located in Council District 3. The project will connect recently built residential development to existing retail in the RiverGate commercial subdivision.
- The work includes but is not limited to grading, installing a 100-foot concrete bridge, concrete sidewalks, concrete curb and gutter, milling, asphalt pavement, and pavement markings.
- On September 11, 2023, the city issued an Invitation to Bid; three bids were received.
- Dane Construction, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by third quarter 2025.

Charlotte Business INclusion

Established MWBE Goal: 10.00%
Committed MWBE Goal: 10.94%

Dane Construction, Inc. exceeded the established contract goal and has committed 10.94% (\$141,441) of the total contract amount to the following certified firm(s):

- B&N Grading, Inc. (WBE) (\$105,471) (asphalt)
- RRC Concrete Inc. (MBE) (\$35,970) (concrete flatwork)

Fiscal Note

Funding: General Capital Investment Plan

Attachment(s)

Map

[Map_RiverGate Pkwy Bridge](#)

20. Fire Apparatus Tire Removal and Replacement Services

Action:

- A. Approve a unit price contract with Snider Tire Inc. dba Snider Fleet Solutions for Fire Apparatus Tire Removal and Replacement 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 and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Phil Reiger, General Services

Chris Trull, General Services

Marcy Mars, General Services

Explanation

- The city needs a manufacturer-authorized tire removal and installation service provider to service Michelin tires installed on city fire apparatus and vehicles.
- Services include the replacement of damaged or worn tires as needed and the repair of damaged tires when possible. These services are typically performed as part of service calls performed by the vendor at roadside locations throughout Charlotte or by vendor staff at the city's Fleet Management shops.
- Snider is the only Michelin-authorized service provider for Michelin heavy truck tires in the Charlotte metro area. Michelin tires are required to ensure replaced tires match exactly in specification and type with the original equipment tires that are included in all Charlotte Fire Department fire trucks and apparatus.
- A waiver of a competitive solicitation process for services may be granted on a limited basis when deemed appropriate and in the city's best interest.
- A waiver has been approved for these services based on the need for a manufacture-authorized service provider and this vendor is the only one meeting this requirement in the Charlotte metro area.
- Annual expenditures are estimated to be \$400,000.

Charlotte Business INclusion

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

Fiscal Note

Funding: General Services Operating Budget

21. HVAC Parts and Equipment

Action:

- A. Authorize the City Manager to negotiate and execute unit price contracts with the following companies for HVAC Parts and Equipment for an initial term of three years:**
- CDBM, LLC DBA Johnstone Supply, LLC,
 - Hawkins HVAC Distributors, Inc.,
 - MORSCO Supply, LLC DBA Reece HVAC, and
- B. Authorize the City Manager to renew the contracts for up to one, two-year term with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

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

Explanation

- General Services Facilities Operation Division is responsible for maintaining a portfolio of approximately 180 buildings, including offices, firehouses, police division stations, and equipment shops that house various city activities.
- These contracts will be used to purchase HVAC parts and related equipment necessary to keep city facilities operating and running efficiently.
- On August 3, 2023, the city issued an Invitation to Bid; three responses were received.
- CDBM, LLC DBA Johnstone Supply, LLC; Hawkins HVAC Distributors, Inc.; and MORSCO Supply, LLC DBA Reece HVAC, were selected as responsive, responsible bidders.
- Price adjustments may be considered based on legitimate and justified increases in the cost of doing business and aligned to Consumer Price Index.
- Annual aggregate expenditures are estimated to be \$150,000.

Charlotte Business INclusion

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

Fiscal Note

Funding: General Services Operating Budget

22. Plumbing and Miscellaneous Related Supplies

Action:

- A. Approve unit price contracts with the following companies for the purchase of Plumbing and miscellaneous related supplies for an initial term of three years:**
- **Ferguson Enterprises, Inc.,**
 - **Helton and Associates, Inc.,**
 - **Morsco Supply, LLC, dba Reece Plumbing, 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 Facilities Operations Division provides around-the-clock maintenance and caretaking services for approximately 180 city-owned facilities including offices, firehouses, police division stations, and equipment shops that house various city activities.
- As a result, there is considerable demand for plumbing and related supplies including, but not limited to, small tools, chemicals, adhesives, sealants, tape, safety, fasteners, plumbing repair parts, and any accessories and related components necessary for new, retrofit, or repairs at various city facilities.
- On July 13, 2023, the city issued an Invitation to Bid; five bids were received.
- Ferguson Enterprises, Inc and Morsco Supply, LLC., dba Reece Plumbing, and Helton and Associates Inc, were selected as the lowest responsive, responsible bidders.
- Potential price adjustments may be considered based on legitimate and justified increases in the cost of doing business. The ability to consider price adjustments also allows the city to accept decreases, if warranted.
- Annual aggregate expenditures are estimated to be \$565,000.

Charlotte Business INclusion

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

Fiscal Note

Funding: General Services Operating Budget

23. Vehicle Communications and Electronic Equipment Installation

Action:

- A. Approve unit price contracts with the following companies for vehicle communications and electronic equipment installation for an initial term of three years:**
- Campbell-Brown Inc.,
 - Global Public Safety, 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
Chris Trull, General Services

Explanation

- The city uses outside service providers to install and remove various communication equipment including radio and data communications, emergency response systems, video recorder systems, speed measuring devices, and other related accessories in city vehicles.
- Services include removing equipment from decommissioned vehicles, cleaning and testing equipment for proper operation, and installing equipment in existing or new city vehicles.
- On August 11, 2023, the city issued a Request for Proposals (RFP); two responses were received.
- The companies selected meet the city's needs in terms of qualifications, experience, site requirements, cost, and responsiveness to RFP requirements.
- The contracted prices will remain fixed for the initial term of three years. At renewal, price increases will only be allowed when justified in the city's sole discretion based on legitimate, bona fide increases in the cost of materials in accordance with the consumer price index data reported by the Bureau of Labor Statistics.
- Annual total aggregate expenditures are estimated to be \$650,000.

Charlotte Business INClusion

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

Fiscal Note

Funding: General Services Operating Budget

24. Asphalt and Concrete Repair Services

Action:

- A. Approve unit price contracts with the following companies for asphalt and concrete repair services for an initial term of two years:**
- Barry Brown dba Barry's Concrete and Service Inc.,
 - Nance Construction Inc. (WBE, SBE), and
- B. Authorize the City Manager to renew the contracts for up to three, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

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

Explanation

- These contracts will provide repairs to sidewalks, driveways, and streets that are disrupted during water and sanitary sewer system repairs throughout Mecklenburg County.
- On August 6, 2019, the city issued a Request for Proposals (RFP); four responses were received.
- The companies selected best meet the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Price adjustments may be considered based on legitimate and justified increases in the cost of doing business.
- Annual aggregate expenditures are estimated to be \$1,200,000.

Charlotte Business INclusion

Contract goals were not established on these Contracts as there were no viable subcontracting opportunities. However, Nance Construction, Inc. is a city certified WBE, SBE.

Fiscal Note

Funding: Charlotte Water Operating Budget

25. Multi-Sensor Investigation of Sanitary Sewer Mains

Action:

- A. Approve a unit price contract with RedZone Robotics, Inc. for multi-sensor investigation of large diameter sanitary sewer mains for an initial term of one year, and**

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

Staff Resource(s):

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

Explanation

- This contract will provide services and equipment specified to perform multi-sensor investigation of large diameter sanitary sewer mains and manholes.
- Charlotte Water will use this program to evaluate and prioritize rehabilitation needs for approximately 190 miles of large diameter sanitary sewer throughout its service area.
- On August 25, 2023, the city issued a Request for Proposals (RFP); five responses were received.
- RedZone Robotics, Inc. best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Price adjustments may be considered at the time of renewal based on the Engineering News Record Construction Cost Index.
- Annual expenditures are estimated to be \$1,000,000.

Charlotte Business INclusion

Contract goals were not established on this Contract as there were no viable subcontracting opportunities. However, RedZone Robotics, Inc. has identified the following certified firms for participation as project scopes are defined:

- Bird Dog Traffic Control, LLC (WBE, SBE) (traffic control services, arrow board traffic control device)
- Martin Landscaping Co. Inc. (MBE, SBE) (seeding, mulching, and matting)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

26. On-Call Geotechnical, Environmental, Construction Material Testing Services

Action:

- A. Approve unit price contracts with the following firms for geotechnical, environmental, and construction material testing services for an initial term of two years:**
- Hart & Hickman PC,
 - CES Group Engineers LLP,
 - Kleinfelder, Inc,
 - S&ME, Inc.,
 - WSP USA Environment & Infrastructure, Inc.,
 - Terracon Consultants, Inc., and
- B. Authorize the City Manager to renew the contracts for up to two, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

Angela Charles, Charlotte Water
David Czerr, Charlotte Water
Mike Davis, Storm Water Services

Explanation

- These contracts will provide geotechnical, environmental, and construction material testing services necessary to ensure projects meet construction plans and specifications requirements.
- On September 7, 2023, the city issued a Request for Qualifications (RFQ); 13 responses were received.
- The firms listed are the best qualified firms to meet the city's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- Price adjustments may be requested on an annual basis and shall be based on a negotiated maximum of five percent to the current pricing.
- Annual aggregate expenditures are estimated to be \$4,000,000.

Charlotte Business INclusion

The city negotiates contract participation after the proposal selection process. Each of the Prime firms has identified certified firms for participation as project scopes are defined:

Hart & Hickman, P.C.

Enviro-Equipment, Inc. (WBE, SBE) (equipment rentals)
Heric Solutions, LLC (SBE) (environmental services)
JennTec, LLC (WBE, SBE) (environmental services)
JWJ Consulting, LLC (MBE, SBE) (environmental services)
Quality Environmental, LLC (MBE) (environmental services)
Sweetwater Utility Exploration, LLC (WBE, SBE) (utility locating services)

CES Group Engineers LLP (WBE)

Carolina Soil Investigations, LLC (SBE) (soil test borings/monitoring well installations)
JennTec, LLC (WBE, SBE) (environmental site assessments/field sampling)
JWJ Consulting, LLC (MBE, SBE) (lead paint testing, mold/asbestos/and PCB assessments)
Mulberry Maps (WBE, SBE) (GIS/CAD drafting)

Kleinfelder, Inc.

Capstone Civil Engineering, Inc (MBE, SBE) (geotechnical drilling)
CG2 Exploration, LLC (SBE) (geotechnical drilling)

Enviro-Equipment, Inc. (WBE, SBE) (equipment rental)
 On-Spec Engineering (SBE) (supplemental testing)
 Stewart Engineering, Inc. (MBE) (engineering consultation)

S&ME, Inc.

AE Engineering, Inc. (MBE) (material testing inspection)
 On-Spec Engineering (SBE) (construction material)

WSP USA Environmental & Infrastructure, Inc.

Carolina Soil Investigations, LLC (SBE) (decontamination of equipment)
 Enviro-Equipment, Inc. (WBE, SBE) (environmental equipment rental)
 Probe Utility Locating, LLC (WBE, SBE) (utility clearance and UST identification)
 Boyle Consulting Engineers, PLLC (SBE) (construction materials testing services)

Terracon Consultants, Inc.

Capstone Civil Engineering, Inc (MBE, SBE) (geotechnical drilling services)
 Probe Utility Locating, LLC (WBE, SBE) (geotechnical drilling services)
 Wells Geotech, LLC (SBE) (geotechnical utility locations services)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan and Storm Water Services Capital Investment Plan

27. Pre-Blast Inspection and Seismic Monitoring Services

Action:

- A. Approve unit price contracts with the following companies for pre-blast inspection and seismic monitoring services for an initial term of two years:**
- **Sauls Seismic LLC,**
 - **VCE, Inc., and**
- B. Authorize the City Manager to renew the contracts for up to three, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

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

Explanation

- Charlotte Water uses pre-blasting surveys of nearby structures to document conditions before and after any blasting activities, along with blast monitoring to ensure activities meet construction plans and specifications requirements.
- On August 2, 2023, the city issued a Request for Proposals (RFP); four responses were received.
- The companies selected best meet the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Price adjustments may be considered based on legitimate and justified increases in the cost of doing business.
- Annual aggregate expenditures are estimated to be \$400,000.

Charlotte Business INclusion

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

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

28. CATS Bus Operations Management Contract

Action:

- A. **Approve a contract with National Express Transit for Bus Operations Management Services for an initial term of three years,**
- B. **Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved, and**
- C. **Authorize the City Manager to execute any agreements to transition ownership of Transit Management of Charlotte to National Express Transit.**

Staff Resource(s):

Brent Cagle, CATS

Elizabeth Presutti, CATS

Jennifer Fehribach, CATS

Explanation

- NC General Statute Section 95-98 prohibits municipalities from collective bargaining activities such as those with labor unions. However, a federal law (referred to as "13c") preserves the collective bargaining rights of certain unions which existed prior to the enactment of the state law.
- Federal law requires public transit systems that receive federal funds to allow collective bargaining rights to employees necessary for the operations of transit systems.
- CATS must use a contractor to oversee the administration and management of the day-to-day bus operations and maintenance, as well as to conduct negotiations with the labor unions for bus drivers and mechanics of the Bus Operations Division (BOD).
- The current management contract is with RATP DEV USA and is set to expire in February of 2024.
- On April 18, 2023, the city issued a Request for Proposals (RFP); two responses were received.
- National Express Transit best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- National Express Transit will acquire Transit Management of Charlotte (TMOC) and assign three managers to supervise and manage over 700 TMOC employees, including bus drivers, mechanics, and administrative personnel.
- National Express Transit has proposed an experienced local transit management team for Charlotte to oversee the BOD. The firm will also provide corporate resources for labor negotiations, service optimization, policies and procedures, and system performance audits as requested and/or needed.
- Potential price adjustments may be considered based on legitimate and justified increases in the cost of doing business. The ability to consider price adjustments also allows the city to accept decreases, if warranted.
- Annual expenditures are estimated to be \$1,578,082.

Charlotte Business Inclusion

Contract goals were not established on this Contract because there were no MWSBEs available to perform the work for the Contract.

Fiscal Note

Funding: CATS Operating Budget

Attachment(s)

Action Review Presentation

[Presentation - Bus Operations Contract \(11.13.2023\)](#)

29. CATS Printing Services

Action:

- A. Approve contracts with the following companies for printing of transit schedules, brochures, and other marketing materials for an initial term of two years:**
- **Flash Printing, Inc. dba Metrographics Printing,**
 - **Goffstar Inc., dba Lake Printing & Design (SBE), and**
- B. Authorize the City Manager to renew each contract for up to three, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

Brent Cagle, CATS

Larina Green, CATS

Explanation

- CATS produces transit schedules for all its fixed routes and rapid transit services. Vendors will print approximately 65 unique route schedules and related schedule changes with an estimated annual printing quantity of 500,000 to 750,000.
- CATS produces a variety of marketing materials including, but not limited to brochures, signage, posters, etc. on an "as-needed" basis in conjunction with upcoming schedule changes, community events, marketing campaigns or department initiatives.
- On July 28, 2023, the city issued a Request for Proposal (RFP); eight proposals were received.
- Flash Printing, Inc. and Goffstar, Inc. (SBE) best meets the city's needs based on responsiveness to RFP requirements and their expertise in the industry, pricing strategy and overall value for the city.
- These contracts will provide two vendors to handle the variety of printing projects.
- Price adjustments may be considered based on legitimate and justified increases in the cost of doing business.
- Annual estimated expenditures are \$168,000.

Charlotte Business INclusion

Flash Printing, Inc. dba Metrographics Printing

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

Goffstar Inc., dba Lake Printing & Design

Goffstar Inc., dba Lake Printing & Design is a city certified SBE.

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

Fiscal Note

Funding: CATS Operating Budget

30. CATS Website Service Provider Agreement

Action:

- A. **Authorize the City Manager to negotiate and execute a contract with the Move Agency for the Charlotte Area Transit System website for an initial term of four years,**
- B. **Authorize the City Manager to renew the contract for up to three, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved, and**
- C. **Authorize the City Manager to purchase additional software licenses, services, maintenance, and support as required to maintain the system for as long as the city uses the system.**

Staff Resource(s):

Brent Cagle, CATS
Brandon Hunter, CATS
Rachel Gragg, CATS

Explanation

- CATS operates a public-facing content management system; however, it does not provide real-time information crucial for riders' convenience and planning.
- The proposed enhanced platform will strengthen transparency, offering riders access to real-time information by enabling direct communication between internal systems and the website.
- This improvement is crucial for meeting user needs and expectations by providing timely and accurate transit updates and data.
- Waiver of a competitive solicitation process for services may be granted on a limited basis when deemed appropriate and in the city's best interest.
- A waiver has been approved for these services based on a comprehensive understanding of the city's cyber-structure and ADA requirements.
- Pricing adjustments may be considered based on legitimate and justified increases in the cost of doing business. Any adjustments must be amended into the contract and signed by both parties.
- Implementation costs are estimated at \$297,912, on-going annual expenditures are to be \$94,800.

Charlotte Business INclusion

This is a contract with a waiver of solicitation and is exempt.

Fiscal Note

Funding: CATS Operating Budget

31. Hambright Park and Ride Design Services

Action:

- A. Authorize the City Manager to negotiate and execute a contract for up to \$1,600,000 with AMT Engineering for design and construction administration services related to the proposed Hambright Park and Ride Facility, and**
- B. Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Brent Cagle, CATS
Kelly Goforth, CATS
Brian Nadolny, CATS

Explanation

- The Hambright Park and Ride project will construct a third park and ride facility to serve the Town of Huntersville and surrounding areas as part of the continued implementation of CATS' MetroRapid Bus Rapid Transit service. Express buses will connect to the new park and ride facility by utilizing the newly constructed I-77 express lane direct connector ramp.
- The proposed project will construct a transit park and ride with approximately 500 parking spaces, driver restroom, mobility hub for micro-mobility options, staging point for the formation of carpools and vanpools, site security, and possible electric vehicle charging or other sustainability elements.
- On June 18, 2023, the city issued a Request for Qualifications (RFQ); three responses were received.
- AMT Engineering was selected as the best qualified firm to meet the city's needs based on demonstrated experience, project understanding, and project approach in response to the RFQ requirements.

Disadvantaged Business Enterprise

Established DBE Goal: 9.00%

Committed DBE Goal: 9.00%

AMT Engineering met the established contract goal and has committed 9.00% (\$144,000) of the contract amount to the following certified firm(s):

- Neighboring Concepts (DBE) (architectural design and art-in-transit initiative)
- Susan Hatchell Landscape Architecture (DBE) (landscape architecture)
- CES Group Engineers, LLP (DBE) (surveying and subsurface utility engineering)
- K&J Safety and Security (DBE) (safety and security documentation and certification)
- BREE and Associates (DBE) (public involvement support)

Fiscal Note

Funding: CATS Capital Investment Plan

Attachment(s)

Map

[Map - Hambright Park and Ride](#)

32. Transit Bus Automated Wheel Rim Maintenance Machine

Action:

- A. Approve the purchase of automated wheel rim polisher by the sole source exemption,
- B. Approve a contract with Vehicle Inspection Systems, for the purchase of Transit bus automated wheel polisher for the term of one year, and
- C. Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.

Staff Resource(s):

Brent Cagle, CATS

Elizabeth Presutti, CATS

Jennifer Fehribach, CATS

Sole Source Exemption

- NC General Statute Section 143-129(e)(6) provides that the 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 because a needed product is available from only one source or supply.
- City Council approval is required for any purchases made under the sole source exemption.

Explanation

- CATS currently operates a fleet of 252 transit buses and 83 paratransit buses. Use of this automated wheel rim maintenance machine:
 - provides the ability to identify cracks and structural damage on revenue vehicle wheels which may result in service disruptions or delays,
 - maintains a clean vehicle appearance,
 - increases efficiencies, and
 - requires no manual operation, thus reducing injury risks and labor cost.
- Estimated expenditure is \$124,467.

Charlotte Business INclusion

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

Fiscal Note

Funding: CATS Capital Investment Plan

33. Claims Management Software Contract Amendment

Action:

- A. **Approve a contract amendment to the contract with CSC Cybertek Corporation for ongoing upgrades, annual support, and maintenance for claims management software to extend the contract for an additional three-year term and to incorporate the provision of new software features,**
- B. **Authorize the City Manager to renew the contract for up to two, one-year terms beyond the three-year amendment and to amend the contract consistent with the purpose for which the contract and this amendment were approved, and**
- C. **Authorize the City Manager to purchase such additional software licenses, services, maintenance, support, and upgrades as required to maintain the system for as long as the city uses the system.**

Staff Resource(s):

Teresa Smith, Finance
Betty Coulter, Finance
Matthew Hastedt, Finance

Explanation

- The city uses RiskMaster software to track information used for processing and maintaining proprietary claim information. City Council approved a contract for these services on February 9, 2015.
- CSC Cybertek Corporation maintains, upgrades, and provides support for the RiskMaster software.
- The city has solicited for this type of software and services on two separate occasions since the initial implementation, finding that a system replacement and/or transition to a new system are cost-prohibitive.
- A disruption to the Risk Management process would negatively impact the responsiveness to internal and external customers.
- Waiver of a competitive solicitation process for services may be granted on a limited basis when deemed appropriate and in the city's best interest. A waiver has been approved for these services based on continuity of service.
- The new estimated value of the contract, including the renewal is \$865,000.

Charlotte Business INclusion

This is a contract with a waiver of solicitation and is exempt from the CBI Program.

Fiscal Note

Funding: Risk Management Operating Budget

34. Refund of Property Taxes

Action:

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$225,483.45.

Staff Resource(s):

Teresa Smith, Finance Department

Explanation

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

Attachment(s)

Taxpayers and Refunds Requested
Resolution Property Tax Refunds

[List of Taxpayers](#)

[Resolution Nov 27 2023](#)

CONSENT - PROPERTY TRANSACTIONS

35. Charlotte Water Property Transactions - Mallard Creek Basin Improvements-Phase 1 and 2, Parcel # 4

Action: Approve the following Condemnation: Mallard Creek Basin Improvements- Phase 1 and 2, Parcel # 4

Project: Mallard Creek Basin Improvements-Phase 1 and 2, Parcel # 4

Owner(s): Martin Marietta Materials, Inc.

Property Address: 10600 North Tryon Street

Total Parcel Area: 44,888 sq. ft. (1.03 ac.)

Property to be acquired by Easements: 3,534 sq. ft. (0.08 ac.) in Permanent Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: N1A & I-2 & MHP

Use: Rural Homesite

Parcel Identification Number (s): 051-021-01

<https://polaris3g.mecklenburgcountync.gov/#mat=376484&pid=05102101&gisid=05102101>

Appraised Value: \$2,250

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

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

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

Council District: 4

Attachment(s): Map

[Map - Charlotte Water Property Transactions - Mallard Creek Basin Improvements-Phase 1 and 2, Parc](#)

36. Charlotte Water Property Transactions - Mallard Creek Basin Improvements-Phase 1 and 2, Parcel # 9

Action: Approve the following Condemnation: Mallard Creek Basin Improvements- Phase 1 and 2, Parcel # 9

Project: Mallard Creek Basin Improvements-Phase 1 and 2, Parcel # 9

Owner(s): Martin Marietta Materials, Inc.

Property Address: 11208 North Tryon Street

Total Parcel Area: 65,024 sq. ft. (1.49 ac.)

Property to be acquired by Easements: 15,765 sq. ft. (0.36 ac.) in Permanent Utility Easement and 12,726 sq. ft. (0.29 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: MHP

Use: 100 Year Flood Plain-Ac

Parcel Identification Number (s): 051-032-04

<https://polaris3g.mecklenburgcountync.gov/#mat=15646&pid=05103204&gisid=05103204>

Appraised Value: \$12,700

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: 4

Attachment(s): Map

[Map-Charlotte Water Property Transactions - Mallard Creek Basin Improvements-Phase 1 and 2, Parce](#)

37. Charlotte Water Property Transactions - Mallard Creek Basin Improvements-Phase 1 and 2, Parcel # 16

Action: Approve the following Condemnation: Mallard Creek Basin Improvements- Phase 1 and 2, Parcel # 16

Project: Mallard Creek Basin Improvements-Phase 1 and 2, Parcel # 16

Owner(s): Martin Marietta Materials, Inc.

Property Address: Pavilion Boulevard

Total Parcel Area: 279,614 sq. ft. (6.42 ac.)

Property to be acquired by Easements: 32,169 sq. ft. (0.74 ac.) in Permanent Utility Easement and 18,600 sq. ft. (0.43 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: N1-A

Use: 100 Year Flood Plain-Ac

Parcel Identification Number(s): 051-411-08
<https://polaris3g.mecklenburgcountync.gov/#pid=05141108&qsid=05141108>

Appraised Value: \$17,775

Property Owner's Concerns: The property owner is concerned about the amount of compensation offered and wants the city to purchase the parcel outright.

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: 4

Attachment(s): Map

[Map-Charlotte Water Property Transactions - Mallard Creek Basin Improvements-Phase 1 and 2, Parce](#)

38. Property Transactions - Beckwith Meadow Storm Drainage Improvement Project, Parcel # 21

Action: Approve the following Condemnation: Beckwith Meadow Storm Drainage Improvement Project, Parcel # 21

Project: Beckwith Meadow Storm Drainage Improvement Project, Parcel # 21

Program: Beckwith Meadow Storm Drainage Improvement Project

Owner(s): Sarah Scot Thompson

Property Address: 1700 Anderson Street

Total Parcel Area: 14,522 sq. ft. (0.333 ac.)

Property to be acquired by Easements: 2,990 sq. ft. (0.069 ac.) Storm Drainage Easement, 3,472 sq. ft. (0.08 ac.) Sanitary Sewer Easement and 342 sq. ft. (0.008 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: N1-B

Use: Neighborhood 1 Zoning District

Parcel Identification Number: 093-041-04

<https://polaris3g.mecklenburgcountync.gov/#mat=53797&pid=09304104&gisid=09304104>

Appraised Value: \$67,475

Property Owner's Concerns: The property owner is concerned about the potential impacts to the property and 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. The city informed the property owner they could obtain their own appraisal or provide supporting documentation to justify any counteroffer. The city continues to negotiate with the property owner.

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

Council District: 1

Attachment(s): Map

[15-21539 Map Property Transactions - Beckwith Meadow Storm Drainage Improvement Project, Parcel # 21](#)

39. Property Transactions - Cross Charlotte Trail Segment 10, Parcels # 4, 7, 8 and 11

Action: Approve the following Condemnation: Cross Charlotte Trail Segment 10, Parcels # 4, 7, 8 and 11

Project: Cross Charlotte Trail Segment 10: Mallard Creek Church Road to Pavilion Boulevard, Parcels # 4, 7, 8 and 11

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

Owner(s): Martin Marietta Materials, Inc

Property Address: 10600 North Tryon Street, 575 E Mallard Creek Church Road, Harris Houston Road and Stone Quarry Road

Total Parcel Area: 9,662,263 sq. ft. (221.815 ac.)

Property to be acquired by Easements: 18,822 sq. ft. (0.423 ac.) Permanent Greenway Easement and 258,215 sq. ft. (5.928 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: MHP, N1-A, N2-B

Use: Manufactured Home Park Zoning District, Neighborhood 1 Zoning District, Neighborhood 2 Zoning District

Parcel Identification Number(s): 051-021-01, 051-041-01, 051-033-06, 051-021-06
<https://polaris3g.mecklenburgcountync.gov/#mat=376484&pid=05102101&qsid=05102101>
<https://polaris3g.mecklenburgcountync.gov/#mat=390216&pid=05104101&qsid=05104101>
<https://polaris3g.mecklenburgcountync.gov/#pid=05103306&qsid=05103306>
<https://polaris3g.mecklenburgcountync.gov/#pid=05102106&qsid=05102106>

Appraised Value: \$117,425

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

City's Response to Property Owner's Concerns: The city informed the property owner they could obtain their own appraisal or provide supporting documentation to justify a counteroffer. Original easement documentation was provided to property owner in June of 2023 and the city is awaiting easement language revisions. The city continues to negotiate with the property owner.

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

Council District: 4

Attachment(s): Map

[15-21540 Map Property Transactions - Cross Charlotte Trail Segment 10, Parcels # 7](#)

[15-21540 Map Property Transactions - Cross Charlotte Trail Segment 10, Parcels # 8](#)

[15-21540 Map Property Transactions - Cross Charlotte Trail Segment 10, Parcels # 11](#)

[15-21540 Map Property Transactions - Cross Charlotte Trail Segment 10, Parcels # 4](#)

40. Property Transactions - Monroe Road Multiuse Path, Parcel # 21

Action: Approve the following Acquisition: Monroe Road Multiuse Path, Parcel # 21

Project: Monroe Road Multiuse Path, Parcel # 21

Program: Monroe Road Multiuse Path

Owner(s): Ryker LLC

Property Address: 5609 Monroe Road

Total Parcel Area: 21,669 sq. ft. (0.497 ac.)

Property to be acquired by Easements: 289 sq. ft. (0.007 ac.) Sidewalk Utility Easement and 1,673 sq. ft. (0.384 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Retaining Wall

Zoned: OFC

Use: Office Flex Campus Zoning District

Parcel Identification Number: 163-021-52

<https://polaris3g.mecklenburgcountync.gov/#mat=555898&pid=16302152&qisid=16302152>

Purchase Price: \$11,450

Council District: 5

41. Property Transactions - Providence at Dartmouth Pedestrian Hybrid Beacon, Parcel # 1

Action: Approve the following Acquisition: Providence at Dartmouth Pedestrian Hybrid Beacon, Parcel # 1

Project: Providence at Dartmouth Pedestrian Hybrid Beacon (PHB), Parcel # 1

Program: Providence at Dartmouth PHB

Owner(s): Myers Park Propco LLC

Property Address: 300 Providence Road

Total Parcel Area: 58,187 sq. ft. (1.336 ac.)

Property to be acquired by Easements: 305 sq. ft. (0.007 ac.) Utility Easement, 101 sq. ft. (0.002 ac.) Sidewalk Utility Easement and 332 sq. ft. (0.008 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: N2-B

Use: Neighborhood 2 Zoning District

Parcel Identification Number: 155-022-23

<https://polaris3g.mecklenburgcountync.gov/#mat=96382&pid=15502223&gisid=15502223>

Purchase Price: \$13,224

Council District: 6

42. Property Transactions - Rea Road Widening, Parcel # 1

Action: Approve the following Condemnation: Rea Road Widening, Parcel # 1

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

Project: Rea Road Widening (I-485 to Williams Pond Lane), Parcel # 1

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

Owner(s): Zenith Investment Grantor Trust, Summit De Corporation, Trustee

Property Address: 7828 Rea Road

Total Parcel Area: 1,893,945 sq. ft. (43.479 ac.)

Property to be acquired by Easements: 8,357 sq. ft. (0.192 ac.) Utility Easement, 2,144 sq. ft. (0.049 ac.) Sidewalk Utility Easement and 8,334 sq. ft. (0.191 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Concrete curbing

Landscaping to be impacted: Trees and various plantings

Zoned: CC

Use: Commercial

Parcel Identification Number: 225-041-19

<https://polaris3g.mecklenburgcountync.gov/#mat=571967&pid=22504119&qsid=22504119>

Appraised Value: \$144,650

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

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

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

Council District: 7

Attachment(s): Map

[15-21552 Map Property Transactions - Rea Road Widening, Parcel # 1](#)

43. Property Transactions - Rea Road Widening, Parcel # 2

Action: Approve the following Condemnation: Rea Road Widening, Parcel # 2

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

Project: Rea Road Widening (I-485 to Williams Pond Lane), Parcel # 2

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

Owner(s): OMS Piper Station, LLC

Property Address: 5110 Piper Station Drive

Total Parcel Area: 84,571 sq. ft. (1.941 ac.)

Property to be acquired by Easements: 309 sq. ft. (0.007 ac.) Sidewalk Utility Easement and 2,598 sq. ft. (0.06 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: MUDD-O

Use: Multi-Use Development District

Parcel Identification Number: 225-045-06

<https://polaris3g.mecklenburgcountync.gov/#mat=590491&pid=22504506&qsid=22504506>

Appraised Value: \$39,000

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

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

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

Council District: 7

Attachment(s): Map

[15-21551 Map Property Transactions - Rea Road Widening, Parcel # 2](#)

44. Property Transactions - Rea Road Widening, Parcel # 4

Action: Approve the following Condemnation: Rea Road Widening, Parcel # 4

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

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

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

Owner(s): Colony at Piper Glen, LLC

Property Address: 7810 Ballantyne Commons Parkway and 5231 & 5235 Piper Station Drive

Total Parcel Area: 307,392 sq. ft. (7.057 ac.)

Property to be acquired by Fee Simple: 3,363 sq. ft. (0.077 ac.) Fee Simple Outside Existing Right-of-Way

Property to be acquired by Easements: 5,381 sq. ft. (0.124 ac.) Sidewalk Utility Easement, 7,221 sq. ft. (0.166 ac.) Permanent Utility Easement, 975 sq. ft. (0.022 ac.) Storm Drainage Easement and 8,584 sq. ft. (0.197 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: NS & B-1SCD

Use: Neighborhood Service District & Business Conditional Zoning

Parcel Identification Number: 225-045-05

<https://polaris3g.mecklenburgcountync.gov/#mat=703326&pid=22504505&qsid=22504505>

Appraised Value: \$309,250

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

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

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

Council District: 7

Attachment(s): Map

[15-21544 Map Rea Road Widening, Parcel # 4](#)

45. Property Transactions - Rea Road Widening, Parcel # 9

Action: Approve the following Condemnation: Rea Road Widening, Parcel # 9

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

Project: Rea Road Widening (I-485 to Williams Pond Lane), Parcel # 9

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

Owner(s): 2017-1 1H Borrower L.P.

Property Address: 11514 Falling Leaves Drive

Total Parcel Area: 10,599 sq. ft. (0.243 ac.)

Property to be acquired by Easements: 830 sq. ft. (0.019 ac.) Utility Easement, 712 sq. ft. (0.016 ac.) Sidewalk Utility Easement and 1,072 sq. ft. (0.025 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: N1-A

Use: Neighborhood 1 Zoning District

Parcel Identification Number: 225-044-06

<https://polaris3g.mecklenburgcountync.gov/#mat=19082&pid=22504406&gisid=22504406>

Appraised Value: \$53,500

Property Owner's Concerns: The property owner has presented no concerns to city staff.

City's Response Property Owner's Concerns: The city presented the offer in September of 2023 for the owners' review. The city informed the property owner they could obtain their own appraisal or provide supporting documentation to justify a counteroffer. The city continues to negotiate with the property owner.

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

Council District: 7

Attachment(s): Map

[15-21549 Map Property Transactions - Rea Road Widening, Parcel # 9](#)

46. Property Transactions - Rea Road Widening, Parcel # 10

Action: Approve the following Condemnation: Rea Road Widening, Parcel # 10

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

Project: Rea Road Widening (I-485 to Williams Pond Lane), Parcel # 10

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

Owner(s): Tracey M. Jeffcoat and spouse, if any

Property Address: Falling Leaves Drive

Total Parcel Area: 4,547 sq. ft. (0.104 ac.)

Property to be acquired by Fee Simple: 120 sq. ft. (0.003 ac.) Fee Simple Outside of Existing Right-of-Way

Property to be acquired by Easements: 1,081 sq. ft. (0.025 ac.) Utility Easement, 830 sq. ft. (0.019 ac.) Sidewalk Utility Easement and 101 sq. ft. (0.002 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: IC-1

Use: Industrial

Parcel Identification Number: 225-044-99

<https://polaris3g.mecklenburgcountync.gov/#pid=22504499&qsid=22504499>

Appraised Value: \$3,425

Property Owner's Concerns: The property has outstanding title issues.

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

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

Council District: 7

Attachment(s): Map

[15-21547 Map Property Transactions - Rea Road Widening, Parcel # 10](#)

47. Property Transactions - Rea Road Widening, Parcel # 11

Action: Approve the following Acquisition: Rea Road Widening, Parcel # 11

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

Project: Rea Road Widening (I-485 to Williams Pond Lane), Parcel # 11

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

Owner(s): Lisa A Lee and Harry Lee

Property Address: 11520 Falling Leaves Drive

Total Parcel Area: 15,236 sq. ft. (0.350 ac.)

Property to be acquired by Easements: 873 sq. ft. (0.020 ac.) Permanent Utility Easement, 570 sq. ft. (0.013 ac.) Sidewalk Utility Easement and 952 sq. ft. (0.022 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: N1-A

Use: Neighborhood 1 Zoning District

Parcel Identification Number: 225-044-05

<https://polaris3g.mecklenburgcountync.gov/#mat=19199&pid=22504405&qisid=22504405>

Purchased Price: \$50,000

Council District: 7

48. Property Transactions - Regional Solids Conveyance Phase 1A, Parcel # 4

Action: Approve the following Acquisition: Regional Solids Conveyance Phase 1A, Parcel # 4

Project: Regional Solids Conveyance Phase 1A, Parcel # 4

Program: Regional Solids Conveyance Phase 1A

Owner(s): William M Gardner Jr and Deborah M Gardner

Property Address: 1000 McCorkle Road

Total Parcel Area: 203,123 sq. ft. (4.663 ac.)

Property to be acquired by Easements: 18,050 sq. ft. (0.414 ac.) Sanitary Sewer Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: N1-A

Use: Neighborhood 1 Zoning District

Parcel Identification Number: 053-093-10

<https://polaris3g.mecklenburgcountync.gov/#mat=274&pid=05309310&qsid=05309310>

Purchase Price: \$12,250

Council District: Adjacent to Council District 3

49. Property Transactions - Shamrock Drive Improvements, Parcel # 67

Action: Approve the following Condemnation: Shamrock Drive Improvements, Parcel # 67

Project: Shamrock Drive Improvements, Parcel # 67

Program: Shamrock Drive Improvements

Owner(s): The Yanyan Weiwei Revocable Living Trust

Property Address: 2601 Palm Avenue

Total Parcel Area: 18,597 sq. ft. (0.427 ac.)

Property to be acquired by Fee Simple: 1,356 sq. ft. (0.031 ac.) Fee Simple Outside of Existing Right-of-Way

Property to be acquired by Easements: 2,759 sq. ft. (0.063 ac.) Post Construction Control Easement, 1,204 sq. ft. (0.028 ac.) Sidewalk Utility Easement, 219 sq. ft. (0.005 ac.) Utility Easement, 134 sq. ft. (0.003 ac.) Storm Drainage Easement and 3,304 sq. ft. (0.076 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Driveway

Landscaping to be impacted: Trees

Zoned: N1-B

Use: Neighborhood 1 Zoning District

Parcel Identification Number: 093-075-01

<https://polaris3g.mecklenburgcountync.gov/#mat=87612&pid=09307501&gisid=09307501>

Appraised Value: \$79,475

Property Owner's Concerns: The property has outstanding title issues.

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

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

Council District: 1

Attachment(s): Map

[15-21538 Map Property Transactions - Shamrock Drive Improvements, Parcel # 67](#)

Adjournment

REFERENCES

50. 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.

51. 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.

52. 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.