

City of Charlotte

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



Meeting Agenda

Monday, July 10, 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 BUSINESS MEETING, CHARLOTTE-MECKLENBURG GOVERNMENT CENTER, COUNCIL CHAMBER

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

Call to Order

Introductions

Invocation

Pledge of Allegiance

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.

[2023-07-10 Council Agenda QA](#)

2. Consent agenda items 44 through 81 may be considered in one motion except for those items removed by a Council member. Items are removed by notifying the City Clerk.

Time: 5 minutes

Consideration of Consent Items shall occur in the following order:

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

ZONING

Rescheduled from canceled June 20, 2023 City Council Zoning Meeting

Explanation of Zoning Meeting

Deferrals / Withdrawals

ZONING HEARINGS

3. Rezoning Petition: 2015-027 by Charlotte Housing Authority/Horizon Development Properties Inc.

Update: Petitioner is requesting deferral to December 18, 2023

Location: Approximately 3.031 acres located on the southeast corner at the intersection of Cherry Street and East 1st Street. (Council District 1 - Anderson)

Current Zoning: R-22MF (multi-family, residential)

Proposed Zoning: UR-C(CD) (urban residential - commercial, conditional)

4. Rezoning Petition: 2021-285 by Clearwater Development Partners, Inc.

Update: Petitioner is requesting deferral to August 21, 2023

Location: Approximately 0.15 acre located in the southern quadrant of the intersection of Cleveland Avenue and East Worthington Avenue, east of South Boulevard. (Council District 1 - Anderson)

Current Zoning: CG HDO (general commercial, historic district overlay)

Proposed Zoning: MUDD-O HDO (mixed-use development district - optional, historic district overlay)

5. Rezoning Petition: 2021-221 by Paulette Canaday

Location: Approximately 5.10 acres located on the west side of Statesville Road, east of Millhaven Lane, and south of Sunset Road. (Council District 2 - Graham)

Current Zoning: N1-B (neighborhood 1 - B)

Proposed Zoning: INST(CD) (institutional, conditional)

Staff Recommendation:

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation.

Attachments:

Pre-Hearing Staff Analysis

Site Plan

[2021 221 PHSA DONE](#)

[2021 221 RevSitePlan 2023 04 06](#)

6. Rezoning Petition: 2022-114 by Rohit Patel

Location: Approximately 4.18 acres located on the northeast side of Ridge Road, south of Mallard Creek Road, and north of Interstate 85. (ETJ - BOCC: 3-Dunlap; Closest CC: 4-Johnson)

Current Zoning: N1-A (neighborhood 1 - A)

Proposed Zoning: R-8MF(CD) (multi-family residential, conditional)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

Pre-Hearing Staff Analysis

Site Plan

[2022 114 PHSA DONE](#)

[2022 114 RevSitePlan 2023 05 16](#)

7. Rezoning Petition: 2022-119 by Blackburn Communities, LLC

Location: Approximately 9.2 acres located on the north and south side of Johnston Oehler Road and south side of Robert Helms Road, east of Prosperity Church Road. (Council District 4 - Johnson)

Current Zoning: N1-A (neighborhood 1 - A)

Proposed Zoning: UR-3(CD) (urban residential, conditional)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

Pre-Hearing Staff Analysis

Site Plan

[2022 119 PHSA DONE](#)

[2022 119 SitePlan 2023 5 15](#)

8. Rezoning Petition: 2022-151 by Rayna Properties, LLC

Location: Approximately 4.37 acres located on the north side of David Cox Road, east of West Sugar Creek Road, and south of Hayden Drive. (Council District 4 - Johnson)

Current Zoning: N1-A (neighborhood 1 - A)

Proposed Zoning: R-17MF(CD) (multi-family residential, conditional)

Staff Recommendation:

Staff does not recommend approval of this petition in its current form. Staff may reevaluate its recommendation with a development outcome that better aligns to the Neighborhood 1 Place Type.

Attachments:

Pre-Hearing Staff Analysis

Site Plan

[2022_151_PHSА_DONE](#)

[2022_151_SitePlan_2023_5_10](#)

9. Rezoning Petition: 2022-161 by Pulte Group

Location: Approximately 29.33 acres located at the southwest intersection of Steele Creek Road and Parkside Crossing Drive, south of Sledge Road. (ETJ - BOCC: 2-Leake; Closest CC: 3-Watlington)

Current Zoning: N1-A (neighborhood 1 - A)

Proposed Zoning: UR-2(CD) (urban residential, conditional)

Staff Recommendation:

Staff recommends approval of this petition upon resolution of outstanding issues related to site and building design.

Attachments:

Pre-Hearing Staff Analysis

Site Plan

[2022_161_PHSА_DONE](#)

[2022_161_SitePlanRev_2023_5_15](#)

10. Rezoning Petition: 2022-183 by Blu South LLC

Location: Approximately 32.42 acres located along the north side of Interstate 485, west of China Grove Church Road, and south of East Westinghouse Boulevard. (Council District 3 - Watlington)

Current Zoning: I-1(CD) (light industrial, conditional)

Proposed Zoning: UR-2(CD) (urban residential, conditional)

Staff Recommendation:

Staff recommends approval of this petition upon resolution of outstanding issues and technical revisions related to transportation, site and building design and stormwater.

Attachments:

Pre-Hearing Staff Analysis

Site Plan

[2022_183_PHSА_DONE](#)

[2022_183_siteplanRed_23_5_15](#)

11. Rezoning Petition: 2022-208 by Summit Avenue Keswick, LLC

Location: Approximately 7.6 acres located on the west side of North Tryon Street and east side of Keswick Avenue, south of West 24th Street. (Council District 1 - Anderson)

Current Zoning: ML-2 (manufacturing and logistics - 2) and I-2(CD) (general industrial, conditional)

Proposed Zoning: IMU (innovation mixed-use)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

Pre-Hearing Staff Analysis

[2022_208_PHSА_DONE](#)

12. Rezoning Petition: 2022-204 by Jay Jeet, LLC

Location: Approximately 5.19 acres located on the south side of Sunset Road, west of Beatties Ford Road, and east of Peachtree Road. (ETJ - BOCC: 2-Leake; Closest CC: 2-Graham)

Current Zoning: N1-B (neighborhood 1- B)

Proposed Zoning: MUDD(CD) (mixed-use development district, conditional)

Staff Recommendation:

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation.

Attachments:

Pre-Hearing Staff Analysis

Site Plan

[2022_204_PHSА_DONE](#)

[2022_204_SitePlanRev_2023_5_12](#)

13. Rezoning Petition: 2022-205 by DR Horton

Location: Approximately 21.12 acres located along the southeast side of Mallard Creek Road, west of Penninger Circle, and north of Morris Estate Drive. (Council District 2 - Graham)

Current Zoning: N1-A (neighborhood 1 - A) and R-8MF(CD) (multi-family residential, conditional)

Proposed Zoning: R-8MF(CD) (multi-family residential) and R-8MF(CD) SPA (multi-family residential, conditional, site plan amendment)

Staff Recommendation:

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation.

Attachments:

Pre-Hearing Staff Analysis

Site Plan

[2022_205_PHSA_DONE](#)

[2022_205_RevSitePlan_2023_05_15](#)

14. Rezoning Petition: 2022-207 by SLC Development, LLC

Location: Approximately 0.17 acres located on the north side of East Tremont Avenue, southeast of South Boulevard, and west of East Worthington Avenue. (Council District 1 - Anderson)

Current Zoning: TOD-M(O) (transit oriented development-mixed use, optional)

Proposed Zoning: TOD-UC (transit oriented development-urban center)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

Pre-Hearing Staff Analysis

[2022_207_PHSA_DONE](#)

15. Rezoning Petition: 2022-217 by Mecklenburg County

Location: Approximately 9.22 acres located on the north side of Reno Avenue and east side of Venice Knights Way, south of West Brookshire Freeway. (Council District 2 - Graham)

Current Zoning: ML-2 (manufacturing and logistics)

Proposed Zoning: IC-2 (institutional campus)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

Pre-Hearing Staff Analysis

[2022_217_PHSA_DONE](#)

16. Rezoning Petition: 2022-222 by Pearl Properties LLC

Location: Approximately 0.37 acres located on the east side of Parson Street, west of Union Street, and north of Parkwood Avenue. (Council District 1 - Anderson)

Current Zoning: N1-C (neighborhood 1 - C)

Proposed Zoning: N1-D (neighborhood 1 - D)

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

Pre-Hearing Staff Analysis

[2022_222_PHSА_DONE](#)

AWARDS AND RECOGNITIONS

17. Americans with Disabilities Act Awareness Day Proclamation

Action:

Mayor Lyles will read a proclamation recognizing July 26, 2023, as Americans with Disabilities Act Awareness Day.

PUBLIC FORUM

18. Public Forum

PUBLIC HEARING

19. Public Hearing on a Resolution to Close a Portion of E. 23rd Street

Action:

- A. Conduct a public hearing to close a Portion of E. 23rd Street, and
- B. Adopt a resolution and close a Portion of E. 23rd Street

Staff Resource(s):

Debbie Smith, Transportation

Anthony Mendez, Transportation

Explanation

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

Petitioner

Perspective Capital Corporation

Right-of-Way to be Abandoned

E. 23rd Street

Reason

Per the petition submitted by Perspective Capital Corporation, Petitioner plans to redevelop their parcels and construct a mixed-use future development that abut the portions of the unopened right-of-way. 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)

None

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

[Portion of E 23rd St Abandonment Map](#)

[2022-003442A Resolution to Close 07.10.2023](#)

POLICY

20. City Manager's Report

- **Eastland Update**

[City Managers Report - Eastland Update](#)

BUSINESS

21. Lowe's 100 Hometowns Grant Acceptance

Action:

- A. **Accept a grant in the amount of \$260,000 from Lowe's Home Improvement for the construction of the Urban Arboretum Trail Spring Street Plaza, and**
- B. **Adopt a budget ordinance appropriating \$260,000 from Lowe's Home Improvement to the General Grants Fund.**

Staff Resource(s):

Alyson Craig, Planning, Design, and Development
Erin Chantry, Planning, Design, and Development
Laura Bandara, Planning, Design, and Development

Explanation

- The Spring Street Plaza is located at 1301 Spring Street in the Greenville neighborhood in Council District 1. The plaza consists of one city-owned parcel; parcel identification number: 078-444-19.
- The site is located between townhomes and connected via a walkway to Fontana Street with single-family houses along the property line. It is adjacent to Greenville Park, Walter G. Byers Elementary School, and the Charlotte-Mecklenburg Police Athletic League.
- This project is part of the Urban Arboretum Trail managed by the city's Tree Canopy Preservation Program and Urban Design Center to create community spaces in urban areas that celebrate the City of Charlotte's nationally recognized tree canopy and leverage publicly owned land to create unique places that educate, preserve, and engage the community.
- The site falls within the North Tryon/North Graham Corridor of Opportunity Area of Influence. The project is a listed "Priority Project" in the North Tryon/North Graham Playbook under the Integrated Natural and Built Environment theme publicly released in Spring 2023.
- The city applied for and was awarded the Lowe's 100 Hometowns grant for \$260,000 in addition to \$50,000 allocated from the Tree Canopy Protection Program for this project. Grant funding will allow the City of Charlotte to build a permanent open space in the Greenville neighborhood.
- Initial community engagement efforts occurred in spring 2022 to gather feedback on the types of design elements and programming desired for the Spring Street site.
- The Spring Street Plaza will feature an orchard or native tree grove, along with a plaza and a variety of seating areas. The fruit-bearing trees will provide access to fresh foods, the increased tree canopy will improve air and water quality, and the plaza and benches will provide high-quality public space for community gatherings.
- This project intends to address food insecurity and mitigate air pollution in a neighborhood surrounded by highways and large arterials.
- Approximately 41 percent of Greenville residents receive Food and Nutrition Services, nearly three times higher than the Mecklenburg County resident average of 15 percent. There is minimal tree canopy in the neighborhood. Only 22.5 percent of Greenville is covered by tree canopy compared to the County average of 45.1 percent.
- The City of Charlotte's Tree Canopy Preservation Program will perform long-term maintenance, along with the city's division of landscape maintenance. The city welcome's community member involvement in orchard harvests but will not rely on it.
- Grant funding will be used for pervious paving in the plaza, site furnishings, signage, and public art.
- Additional community engagement is anticipated with the Greenhaven Townhomes adjacent to the site as part of a sidewalk mural project to be installed in 2023. A survey will go out to the neighborhood in early July, and homes neighboring the site will be canvassed to secure additional feedback on the proposed elements of the site.
- This open space will be constructed by December 2023.
- There are no matching funds required by the city.

Fiscal Note

Funding: General Grants Fund

Attachment(s)

Map

Budget Ordinance

[Map](#)

[Budget Ordinance](#)

22. Joules Accelerator Funding for Energy Storage Technology

Action:

Adopt a budget ordinance appropriating \$20,000 from the Joules Accelerator to the General Capital Projects Fund.

Staff Resource(s):

Phil Reiger, General Services

Sarah Hazel, General Services

Explanation

- Joules Accelerator, a non-profit organization that supports early-stage climate tech startups in the southeast, is providing funds to the city for the purchase of solar energy storage equipment from Yotta Energy, a climate tech startup.
- The storage equipment will be installed at CMPD Central Division located at 700 West 5th Street in Council District 2 and will be installed underneath the solar panels, saving space and requiring no electricity to thermally regulate.
- This equipment will store excess renewable energy from the solar panels and then release it in the evening, increasing the amount of off-grid renewable energy the building will use, which supports the Strategic Energy Action Plan goals of reducing greenhouse gas emissions.
- The total estimated purchase cost is \$59,200 with \$20,000 coming from the Joules Accelerator grant and \$39,200 from the city's local match. The local match is available within current appropriations.

Fiscal Note

Funding: General Capital Investment Plan

Attachment(s)

Budget Ordinance - Joules

[FY24 Budget Ordinance - Joules](#)

23. Land Lease of City-Owned Property at McDowell Creek Wastewater Treatment Plant

Action:

- A. Adopt a resolution to approve a land lease agreement with McDowell Creek Solar LLC with a 20-year term for a solar facility to be located at the McDowell Creek Wastewater Treatment Plant (parcel identification number 013-05-102),**
- B. Authorize the City Manager to renew the lease for up to two, five-year terms, and**
- C. Authorize the City Manager to negotiate and execute all documents necessary to complete the lease.**

Staff Resource(s):

Angela Charles, Charlotte Water
Jackie Jarrell, Charlotte Water
Sarah Hazel, Sustainability Office

Explanation

- The McDowell Creek Wastewater Treatment Plant is located on 194 acres of city-owned property in the Town of Huntersville (adjacent to Council Districts 2 and 4).
- A portion of the site is not planned for or currently utilized for wastewater treatment plant operations and may be programmed to support other city priorities.
- McDowell Creek Solar LLC desires to lease a portion of the unutilized property for the development and operation of a solar energy conversion system and power generation facility.
- The completed project will represent the largest solar facility on any City of Charlotte owned property.
- The terms of the lease agreement are as follows:
 - 10.7 acres
 - 20-year term with two optional five-year renewals
 - Lease amount of \$1 per year
- Renewable Energy Credits from the farm will be purchased and used for Sustainable Energy Action Plan compliance, which supports the Strategic Energy Action Plan goals of reducing greenhouse gas emissions.
- Public Notice was published in The Charlotte Observer on June 9, 2023.

Charlotte Business INclusion

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

Fiscal Note

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

Attachment(s)

Map
Resolution

[Map-Land Lease of City-Owned Property at McDowell Creek Wastewater Treatment Plant](#)

[Resolution-Land Lease of City-Owned Property at McDowell Creek Wastewater Treatment Plant](#)

24. Mecklenburg Soil and Water Conservation District Urban Cost Share Program

Action:

Adopt a resolution ratifying an Urban Cost Share Program agreement with the Mecklenburg Soil and Water Conservation District.

Staff Resource(s):

Angela Charles, Charlotte Water
Mike Davis, Storm Water Services
Robert Zink, Storm Water Services

Explanation

- This agreement will allow Storm Water Services to provide funds to the Mecklenburg Soil and Water Conservation District (District) to support the Urban Cost Share Program.
- The Urban Cost Share Program provides up to 75 percent of project costs (up to \$7,500) per project to residents in Mecklenburg County to reduce runoff, reduce erosion, and address other non-point source pollution issues.
- The District and the city share the goal of educating residents about the storm drainage system, source pollution, and the effects of stream bank erosion to encourage residents to positively impact surface water quality in Mecklenburg County.
- This agreement provides up to \$59,000 in funding for fiscal year 2024.

Fiscal Note

Storm Water Operating Budget

Attachment(s)

Resolution

[Resolution-MSWCD Urban Cost Share Agreement FY24](#)

25. Brookhill Village Naturally Occurring Affordable Housing Preservation Support Request

Action:

- A. Approve the use of \$3,500,000 from the Coronavirus State and Local Fiscal Recovery Fund for the preservation of Brookhill Village Apartments multi-family affordable housing development, and**
- B. Authorize the City Manager to execute, amend, and renew any documents necessary to complete the transaction.**

Staff Resource(s):

Shawn Heath, Housing & Neighborhood Services

Explanation

- Brookhill Village, originally developed in 1950 and located at 2506 South Tryon Street in Council District 3, consists of approximately 35 acres under an original 99-year ground lease. The ground lease expires in 2049.
- Most on-site buildings have been demolished, with 100 naturally occurring affordable housing units (Affordable Units) remaining on approximately nine acres.
- Brookhill Investments, LLC, a subsidiary of Griffin Brothers Acquisitions, LLC (Developer) acquired the ground lease in 2022, subject to an early termination option expiring on July 31, 2023.
- The Developer is requesting city support in the amount of \$3,500,000 to fund 1) the allocable share of the ground lease acquisition cost associated with the Affordable Units, and 2) renovation costs for the Affordable Units.
- The proposed interior and exterior renovations will include:
 - New heating and cooling units
 - Roof repairs or replacement
 - Floor refinishing or replacement
 - Storm doors and windows
 - New kitchen appliances and bathroom fixtures
 - Interior and/or exterior painting where needed
 - Other repairs as needed (e.g., insulation improvements)
- The city's \$3,500,000 investment supporting the 100 Affordable Units shall include affordability requirements for the duration of the ground lease through 2049.
 - 78 of the Affordable Units are currently occupied (legacy households), primarily by families at 30 percent of the Area Median Income (AMI) or below. Rents shall be preserved at affordable levels for all legacy households, so long as they remain in the Brookhill Village Affordable Units, through the end of the ground lease in 2049.
 - 22 of the Affordable Units are unoccupied and will be devoted to The Harvest Center's transitional housing program through the end of the ground lease in 2049. The Harvest Center, a local non-profit organization focused on individuals and families experiencing non-chronic, situational homelessness, will establish and administer an on-site transitional housing program for low-income individuals and families experiencing homelessness.
 - Over time, as the 78 legacy households voluntarily exit the Brookhill Village Affordable Units, half of the vacated units will be devoted to The Harvest Center's transitional housing program, and the other half will be maintained as affordable rental units accessible to households with income in the 30 percent to 80 percent AMI range.
 - All of the 100 Affordable Units shall remain affordable to households earning less than 80 percent of the AMI for the duration of the ground lease.
- The Harvest Center will fund the construction of an administrative office and community resource center on the Brookhill Village property, and wrap-around services provided by The Harvest Center will be available to all Brookhill Village residents (including legacy households).

Background

- In August 2018, Council adopted the Housing Charlotte Framework which recommends preserving naturally occurring affordable housing (NOAH) properties.
- In March 2019, Council adopted Guidelines for Preserving Naturally Occurring Affordable Housing (guidelines). The goals of the guidelines include:
 - Limiting displacement of current residents by preserving existing affordability;
 - Preserving quality affordable and workforce housing by increasing the number of available restricted units and the physical structure of the units;
 - Providing low-interest loans so that high-performing for-profit and non-profit owner operators can purchase and/or upfit NOAH properties and preserve them as affordable;
 - Allowing existing owners to participate in return for deed restrictions/affordability requirements and demonstrated management and maintenance history; and
 - Aligning guidelines with other city policies.
- On March 11, 2021, in response to the COVID-19 public health emergency, President Biden signed the American Rescue Plan Act of 2021 (ARPA), which included the Coronavirus State and Local Fiscal Recovery Fund. Charlotte was one of almost 1,000 cities across the nation that received these funds.
- On June 12, 2023, Council received a presentation on the Brookhill Village NOAH preservation and rental subsidy support request.
- On July 6, 2023, the Mecklenburg County Board of County Commissioners is expected to vote on a request of \$3,500,000 of county funding in support of the preservation of the Brookhill Village Apartments.

Charlotte Business INclusion

This is a federally funded contract and is exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion policy).

Fiscal Note

Funding: American Rescue Plan Act (ARPA) Funds

Attachment(s)

Map

[Map Brookhill Village](#)

26. Adopt an Initial Findings Resolution and Set a Public Hearing on Airport 2023 General Airport Revenue Bonds and Bond Anticipation Notes

Action:

- A. Adopt an initial findings resolution and authorize the City Manager, or his designee, to make appropriate application to the Local Government Commission for issuance of General Airport Revenue Bonds not to exceed \$550,000,000 and revenue bond anticipation notes not to exceed \$280,000,000, and**
- B. Adopt a resolution setting a public hearing on August 28, 2023, for this financing as required by Internal Revenue Service regulations.**

Staff Resource(s):

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

Explanation

- Authorize the issuance of up to \$550,000,000 General Airport Revenue Bonds (GARBs) to provide permanent financing for projects listed below, including expenses funded with short-term construction-period financing issued in 2022, and refinance outstanding General Airport Revenue Bonds.
- This action would also authorize a new construction period financing program for up to \$280,000,000 in short-term notes to provide financing for other projects that are in the design phase; it is expected that permanent financing for these projects will be secured in two or three years.
- The 2023 GARBs will provide long-term financing for the following or other similar projects which are part of the Aviation Capital Investment Plan:
 - Concourse A Expansion Ph II,
 - Fourth Parallel Runway Program
- The 2023 Bond Anticipation Notes will provide short-term financing for the following or other similar projects:
 - Concourse D Renovations,
 - Fourth Parallel Runway,
 - North End Around Taxiway Program,
 - Taxiway F Extension, Deice Pad, and South Cross Field Taxiway
 - Concourse E Renovations
 - Concourse D-E Connector
 - South Ramp Expansion
 - Decommission Runway 5/23
 - Concourse E Mezzanine
- Long and short-term financing authorized by these actions is secured by Airport revenue, and the Airport's signatory airlines have approved the projects.
- Prior to issuing this debt, a third-party feasibility study will be completed to indicate that sufficient revenues are forecasted to be available to repay the debt.
- Debt issuances must be approved by the Local Government Commission (LGC). Action A authorizes the city to submit an application for the issuances to the LGC for approval.
- Internal Revenue Service regulations require a public hearing on new, tax-exempt, debt-funded projects.

Fiscal Note

Funding: Airport Debt Service Fund

Attachment(s)

Initial Findings Resolution

[FINAL Initial Findings Resolution - City of Charlotte NC Airport Revenue Bonds Series 2023AB and RBA](#)

27. Adopt an Initial Finding Resolution and Set a Public Hearing for a Draw Program for the Spectrum Arena Upgrades and Refunding of Outstanding Arena Certificates of Participation

Action:

- A. Adopt an initial findings resolution making certain findings and calling for the execution of various documents necessary to issue a draw program and refunding of Outstanding Arena Certificates of Participation,**
- B. Adopt a resolution setting a public hearings for August 28, 2023, for a draw program for up to \$110,000,000 for arena upgrades, and refunding of Outstanding Arena Certificates of Participation series 2003F and 2013G up to \$100,000,000, and**
- C. Authorize the City Manager, or his designee, to take necessary actions to complete the financing, including submitting the application to the Local Government Commission.**

Staff Resource(s):

Teresa Smith, Finance

Matthew Hastedt, Finance

Tracy Dodson, Economic Development

Explanation

- On June 13, 2022 City Council authorized the City Manager to negotiate and execute an agreement between Hornets Sports Entertainment and the City of Charlotte in amount not to exceed \$215,000,000 for arena improvements and repairs and \$60,000,000 for new Performance Enhancement Center.
- The city will enter into a construction period financing in the form of a drawdown program for not to exceed \$110,000,000; allowing the city to reimburse expenses on a monthly basis during construction and eliminating interest expense on funds not yet expended on the projects.
- This will be the first of two financing tranches for the total project financing not to exceed \$215,000,000.
- A drawdown construction period financing reduces interest cost and provides flexibility in the timing of the spending.
- The projects being funded will assist with contractual obligations of the city to provide capital repairs and improvements, and also finance other renovations and upgrades to meet the National Basketball Association requirements, to keep the arena competitive, to make it more environmentally friendly, and to help attract additional events.
- The project is located in Council District 1.
- The Spectrum Center Upgrades debt issuance for this first tranche is planned in two steps; a short-term construction period draw program lasting up to 36 months which will then be converted into permanent fixed-rate financing.
- In addition, the city continually evaluates outstanding debt for refunding opportunities to achieve savings, reduce risk, and to modernize financing documents.
- In 2013, \$128,000,000 Certificates of Participation (COPs) were issued at a variable rate, and the city entered into a pay-fixed rate agreement.
 - Approximately \$78,000,000 of the refunding proceeds will be used to refund the existing 2013G debt for savings and to fund a termination fee. The 2013G bonds will only be refunded if it results in a more favorable position for the city at the time of financing.
 - Approximately \$22,000,000 from the refunding will be used to refund outstanding 2003F COPs. The 2003F bonds will only be refunded if it results in a more favorable position for the city at the time of financing.
- The North Carolina Local Government Commission is expected to review and approve the draw program for Spectrum Center Upgrades in September, and the refunding of existing Arena COPs in

October.

Fiscal Note

Funding: Tourism Fund

Attachment(s)

Resolution

[Initial Findings Resolution - City of Charlotte Arena COPs 2023 - initial draft.final](#)

NOMINATIONS

28. Nominations to the Business Advisory Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a three-year term recommended by the Black Chamber of Commerce beginning upon beginning April 29, 2023, and ending April 28, 2026.
 - Steven Lewis did not meet attendance requirements.
- One appointment for a three-year term recommended by the Certified SBE-Hispanic Contractors Association beginning April 29, 2023, and ending April 28, 2026.
 - Domenico Santilli is eligible but not interested in reappointment.
- One appointment for a three-year term recommended by the Charlotte Regional Business Alliance beginning April 29, 2022, and ending April 28, 2025.
 - Tonia Woodbury did not meet attendance requirements and is ineligible for reappointment.
- One appointment for a three-year term recommended by the Latin American Chamber of Commerce beginning April 29, 2023, and ending April 28, 2026.
 - Richard Cuebas is eligible but not interested in reappointment.
- One appointment for a three-year term recommended by the LGBT+ Chamber of Commerce beginning July 1, 2023, and ending June 30, 2026.

Attachment(s)

Business Advisory Committee Applications

29. Nominations to the Charlotte Business INclusion Advisory Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a two-year term recommended by the Hispanic Contractors Association of the Carolinas beginning March 1, 2022, and ending February 28, 2024.
 - Sandra Velez did not meet attendance requirements and is ineligible for reappointment.
- One appointment for a two-year term recommended by the LGBT+ Chamber of Commerce beginning July 1, 2023, and ending June 30, 2025.

Attachment(s)

Charlotte Business INclusion Advisory Committee Applications

30. Nominations to the Charlotte Neighborhood Equity and Stabilization Commission

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

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

Attachment(s)

Charlotte Neighborhood Equity and Stabilization Commission Applications

31. Nominations to the Charlotte Regional Visitors Authority

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a three-year term for a Full Service Hotel category representative beginning July 1, 2023, and ending June 30, 2026.
 - Thomas Dolan is eligible and interested in reappointment.
- One appointment for a three-year term for a Restaurant category representative beginning July 1, 2023, and ending June 30, 2026.
 - Thomas Sasser has served two terms and is ineligible for reappointment.
- One appointment for a three-year term for a Mecklenburg County Towns Representative beginning July 1, 2023, and ending June 30, 2026.
 - Karen Bentley has served two terms and is ineligible for reappointment.
- Two appointments for a three-year term beginning July 1, 2023, and ending June 30, 2026.
 - Emma Allen is eligible and interested in reappointment.
 - Ervin Gourdine is eligible and interested in reappointment.

Attachment(s)

Charlotte Regional Visitors Authority Applications

32. Nominations to the Charlotte Water Advisory Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a three-year term for a Water/Sewer Contractor category representative beginning July 1, 2023, and ending June 30, 2026.
 - Bill Cornett is eligible and interested in reappointment.

Attachment(s)

Charlotte Water Advisory Committee Applications

33. Nominations to the Citizens Review Board

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- Two appointments for a three-year term beginning August 1, 2023, and ending July 31, 2026.
 - La Becky Roe is eligible and interested in reappointment.
 - Brittenay Causieestko-Lee is eligible and interested in reappointment.

Attachment(s)

Citizens Review Board Applications

34. Nominations to the Citizens Transit Advisory Group

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a two-year term beginning July 1, 2023, and ending June 30, 2026.
 - Michael Cataldo is eligible and interested in reappointment.

Attachment(s)

Citizens Transit Advisory Group Applications

35. Nominations to the Historic District Commission

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

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

Attachment(s)

Historic District Commission Applications

36. Nominations to the Historic Landmarks Commission

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- Two appointments for a three-year term beginning July 17, 2023, and ending July 16, 2026.
 - William Hughes is eligible and interested in reappointment.
 - Nadine Ford is eligible and interested in reappointment.

Attachment(s)

Historic Landmarks Commission Applications

37. Nominations to the Keep Charlotte Beautiful Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term beginning upon appointment and ending June 30, 2025.
 - Christian Behrens did not meet attendance requirements.
- Three appointments for a three-year term beginning July 1, 2023, and ending July 30, 2026.
 - Martin Doss is eligible and interested in reappointment.
 - Mark Loflin is eligible and interested in reappointment.
 - Dale Stoller is eligible and interested in reappointment.

Attachment(s)

Keep Charlotte Beautiful Committee Applications

38. Nominations to the Passenger Vehicle for Hire Board

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

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

Attachment(s)

Passenger Vehicle for Hire Board Applications

39. Nominations to the Planning Commission

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a three-year term beginning July 1, 2023 and ending June 30, 2026.
 - Wil Russell is eligible and interested in reappointment.

Attachment(s)

Planning Commission Applications

40. Nominations to the Public Art Commission

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a three-year term for an Education category representative beginning July 1, 2023 and ending June 30, 2026.
 - Gaurav Gupte has served two terms and is ineligible for reappointment.

Attachment(s)

Public Art Commission Applications

41. Nominations to the Storm Water Advisory Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a three-year term for a General Contractor category representative beginning July 1, 2022, and ending June 30, 2025.
 - Bill Cornett has served two terms and is ineligible for reappointment.

Attachment(s)

Storm Water Advisory Committee Applications

42. Nominations to the Transit Services Advisory Committee

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

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

Attachment(s)

Transit Services Advisory Committee Applications

43. Nominations to the UDO Board of Adjustment

Action:

Nominate residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a three-year term beginning July 1, 2023, and ending June 30, 2026.
 - Deborah Dryden is eligible and interested in reappointment.

Attachment(s)

UDO Board of Adjustment Applications

CONSENT

44. Cooperative Purchasing Contract for Specialized Equipment Truck

Action:

- A. **Approve the purchase of a customized Police Command Bomb Truck from a cooperative contract,**
- B. **Approve a unit price contract with Super Vacuum Manufacturing Co Inc through Atlantic Coast Fire Trucks for the purchase of a customized Police Bomb Truck and related equipment for a term of two years under the Houston-Galveston Area Council Cooperative Program (H-GAC Contract FS12-19 Public Services 19-01178), and**
- C. **Authorize the City Manager to extend the contract for additional terms as long as the cooperative contract is in effect, at prices and terms that are the same or more favorable than those offered under the cooperative contact.**

Staff Resource(s):

Johnny Jennings, Police

Dave J. Johnson, Police

Explanation

- This special service vehicle is needed for bomb squad related operations.
- The city's current has a bomb truck has reached the end of its lifecycle and needs to be replaced. The current truck is over 20 years old and has multiple mission critical items that are broken or unserviceable.
- The type of truck that is proposed for purchase comes with numerous safety features that are not available on other similar types of vehicles. This type of truck comes with more standard safety features, rollover protection, is more durable, and is specifically designed for this purpose.
- This truck will serve as a mode of transportation to bring multiple bomb technicians to an incident scene as well as a place to store, transport, and use specialized equipment that is needed on a bomb squad operation that are not able to be carried within a bomb technician's assigned department vehicle.
- This vehicle will also service as a location to conduct a variety of duties needed during a typical bomb squad operation, such as x-ray processing and interpretation, robot operation, and rehabilitation for personnel on hot and cold days.
- This vehicle will be a regional asset that will serve not just Charlotte and Mecklenburg County but also the other 10 counties within the UASI region and other counties where CMPD currently is the primary bomb squad response unit.
- NC General Statute Section 143-129(e)(3) allows local governments to purchase from formally organized cooperative purchasing contracts.
- A cooperative purchasing agreement results from the consolidation and competitive solicitation of multiple public agency requirements. By aggregating common needs all agencies are able to leverage economies of scale, such as volume discounts, improved terms and conditions, reduced administrative costs, and access to professional and technical expertise.
- Expenditures are estimated to be \$1,000,000.

Charlotte Business INclusion

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

Fiscal Note

Funding: Asset Forfeiture and General Grants Fund

45. Replace Charlotte-Mecklenburg Police Department Helicopter

Action:

- A. Approve the purchase of a Bell 407 GXi Helicopter by the sole source exemption,**
- B. Adopt a resolution authorizing the exchange of Helicopter N406PD between the City of Charlotte and Bell Textron, Inc, and**
- C. Authorize the City Manager to approve a contract with Bell Textron, Inc. for the purchase of a Bell 407 GXi Helicopter.**

Staff Resource(s):

Johnny Jennings, Police
Tonya Arrington, Police
Dave Johnson, Police

Sole Source Exemption

- NC General Statute Section 143-129(e)(6) provides that formal bidding requirements do not apply when:
 - Performance or price competition are not available;
 - A needed product is available from only one source or supply; or
 - Standardization or compatibility is the overriding consideration.
- Sole sourcing is necessary for this contract because this product is only available through one distributor in North Carolina and provides seamless integration with existing equipment.
- City Council approval is required for any purchases made under the sole source exception.

Explanation

- A helicopter enhances the goals of public safety through missing person searches, search and rescue, emergency medical evacuations, vehicle and foot pursuits, suspect searches, critical incidents, and command and control functions including live video and aerial photography.
- This helicopter will be purchased as a replacement for one of the three current Bell helicopters deployed by Charlotte-Mecklenburg Police Department's Aviation Unit.
- Helicopter N406PD will be used as a partial exchange for the new helicopter, reducing the sale price by \$1,375,000.
- Public Notice of the exchange was published on the city's website on June 30, 2023.
- The total cost of the new helicopter is estimated at \$6,629,861. With the exchange, the actual expenditure is estimated to be \$5,254,861.

Charlotte Business INclusion

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

Fiscal Note

Funding: General Capital Investment Plan, Asset Forfeiture, and Police Operating Budget

Attachment(s)

Resolution

[Resolution](#)

46. Cooperative Purchasing Contract for Protective Gear

Action:

- A. Approve the purchase of protective gear from a cooperative contract,
- B. Approve a unit price contract with Lawmens Distribution LLC for the purchase of protective gear for a term of six months under the North Carolina Department of Administration STC 680C, and
- C. Authorize the City Manager to extend the contract for additional terms as long as the cooperative contract is in effect, at prices and terms that are the same or more favorable than those offered under the cooperative contract.

Staff Resource(s):

Phil Reiger, General Services

Marcy Mars, General Services

Explanation

- The Charlotte Fire and Charlotte-Mecklenburg Police Departments annually purchase ballistic equipment for new recruits and to replace expired vests. Vests require replacement every five years for optimal safety.
- NC General Statute Section 143-129(e)(3) allows local governments to purchase from formally organized cooperative purchasing contracts.
- A cooperative purchasing agreement results from the consolidation and competitive solicitation of multiple public agency requirements. By aggregating common needs all agencies are able to leverage economies of scale, such as volume discounts, improved terms and conditions, reduced administrative costs, and access to professional and technical expertise.
- Annual expenditures are estimated to be \$1,850,000.

Charlotte Business INclusion

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

Fiscal Note

Funding: Fire and Police Operating Budgets

47. Cooperative Purchasing Contracts for Vehicles and Equipment

Action:

- A. Approve the purchase of vehicles and equipment from cooperative contracts,
- B. Approve unit price contracts with the following vendors for the purchase of vehicles and equipment for a term of one year under the North Carolina Sheriff's Association (contract 24-08-0421), and
- Amick Equipment Company
 - Aquip LLC
 - Company Wrench Ltd
 - Excel Truck Group
 - Godwin Manufacturing Co Inc
 - Jet-Vac Equipment Co LLC
 - Joe Johnson Equipment LLC
 - Knapheide Truck Equipment Company
 - Southern Truck Services Inc.
 - Transource Inc
 - Vanguard Truck Center, and
- C. Authorize the City Manager to extend the contracts for additional terms as long as the cooperative contracts are in effect, at prices and terms that are the same or more favorable than those offered under the cooperative contracts.

Staff Resource(s):

Phil Reiger, General Services
Marcy Mars, General Services
Chris Trull, General Services

Explanation

- City vehicles and equipment are assessed on an annual basis to determine replacement needs based on a rating of vehicle usage, age, maintenance costs, and condition.
- Purchased vehicles and equipment include heavy-duty cab and chassis, truck bodies, street maintenance equipment, sewer cleaning equipment, mini excavators, skid steers, utility vehicles, forklifts, vehicle lifts, and heavy-duty construction equipment.
- NC General Statute Section 143-129(e)(3) allows local governments to purchase from formally organized cooperative purchasing contracts.
- A cooperative purchasing agreement results from the consolidation and competitive solicitation of multiple public agency requirements. By aggregating common needs all agencies are able to leverage economies of scale, such as volume discounts, improved terms and conditions, reduced administrative costs, and access to professional and technical expertise.
- Annual expenditures are estimated to be \$12,000,000.

Charlotte Business INclusion

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

Fiscal Note

Funding: General and Enterprise Capital Equipment Funds

48. Citywide Aerial Imagery Services

Action:

- A. **Approve contract amendment #2 with Nearmap US Inc. to provide access to the vendor's aerial imagery data and related 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 purchase such additional software licenses, services, hardware, maintenance, and support as required to utilize the imagery data and other services for as long as the city uses the services.**

Staff Resource(s):

Markell Storay, Innovation & Technology
Andrew Bowen, Innovation & Technology

Explanation

- This contract is to provide the city with access to high resolution aerial imagery for use by the city and other stakeholders.
- Aerial imagery is utilized by multiple departments requiring high-resolution, parcel-level detail for work such as providing engineering services; validating and monitoring development; and for providing historical and current images for applications such as Charlotte Explorer and NearMe.
- On September 24, 2020, the city entered into a contract with Nearmap US Inc. (Nearmap) for aerial imagery services specific to Aviation, after Nearmap was selected through a competitive solicitation process.
- Amendment #1 in the amount of \$293,635.50 was executed June 14, 2023, to extend the contract and add citywide imagery services, bringing the total contract value to \$443,635.50.
- Amendment #2 is for \$72,000 to expand citywide services to include data specific to land cover and vegetation, bringing the total contract value to \$515,635.50.
- Waiver of a competitive solicitation process for services may be granted on a limited basis when deemed appropriate and in the city's best interest. A waiver has been approved for these services based on the need for continuity of service.
- Converting this contract to a citywide contract streamlines the administration of this service for all departments and provides cost savings that will be realized by multiple departments.
- Annual expenditures are estimated to be \$119,000.

Charlotte Business INclusion

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

Fiscal Note

Funding: General and Enterprise Capital Investment Plans and Various Departments' Operating Budgets

49. Hospital-Based Violence Intervention Program

Action:

- A. Approve a contract amendment for two years to the contract with Atrium Health for management of the hospital-based violence intervention program, 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 and this amendment were approved.**

Staff Resource(s):

Julia Martin, City Manager's Office

Explanation

- In January 2021, the City of Charlotte partnered with Atrium Health on a hospital-based violence intervention program (HAVI).
- The initial contract amount was \$490,394.30 for two years.
- The program is an evidence-based model to address community violence whose goals are:
 - Reduce or eliminate future involvement in violent activity as a victim or perpetrator, among current victims of violence treated in Atrium's Level 1 Trauma Center,
 - Provide violence intervention services to victims of violence treated at Atrium, and
 - Hire and train violence interventionalists with background and experiences similar to that of victims of violence.
- Through May 31, 2023, 91 patients have been enrolled in the program:
 - 96 percent of patients are male,
 - 40 percent are under the age of 18,
 - 79 percent of patients are Black or African American, and
 - 91 percent of patients were injured via firearm.
- This contract amendment will extend the contract for an additional two years and focus on key areas including:
 - Strengthening connection to the community-based violence interruption program, Alternatives to Violence,
 - Adding peer support specialists to increase connectivity to patients,
 - Continuing with technical support with the goal of received accreditation, and
 - Establishing a trauma-informed referral network in collaboration with community partners.
- This amendment is funded through \$250,000 from the city provided in the FY 2024 budget.
- Atrium Health Foundation's Community and Social Impact Fund is matching the city's investment by providing an additional \$250,000 directly to the program.
- 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 and limited vendors with required qualifications. Atrium is the only provider of this model in the city and is home to the only level one trauma center.
- The new estimated value of the contract is \$740,394.

Charlotte Business Inclusion

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

Fiscal Note

Funding: General Capital Investment Plan

50. Lease of City-Owned Property at or near 216 S Graham Street, by Preferred Parking Service, LLC

Action:

- A. Adopt a resolution to approve a lease agreement with Preferred Parking Service, LLC, with a one-year term for surface parking identified by parcel numbers: 073-16-101, 073-16-103, 073-16-106, 073-16-201, and 073-16-202,**
- B. Authorize the City Manager to renew the lease for up to two, one-year terms, and**
- C. Authorize the City Manager to negotiate and execute all documents necessary to complete the transaction.**

Staff Resource(s):

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

Explanation

- The city owns 1.4 acres of surface parking at or near 216 S. Graham Street in Council District 1, also referred to as the "CGS South Block" (the "Property"). The city purchased the Property to further its Charlotte Gateway Station capital project.
- On September 26, 2022, Council approved a one-year lease with Preferred Parking Service, LLC for a portion of a parcel directly across 4th Street on what is known as "CGS Main Block", located at 501 W. Trade Street.
- Similar to the CGS Main Block, Preferred Parking Service, LLC desires to lease the CGS South Block Property for the purpose of operating a commercial parking lot before construction begins on the Property.
- The lease terms are:
 - Premises: Approximately 1.07 acres of surface parking identified by parcel numbers; 073-16-101, 073-16-103, 073-16-106, 073-16-201, and 073-16-202.
 - Lease Rate: 75 percent of gross revenue receipts for all parking services, including daily parking and event parking, less allowable expenses
- Lessee agrees and understands that future transit-related development may result in early termination of the lease.

Charlotte Business INclusion

This is a Real Estate Leasing and Acquisition Contract and is exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

Fiscal Note

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

Attachment(s)

Resolution

[Resolution](#)

51. Architectural and ADA Implementation Services

Action:

A. Approve contracts with the following companies for Architectural Services and ADA Implementation Services for a term of three years:

- **ADW Architects, P.A**
- **A.L.R Architecture, PC (MBE,SBE),**
- **C Design, Inc.,**
- **Gensler Architecture, Design & Planning, P.C.**
- **Integra Architecture, PLLC d/b/a F&D Integra (MBE,SBE), and**
- **Neighboring Concepts, PLLC (MBE)**

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

Jennifer Smith, General Services

Kathleen Cishek, General Services

Explanation

- These contracts will provide architectural and engineering services for facilities the Department of General Services maintains.
- The portfolio of facilities includes approximately four million square feet of city buildings, including Police and Fire Stations, the Charlotte-Mecklenburg Government Center, and cultural facilities, as well as approximately three million square feet of roofing plus associated parking lots.
- On February 20, 2023, the city issued a Request for Qualifications (RFQ); seven proposals were received.
- The companies selected are the best qualified to meet the city's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- Price adjustments may be considered based on legitimate and justified increases in the cost of doing business. The ability to consider price adjustments also allows the city to accept price decreases, if warranted.
- Total annual expenditures are estimated to be \$1,500,000.

Charlotte Business INclusion

The city negotiates subcontracting participation after firms are selected for these services contracts (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). Each of the firms listed has identified MSBE firms to participate as project scopes are defined, and committed 10.00% of the total contract amount to the following certified firms:

ADW Architects, P.A.

- Stewart Engineering, Inc. (MBE)
- AME Consulting Engineers, PC (SBE)
- R.M. Rutherford & Associates, Inc. (SBE)

A.L.R. Architecture, PC (MBE,SBE)

- Jones Civil Design, P.C. (SBE)
- JDH Structural Engineers, PLLC (MBE,SBE)

C Design, Inc.

- Stewart Engineering, Inc. (MBE)

- AME Consulting Engineers, PC (SBE)

Gensler Architecture, Design & Planning, P.C.

- Stewart Engineering, Inc. (MBE)
- Quality Consulting Engineers, PLLC (SBE)
- Shultz Engineering Group, PC (SBE)

Integra Architecture, PLLC d/b/a F&D Integra (MBE,SBE)

- Quality Consulting Engineers, PLLC (SBE)

Neighboring Concepts, PLLC (MBE)

- Stewart Engineering, Inc. (MBE)
- AME Consulting Engineers, PC (SBE)
- Quality Consulting Engineers, PLLC (SBE)

Fiscal Note

Funding: General Capital Investment Plan

52. Electric Vehicle Chargers and Related Services

Action:

- A. Authorize the City Manager to negotiate and execute contracts to provide, implement, and maintain Electric Vehicle Chargers and Related Services with the following companies for an initial term of seven years:**
- Atom Power, Inc., and
 - JF Acquisition, LLC, dba JF Petroleum Group,
- B. Authorize the City Manager to renew the contracts for up to five, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved, and**
- C. Authorize the City Manager to purchase such additional software licenses, services, hardware, maintenance, and support as required to maintain the system for as long as the city uses the system.**

Staff Resource(s):

Phil Reiger, General Services

Sarah Hazel, General Services

Explanation

- In December 2018, City Council adopted the Strategic Energy Action Plan, which provides a framework for the City of Charlotte to meet its Sustainable and Resilient Charlotte by 2050 Resolution.
- These contracts provide electric vehicle (EV) chargers and related software as the city pursues its goal of striving to have the city fleet and facilities fueled by 100 percent zero-carbon sources.
- While the majority of EV chargers will be for fleet charging, there is also a need for publicly available EV chargers.
- On March 6, 2023, the city issued a Request for Proposals (RFP); 14 responses were received.
- The companies selected best meet the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Multiple awards are recommended to ensure alternative solutions, flexibility, and availability in the provision of the services and equipment to best fit the particular needs of various city departments.
- Price adjustments may be considered based on legitimate and justified increases in the cost of doing business. The ability to consider price adjustments also allows the city to accept price decreases, if warranted.
- Annual aggregate expenditures are estimated to be \$850,000.

Charlotte Business INclusion

Atom Power, Inc.

Established MWSBE Goal: 7.00%

Committed MWSBE Goal: 14.60%

Atom Power, Inc. exceeded the established subcontracting goal and has committed 14.60% of the total contract amount to the following certified firms (Part C: Section 2.1 of the Charlotte Business INclusion Policy):

- Facilitator One (MBE, SBE) (project coordination and MWSBE outreach)
- Banks EC (SBE) (installation, service, and maintenance)
- Khalid Davis Electric (MBE, SBE) (installation, service, and maintenance)

JF Acquisition, LLC, dba JF Petroleum Group

Established MWSBE Goal: 7.00%

Committed MWSBE Goal: 7.00%

JF Acquisition, LLC dba JF Petroleum Group met the established subcontracting goal and has committed 7.00% of the total contract amount to the following certified firms (Part C: Section 2.1 of the Charlotte Business INCLUSION Policy):

- Maloney Engineering (SBE) (engineering)
- Besco Electric Corporation (MBE) (electrical services)

Fiscal Note

Funding: Various Departments' Operating Budgets

53. Utility Relocation Agreement Contract Amendment for Interstate 85 North Bridge Project

Action:

Approve contract amendment #2 for \$644,591 to the contract with Duke Energy for additional transmission relocation work for Interstate 85 North Bridge.

Staff Resource(s):

Phil Reiger, General Services

Jennifer Smith, General Services

Veronica Wallace, General Services

Explanation

- The proposed Interstate 85 North Bridge Project, located in Charlotte's northeast corridor in Council District 4, will connect Research Drive to J.W. Clay Boulevard.
- This new connection required existing Duke Energy transmission towers, lines, and poles be raised to provide clearance for the proposed bridge across Doby Creek.
- On April 27, 2020, City Council authorized the City Manager to execute an agreement with Duke Energy in an amount up to \$2,500,000 for the relocation of transmission facilities for the Interstate 85 North Bridge Project. The final negotiated amount of the utility relocation agreement was \$1,902,506.
- On December 8, 2021, the contract was amended in the amount of \$317,167 for additional tree clearing within the utility relocation limits of disturbance, additional erosion and sediment control measures, and installation of two temporary bridges required to allow safe access across Doby Creek.
- Contract amendment #2, in the amount of \$644,591, includes additional site remediation required to close out environmental permits, extended duration of erosion and sediment control measures, and extended duration for temporary bridges to safely complete the necessary utility relocation work in a timely manner.
- Duke Energy's initial estimate of cost and duration for the utility relocation had to be altered due to unexpected site conditions.
- The total utility relocation agreement amount including the amendments is \$2,864,264.

Fiscal Note

Funding: General Capital Investment Plan

Attachment

Map

[Map Utility Relocation Agreement Contract Amendment for I-85 N Bridge.pdf](#)

54. Solid Waste Services Multi-Family Refuse Collection Services

Action:

- A. Authorize the City Manager to negotiate and execute a unit price contract with Waste Pro of North Carolina for Multi-Family Refuse Collection Services for an initial term of four years, and**
- B. Authorize the City Manager to renew the contract for up to three, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Rodney Jamison, Solid Waste Services

Explanation

- This contract will provide weekly refuse, recycling, and bulky item collection services to approximately 147,000 multi-family residential units and 110 public facilities.
- On November 18, 2022, the city issued a Request for Proposals (RFP); three proposals were received.
- Waste Pro of North Carolina best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP Requirements.
- Waste Pro's proposal also includes compressed natural gas fueled collection trucks in support of the city's Strategic Energy Action Plan.
- Annual expenditures are estimated to be \$10,800,000.
- Price adjustments may be considered based on legitimate and justified increases in the cost of doing business. The ability to consider price adjustments also allows the city to accept price decreases, if warranted.

Charlotte Business INClusion

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

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

Fiscal Note

Funding: Solid Waste Services Operating Budget

55. Beaverdam Creek Lift Station Improvements

Action:

Approve a contract in the amount of \$4,492,912.00 to the lowest responsive bidder Gilbert Engineering for the Beaverdam Creek Lift Station Improvements project.

Staff Resource(s):

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

Explanation

- This construction project improves the Beaverdam Creek Lift Station capacity from 3.2 million gallons per day (mgd) to 5.5 mgd to support the local growth on the west side of Mecklenburg County (adjacent to Council District 3).
- On April 17, 2023, the city issued an Invitation to Bid (ITB); no bids were received.
 - N.C. General Statute Section 143-132 prohibits municipalities from awarding construction contracts over \$500,000 without receiving at least three competitive bids from the initial advertisement of the contract. The city may subsequently award the contract even if re-advertisements result in fewer than three competitive bids.
- On May 18, 2023, the ITB was re-issued; one bid was received.
- Gilbert Engineering was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by fourth quarter 2024.

Charlotte Business INclusion

Established MSBE Goal: 5.00%

Committed MSBE Goal: 9.15%

Gilbert Engineering Company exceeded the established subcontracting goal and has committed 9.15% (\$410,957) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Page Power Systems, Inc. (SBE, WBE) (\$358,652) (electrical)
- CITI, LLC (MBE) (\$52,305) (instrumentation)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Map

[Map-Beaverdam Creek Lift Station Improvements](#)

56. Charlotte Water Real Estate Services

Action:

- A. Approve unit price contracts with the following companies for real estate services for an initial term of two years:**
- **Gulf Coast, LLC (SBE),**
 - **O.R. Colan Associates, LLC (WBE),**
 - **Telecommunication & Industrial Consulting Services Corporation, 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

- These contracts will provide real estate services for Charlotte Water.
- On March 2, 2023, the city issued a Request for Proposals (RFP); seven responses were received.
- The companies selected best meet the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual aggregate expenditures are estimated to be \$2,000,000.
- Price adjustments may be considered based on legitimate and justified increases in the cost of doing business. The ability to consider price adjustments also allows the city to accept price decreases, if warranted.

Charlotte Business INclusion

Gulf Coast, LLC is a city certified SBE.
O.R. Colan Associates, LLC is a city certified WBE.

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

Gulf Coast, LLC (SBE)

- Cooper + McCain (WBE) (real estate appraisals)

O.R. Colan Associates, LLC (WBE)

- Hearn Real Estate Solutions, LLC (MBE, SBE) (right of way acquisition)

Telecommunication & Industrial Consulting Services Corporation

- Cooper + McCain (WBE) (real estate appraisals)
- Hopkins Consulting and Review, LLC (WBE) (real estate appraisals)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

57. Charlotte Water Security System Services

Action:

- A. Approve a unit price contract with Convergent Technologies LLC for security system services for an initial term of three years, and**
- B. Authorize the City Manager to renew the contract for up to three, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Angela Charles, Charlotte Water
Shawn Coffman, Charlotte Water

Explanation

- This contract will provide security equipment preventative maintenance, repair, and installation services.
- Charlotte Water operates multiple security-sensitive facilities that have specialized industrial security, access control, and video systems.
- On April 20, 2023, the city issued a Request for Proposals (RFP); two responses were received.
- Convergent Technologies LLC best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$500,000.
- Price adjustments may be considered based on legitimate and justified increases in the cost of doing business. The ability to consider price adjustments also allows the city to accept price decreases, if warranted.

Charlotte Business INClusion

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

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

Fiscal Note

Funding: Charlotte Water Operating Budget

58. Construct Delane 1220 Storm Drainage Improvement Project

Action:

Approve a contract in the amount of \$1,252,025.70 to the lowest responsive bidder GreenWater Development Inc. for the Delane Avenue 1220 Storm Drainage Improvement Project.

Staff Resource(s):

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

Explanation

- This project will reduce street flooding and improve aging infrastructure in the McMullen Creek watershed along Delane Avenue and Castleton Road, in District 5.
- Construction will include the installation of storm drainage, water/sanitary sewer, curb, gutter, and driveways.
- On May 11, 2023, the city issued an Invitation to Bid; seven bids were received.
- GreenWater Development Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by the third quarter of 2024.

Charlotte Business INclusion

Established MBE Goal: 10.00%

Committed MBE Goal: 10.03%

GreenWater Development, Inc. met the established subcontracting goal and has committed 10.03% (\$125,566) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- RRC Concrete, Inc. (MBE) (\$74,851) (concrete)
- Redstone Materials (MBE, SBE) (\$50,715) (hauling)

Established SBE Goal: 20.00%

Committed SBE Goal: 20.05%

GreenWater Development, Inc. met the established subcontracting goal and has committed 20.05% (\$250,987) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- RAM Pavement Services, Inc. Firm (SBE) (\$105,044) (milling and paving)
- On Time Construction, Inc. (SBE, WBE) (\$82,800) (masonry)
- S&G Express, LLC (SBE) (\$63,143) (hauling)

Fiscal Note

Storm Water Capital Investment Plan

Attachment(s)

Map

[DelanelocationMap](#)

59. Franklin Water Treatment Plant Clearwell Improvements

Action:

- A. Approve a contract in the amount of \$66,741,735.00 to the lowest responsive bidder Sanders Utility Construction Co., Inc. for the Franklin Water Treatment Plant Clearwell Improvements project, and**
- B. Approve a contract for \$1,640,000.00 with Hazen and Sawyer for engineering services.**

Staff Resource(s):

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

Explanation

Action A

- This project is for installing new piping, valves, and fittings at the Franklin Water Treatment Plant (WTP) (Council District 2) to optimize the treatment process. The project also includes repairs to existing facilities and the addition of a new chemical feed system.
- On May 5, 2023, the city issued an Invitation to Bid (ITB); one bid was received.
 - N.C. General Statute Section 143-132 prohibits municipalities from awarding construction contracts over \$500,000 without receiving at least three competitive bids from the initial advertisement of the contract. The city may subsequently award the contract even if re-advertisements result in fewer than three competitive bids.
- On June 15, 2023, the ITB was re-issued.; one bid was received.
- Sanders Utility Construction Co., Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by the second quarter 2025.

Action B

- This contract provides engineering services for construction administration and inspection services.
- On December 14, 2020, Council approved a contract with Hazen and Sawyer for the design of the Franklin WTP Clearwell Improvements project. The approval included the selection of Hazen and Sawyer for future phases of work on the project, including the current contract request for construction related engineering services for the project.

Charlotte Business INclusion

Action A

Established MWSBE Goal: 6.00%

Committed MWSBE Goal: 6.00%

Sanders Utility Construction Company, Inc. met the established subcontracting goal and has committed \$4,005,600 or approximately 6.00% of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Tryon Services (SBE) (\$3,104,000) (electrical)
- Jim Bob's Grading & Paving, Inc. (SBE) (\$386,000) (asphalt milling and paving)
- Buffkin Trucking, Inc. (MBE, SBE) (\$200,000) (hauling services)
- Diamond Trucking of NC, Inc. (MBE, SBE) (\$150,000) (hauling services)
- Sun King Trucking, LLC (MBE, SBE) (\$100,000) (hauling services)
- Martin Landscaping Company, Inc. (MBE, SBE) (\$45,000) (seeding and landscaping)
- Mid Atlantic Erosion Control, Inc. (MBE, SBE) (\$20,600) (erosion control)

Action B

The city negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1 (h) of the Charlotte Business INclusion Policy). Hazen and Sawyer has committed \$115,010 or approximately 7.01% of the total contract amount to the following certified firm:

- Froehling & Robertson, Inc. (MBE) (\$115,010) (soils and materials testing, special inspections)

Fiscal Note

Funding: Charlotte Water Capital Investment Program

60. McAlpine Creek Sanitary Sewer Rehabilitation**Action:**

Approve a contract in the amount of \$12,664,789.20 to the lowest responsive bidder Michels Trenchless, Inc. for the McAlpine Creek 54-inch Sanitary Sewer Rehabilitation Phase 4 project.

Staff Resource(s):

Angela Charles, Charlotte Water

Jackie Jarrell, Charlotte Water

Marion Sanders, Charlotte Water

Explanation

- This project will rehabilitate the sanitary sewer located within south Charlotte (Council District 6).
- The pipe is being rehabilitated using ultraviolet-cured-in-place-pipe that is expected to extend the life of the sanitary sewer line.
- On April 12, 2023, the city issued an Invitation to Bid; three bids were received.
- Michels Trenchless, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by third quarter 2024.

Charlotte Business INClusion

Established MSBE Goal: 5.00%

Committed MSBE Goal: 2.49%

Michels Trenchless, Inc. failed to meet the established subcontracting goal but earned the minimum Good Faith Efforts (Part B: Section 3 of the Charlotte Business INClusion Policy). Michels Trenchless, Inc. has committed \$315,000 or approximately 2.49% of the total contract amount to the following certified firms:

- TL Byrum Oil Company, Inc. (SBE) (\$240,000) (furnish and supply fuel)
- A&D Express Trucking, Inc. (MBE, SBE) (\$75,000) (hauling)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Map

[Map-McAlpine Creek Sanitary Sewer Rehabilitation](#)

61. Stowe Regional Water Resource Recovery Facility Construction

Action:

Approve a guaranteed maximum price of \$58,106,168.00 to Crowder/Garney JV for Design-Build construction services for the Stowe Regional Water Resource Recovery Facility project.

Staff Resource(s):

Angela Charles, Charlotte Water

David Czerr, Charlotte Water

Ron Hargrove, Charlotte Water

Explanation

- Crowder/Garney JV has developed a guaranteed maximum price (GMP) for major treatment process components to be constructed as part of the Stowe Regional Water Resource Recovery Facility (SRWRRF) project (adjacent to Council Districts 2 and 3).
- The SRWRRF will treat wastewater flows from the existing Long Creek basin and flows from the cities of Mount Holly and Belmont.
- On April 27, 2020, and January 25, 2021, City Council approved contracts totaling \$31,416,107 with Crowder/Garney JV for design services.
- On February 14, 2022, May 31, 2022, September 12, 2022, December 12, 2022, and April 10, 2023, City Council approved GMPs totaling \$211,681,187 with Crowder/Garney JV for the procurement of equipment, construction infrastructure, and associated site work.
- The SRWRRF is estimated to be in operation by fourth quarter 2026.

Charlotte Business INclusion

The city negotiates subcontracting participation for Design-Build contracts after the firm is selected and scopes of work are defined for design and construction services. Crowder/Garney JV has committed \$14,108,126 or approximately 24.28% of the contract for construction services, design build design services or approved tasks, etc. to the following certified firms (Part G: Section 2.4 of the Charlotte Business INclusion Policy):

- McFarland Building Group LLC (MBE) (\$9,558,904) (administration building package)
- Pedulla Trucking Excavating & Paving, Inc. (WBE) (\$4,272,932) (sitework package)
- CITI, LLC (MBE) (\$276,290) (instrumentation and controls)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Map

[Map-Stowe Regional Water Resource Recovery Facility Construction](#)

62. Water Master Plan Program Management Services Contract Amendment

Action:

Approve a contract amendment for \$660,000.00 to the contract with Brown & Caldwell for program management services for water master plan improvements.

Staff Resource(s):

Angela Charles, Charlotte Water

David Czerr, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- Brown & Caldwell is providing owner's advisor and inspection services for improvement projects identified in the Water Master Plan.
- This amendment to the second contract will cover the increased costs for inspection services by Brown & Caldwell to oversee the construction of the following projects.
 - Airport Area Transmission Main (Council District 3)
 - Idlewild Booster Pumping Station Supply Main (Council District 5)
 - 960 Zone North South Transmission Main (Council District 5)
 - Pressure Zone Boundary Changes (Council Districts 1, 2, 4, 5, and 7)
- This amendment will fund these services through completion of all projects.
- On November 13, 2017, Council approved an initial contract with Brown & Caldwell for engineering planning and assessment.
- On May 13, 2019, Council approved a second contract for owner's advisor and related services.
- The new estimated value of the contract is \$2,671,969.

Charlotte Business INclusion

All additional work involved in this amendment will be performed by Brown & Caldwell and their subconsultants (Part D: Section 6 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

63. Water Service Replacement

Action:

- A. Approve a unit price contract with the lowest responsive bidder Atlantic Coast Contractors Inc. for water service replacement for an initial term of one year, and**

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

Staff Resource(s):

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

Explanation

- The contract will provide 3/4-inch and one-inch water service relocations and associated water main abandonments.
- On April 25, 2023, the city issued an Invitation to Bid; four bids were received.
- Atlantic Coast Contractors Inc. was selected as the lowest responsive, responsible bidder.
- Annual expenditures are estimated to be \$2,202,167.05.
- Price adjustments may be considered at the time of renewal based on the Engineering News Record Construction Cost Index. The ability to consider price adjustments also allows the city to accept price decreases, if warranted.

Charlotte Business INclusion

Established MBE Goal: 2.00%

Committed MBE Goal: 2.72%

Atlantic Coast Contractors, Inc. met the established subcontracting goal and has committed 2.72% (\$60,000) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Right of Way Contractors, LLC (MBE, SBE) (\$60,000) (utility construction)

Established SBE Goal: 8.00%

Committed SBE Goal: 9.08%

Atlantic Coast Contractors, Inc. exceeded the established subcontracting goal and has committed 9.08% (\$200,000) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Piedmont Underground Utilities, In. (SBE) (\$200,000) (utility construction)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

64. Yadkin-Pee Dee Water Management Group Membership

Action:

- A. Adopt a resolution authorizing membership in and the incorporation of the Yadkin-Pee Dee Water Management Group, and**
- B. Authorize the City Manager, or his designee, to appoint the city's representative.**

Staff Resource(s):

Angela Charles, Charlotte Water
Ron Hargrove, Charlotte Water

Explanation

- In 2016, the Yadkin-Pee Dee Water Management Group (WMG) was formed under a Memorandum of Agreement and has been a successful partnership between governmental and private entities operating public utility systems and reservoirs within the Yadkin-Pee Dee River basin.
- The WMG's mission is to identify, fund, and manage projects that will help preserve, extend, and enhance the ecological capabilities of the Yadkin and Pee Dee Rivers. WMG members pay dues to fund these projects.
- Charlotte Water was one of the WMG's founding members because one-third of Charlotte Water's service area in Mecklenburg County is served by the Yadkin-Pee Dee River basin.
- Since 2020, a steering committee has developed the structure and by-laws for the formation of the WMG as a 501(c)(3) non-profit corporation. The established entity will provide for increased opportunities for grant funding and the independent management of its finances.
- WMG dues for the city will be \$15,000 annually.
- The attached resolution authorizes the City Manager or Charlotte Water Director take any actions necessary to join the WMG and designate the primary and alternate representatives for the city and any future replacements as may be necessary.

Fiscal Note

Funding: Charlotte Water Operating Budget

Attachment(s)

Resolution

[Resolution-Yadkin-Pee Dee Water Management Group](#)

65. Airport Concourse A Expansion Phase 2 Design Amendment

Action:

Approve contract amendment #6 for \$528,713 to Perkins+Will North Carolina, Inc. for design services for the Concourse A Expansion Phase 2 project.

Staff Resource(s):

Haley Gentry, Aviation

Jack Christine, Aviation

Explanation

- On March 25, 2019, City Council approved a contract with Perkins+Will North Carolina, Inc. in the amount of \$8,428,000 to provide design services for the Concourse A Expansion Phase 2 (CAP2) Project. When the original contract was approved by Council, Aviation noted the intent to return to Council with additional actions to approve a construction contract and an amendment to this contract for construction administration based on the design phase.
- This amendment includes full design and construction administration services for a new baggage handling system Make-up Device (MU8) Expansion at the CAP2 mid-connector.
- Previous amendments to this contract include:
 - Amendment #1 in the amount of \$70,565 to include additional design and bidding phase commissioning,
 - Amendment #2 in the amount of \$449,802.47 to include baggage handling system revisions and modifications to the Delta Airlines Club tenant space.
 - Amendment #3 in the amount of \$20,000 to include design for modifications to the chilled and heating hot water distribution,
 - Amendment #4 in the amount of \$18,000 to include the design of a single-user restroom at Concourse A1 mid-connector, and
 - Amendment #5 in the amount of \$4,008,000 to include construction administration services. When the original contract was approved by Council, Aviation noted the intent to return to Council with additional actions to approve a construction contract and an amendment to this contract for construction administration.
- New total contract expenditures including all amendments is \$13,523,880.47.

Charlotte Business INClusion

All additional work involved in this Contract Amendment will be performed by Perkins+Will and their existing subcontractor(s)/subconsultant(s) (Part D: Section 6 of the Charlotte Business INClusion Policy).

Perkins+Will North Carolina, Inc. has committed 23.07% (\$122,000) of the total Contract Amendment amount to the following certified firm:

- C Design, Inc. (SBE) (\$122,000) (Associate Architect)

Fiscal Note

Funding: Aviation Capital Investment Plan

66. Airport Overlook Relocation Construction

Action:

Approve a contract in the amount of \$8,009,597.20 to the lowest responsive bidder Crowder Construction Company for the North End-Around Taxiway Airport Overlook Relocation project.

Staff Resource(s):

Haley Gentry, Aviation
Jack Christine, Aviation

Explanation

- The original Airport Overlook conflicts with the North End-Around Taxiway (NEAT) project currently underway at the Airport.
- This contract will provide for the construction of a new Airport Overlook and roadway to serve the facility.
- Specific work includes erosion control, asphalt and concrete paving, drainage installation, pavement markings, signage, conduit installation, and electrical work.
- On May 3, 2023, the city issued an Invitation to Bid; two bids were received.
 - NC General Statute 143-132 prohibits municipalities from awarding construction contracts over \$500,000 without receiving at least three competitive bids from the initial advertisement of the contract. The city may subsequently award the contract even if readvertisements result in fewer than three competitive bids.
- On June 2, 2023, the city re-issued an ITB; two bids were received.
- Crowder Construction Company was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by fourth quarter of fiscal year 2024.
- This activity is occurring on Airport property.

Disadvantaged Business Enterprise

Established DBE Goal: 17.00%

Committed DBE Goal (at time of Bid): 17.01%

Crowder Construction Company met the established subcontracting goal and has committed 17.01% (\$1,346,301) of the total base bid amount to the following certified firm(s):

- A-1 Fence Company Inc. (DBE) (\$147,225) (fencing)
- BC Cannon (DBE) (\$35,288) (traffic control/signage)
- RAH Trucking Inc. (DBE) (\$574,994) (hauling)
- Reliance Construction Management Company (DBE)(\$185,000)(jet display, pipe supply)
- RRC Concrete Inc. (DBE) (\$269,134) (flatwork)
- Superior Seeding Inc. (DBE) (\$71,910) (erosion control)
- JJ Dal Supply Company LLC. (DBE) (\$62,750) (electrical/lighting)

Fiscal Note

Funding: Aviation Capital Investment Plan

67. Airport Terminal Mechanical Equipment

Action:

- A. **Approve a contract in the amount of \$3,509,420.89 with Messer Construction Co. for construction management at risk services for the Federal Inspections Station Facility and Concourse D Renovations project, and**

- B. **Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Haley Gentry, Aviation

Jack Christine, Aviation

Explanation

- On August 9, 2021, City Council approved a contract with Messer Construction Co. in the amount of \$598,999 for preconstruction management at risk services for the Federal Inspection Station Facility (FIS) and Concourse D Renovations project.
- On August 22, 2022, City Council approved a contract with Messer Construction Co. in the amount of \$4,448,091 for Construction Manager at Risk (CMAR) services to provide for the installation of fire protection system upgrades for the FIS and Concourse D Renovations project.
- This contract will allow the CMAR to procure the major mechanical, electrical, and plumbing (MEP) equipment prior to bidding the balance of the packages.
- The MEP equipment has a lead time of approximately 50 weeks. Early procurement will reduce the overall duration of the project.
- On February 1, 2021, the city issued a Request for Qualifications (RFQ); nine responses were received.
- Messer Construction Co. is the best qualified firm to meet the City's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- Council will be asked to consider an action at a future business meeting for a guaranteed maximum price contract for CMAR for the full construction of the FIS and D Concourse Renovations.
- This activity is occurring on airport property.

Charlotte Business INclusion

The city negotiated project participation as follows:

The city has established an overall project goal of 9.50% MBE and 2.00% SBE. Because this is a Construction Manager at Risk project (Part G: Section 2.3 of the Charlotte Business INclusion Program Policy), the Construction Manager has the opportunity to add Minority or Small Business Enterprise firms throughout the life of the Project.

Fiscal Note

Funding: Aviation Capital Investment Plan

68. Set a Public Hearing on Project Panther Area Voluntary Annexation

Action:

Adopt a resolution setting a public hearing for August 28, 2023, for Project Panther Area voluntary annexation petition.

Staff Resource(s):

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

Explanation

- The city has received a petition for voluntary annexation of private property.
- Public hearings are required prior to City Council action on annexation requests.
- This property is located within Charlotte's extraterritorial jurisdiction.
- The area proposed for annexation shares boundaries with current city limits.
- Annexation of this area will allow for more orderly development review, extension of city services, capital investments, and future annexation processes.
- The 41.922-acre "Project Panther" site is just south of Interstate 485 along Old Statesville Road in northern Mecklenburg County.
 - The site is currently developed with industrial uses.
 - The petitioner has plans to continue the current land uses on the site.
 - The property is primarily zoned I-2(CD) (general industrial, conditional) with a small portion zoned ML-2 (manufacturing and logistics, 2). Rezoning petition 2018-103 rezoned a majority of the site in December of 2018 to I-2(CD) from I-1 (light industrial) and R-4 (single family residential). The site's entitlements under the approved I-2(CD) rezoning site plan allow for warehousing, warehousing distribution, and manufacturing. The ML-2 district allows for general industrial uses.
 - The property is located immediately adjacent to City Council District 4.
 - The petitioned area consists of two parcels; parcel identification numbers: 025-271-08 and 025-031-12.

Consistency with City Council Policies

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

Attachment(s)

Map

Resolution

Rezoning Petition 2018-103 Approved Site Plan

[Project Panther Area Annexation Map](#)

[Resolution for Project Panther](#)

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

69. Set a Public Hearing on Rapid Commerce Park Area Voluntary Annexation

Action:

Adopt a resolution setting a public hearing for August 28, 2023, for Rapid Commerce Park Area voluntary annexation petition.

Staff Resource(s):

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

Explanation

- The city has received a petition for voluntary annexation of private property.
- Public hearings are required prior to City Council action on annexation requests.
- This property is located within Charlotte's extraterritorial jurisdiction.
- The area proposed for annexation shares boundaries with current city limits.
- Annexation of this area will allow for more orderly development review, extension of city services, capital investments, and future annexation processes.
- The 137.1832-acre "Rapid Commerce Park" site is west of Interstate 485, along the west side of Rhyne Road in western Mecklenburg County.
 - The site is primarily vacant with some single family residential structures that will be removed prior to redevelopment.
 - The petitioner has plans to develop the site with light industrial uses such as warehousing, warehouse distribution, manufacturing, and offices.
 - The property is zoned I-1(CD) (light industrial, conditional). Rezoning petition 2021-284 rezoned the site in January of 2023 to I-1(CD) from I-1(light industrial), I-2(CD) (general industrial, conditional), and R-3 (single family residential). The site's entitlements under the approved I-1(CD) rezoning site plan allow for up to 1,775,000 square feet of light industrial uses.
 - The property is located immediately adjacent to City Council District 3.
 - The petitioned area consists of twelve parcels; parcel identification numbers: 053-261-05, 053-261-16, 053-251-15, 053-251-13, 053-251-14, 053-011-31, 053-011-33, 053-011-34, 053-011-35, 053-011-36, 053-011-37, and 053-011-45.

Consistency with City Council Policies

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

Attachment(s)

Map

Resolution

Rezoning Petition 2021-284 Approved Site Plan

[Rapid Commerce Park Annexation Map](#)

[Resolution for Rapid Commerce Park](#)

[Rezoning Petition 2021-284 Approved Site Plan](#)

70. Set a Public Hearing on the John C. and Nancy B. Abernethy House Historic Landmark Designation

Action:

Adopt a resolution setting a public hearing for August 28, 2023, to consider historic landmark designation for the property known as the "John C. and Nancy B. Abernethy House" (parcel identification number 033-094-01).

Staff Resource(s):

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

Explanation

- The city has received a recommendation from the Charlotte-Mecklenburg Historic Landmarks Commission to designate the John C. and Nancy B. Abernethy House as a local historic landmark.
- Public hearings are required prior to City Council action on designation requests.
- The John C. and Nancy B. Abernethy House is located at 7040 Pleasant Grove Road within the City of Charlotte's extraterritorial jurisdiction adjacent to Council District 2.
- Designation of this property could significantly contribute to its long-term preservation.
- The John C. and Nancy B. Abernethy House is listed under parcel identification number 033-094-01, and the recommended designation would include the exterior of the structure and land associated with the tax parcel.
- The property is zoned N1-A.
- The property is owned by Sanders Partnership LLC.
- Based on the current value, the potential amount of deferrable taxes would be approximately \$262.65 for Mecklenburg County law enforcement taxes, \$149.69 for Mecklenburg County fire district, and \$909.77 for Mecklenburg County taxes.

Attachment(s)

Information Sheet
Resolution

[Information Sheet Abernathy House](#)

[Public Hearing Resolution Abernathy House](#)

71. Set a Public Hearing on the Lambeth-Sullivan House Historic Landmark Designation

Action:

Adopt a resolution setting a public hearing for August 28, 2023, to consider historic landmark designation for the property known as the "Lambeth-Sullivan House" (parcel identification number 155-044-05).

Staff Resource(s):

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

Explanation

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

Attachment(s)

Information Sheet
Resolution

[Information Sheet Lambeth Sullivan House](#)

[Public Hearing Resolution Lambeth Sullivan House](#)

72. Refund of Property Taxes

Action:

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$72,978.25.

Staff Resource(s):

Teresa Smith, Finance
Matt Hastedt, Finance

Explanation

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

Attachment(s)

Taxpayers and Refunds Requested
Resolution Property Tax Refunds

[List of Taxpayers](#)

[Resolution July 10](#)

PROPERTY TRANSACTIONS

73. In Rem Remedy: 2005 Holly Street

For In Rem Remedy, the public purpose and policy are outlined here.

Public Purpose:

- Eliminate a blighting influence,
- Reduce the proportion of substandard housing,
- Increase tax value of property by making land available for potential infill housing development, and
- Support public safety initiatives.

Policy:

- Housing and Neighborhood Development and Community Safety

In Rem Remedy items are initiated from 3 categories:

1. Public Safety - Police and/or Fire Departments
2. Complaint - petition by citizens, tenant complaint, or public agency referral
3. Field Observation - concentrated code enforcement program

The In Rem Remedy item is listed below by category identifying the street address and neighborhood.

Public Safety: 2005 Holly Street, Council District 2

Action:

Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2005 Holly Street (Neighborhood Profile Area 374).

Attachment(s)

In Rem Packet for 2005 Holly Street

[2005 Holly St - In Rem](#)

74. Charlotte Water Property Transactions - 960 Zone East-West Transmission Main, Parcel #004

Action: Approve the following Acquisition: 960 Zone East-West Transmission Water Main, Parcel #004

Project: 960 Zone East-West Transmission Main, Parcel #004

Owner(s): Frank Harris and Joyce G. Harris

Property Address: 9807 Albemarle Rd.

Total Parcel Area: 99,055 SF (2.27 ac.)

Property to be acquired by Easements: 20,033 sq. ft. (0.46 ac.) in Waterline Easement, plus 1,504 sq. ft. (0.04 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: B-2

Use: Commercial

Parcel Identification Number: 111-163-03

<https://polaris3g.mecklenburgcountync.gov/#mat=224593&pid=11116303&qisid=11116303>

Purchase Price: \$175,000

Council District: 5

75. Charlotte Water Property Transactions - Little Hope Creek Sanitary Sewer Improvements, Parcel #323

Action: Approve the following Condemnation: Little Hope Creek Sanitary Sewer Improvements, Parcel #323

Project: Little Hope Creek Sanitary Sewer Improvements, Parcel #323

Owner(s): EEA-Wildwood, LLC

Property Address: Brookrun Dr.

Total Parcel Area: 730,418 sq. ft. (16.77 ac.)

Property to be acquired by Easements: 13,939 sq. ft. (0.32 ac.) in Permanent Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: N2-B

Use: Multi Family

Parcel Identification Number: 149-171-04

<https://polaris3g.mecklenburgcountync.gov/#mat=414732&pid=14917104&qisid=14917104>

Appraised Value: \$181,200

Property Owner's Concerns: None

City's Response to Property Owner's Concerns: N/A

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

Council District: 1

76. Property Transactions - Shamrock Drive Improvements, Parcel # 2

Action: Approve the following Condemnation: Shamrock Drive Improvements, Parcel # 2

Project: Shamrock Drive Improvements, Parcel # 2

Program: Shamrock Drive Improvements

Owner(s): Shyam B. Patil and Roshni Dubey

Property Address: 1520 Shamrock Drive

Total Parcel Area: 8,585 sq. ft. (0.197 ac.)

Property to be acquired by Easements: 127 sq. ft. (0.003 ac.) Sidewalk Utility Easement and 1,258 sq. ft. (0.029 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: R-5

Use: Single-family Residential

Parcel Identification Number: 093-097-07

<https://polaris3g.mecklenburgcountync.gov/#mat=46555&pid=09309707&gisid=09309707>

Appraised Value: \$22,025

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

City's Response to Property Owner's Concerns: City Staff has met with the Property Owner to discuss their concerns. Staff explained the rationale of the design and how it meets the objectives for the project. 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

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

Action: Approve the following Acquisition: Shamrock Drive Improvements, Parcel # 32

Project: Shamrock Drive Improvements, Parcel # 32

Program: Shamrock Drive Improvements

Owner(s): Travis Z. Klingberg

Property Address: 3234 East Ford Road

Total Parcel Area: 12,368 sq. ft. (0.284 ac.)

Property to be acquired by Easements: 146 sq. ft. (0.003 ac.) Utility Easement, 9 sq ft (0.000 ac.) Storm Drainage Easement and 1,998 sq. ft. (0.046 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: R-5

Use: Single-family Residential

Parcel Identification Number: 093-107-12

<https://polaris3g.mecklenburgcountync.gov/#mat=105002&pid=09310712&qisid=09310712>

Purchase Price: \$47,077

Council District: 1

78. Property Transactions - Shamrock Drive Improvements, Parcel # 57

Action: Approve the following Acquisition: Shamrock Drive Improvements, Parcel # 57

Project: Shamrock Drive Improvements, Parcel # 57

Program: Shamrock Drive Improvements

Owner(s): Sangjun Sun

Property Address: 2243 Shamrock Drive

Total Parcel Area: 8,070 sq. ft. (0.185 ac.)

Property to be acquired by Easements: 646 sq. ft. (0.015 ac.) Sidewalk Utility Easement and 491 sq. ft. (0.011 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-4

Use: Single-family Residential

Parcel Identification Number: 093-073-09

<https://polaris3g.mecklenburgcountync.gov/#mat=78039&pid=09307309&gisid=09307309>

Purchase Price: \$17,799

Council District: 1

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

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

Project: Shamrock Drive Improvements, Parcel # 60

Program: Shamrock Drive Improvements

Owner(s): Rachel P. Barton

Property Address: 2300 Shamrock Drive

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

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

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

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-4

Use: Single-family Residential

Parcel Identification Number: 093-074-21

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

Purchase Price: \$30,000

Council District: 1

80. Property Transactions - Shamrock Drive Improvements, Parcel # 61

Action: Approve the following Acquisition: Shamrock Drive Improvements, Parcel # 61

Project: Shamrock Drive Improvements, Parcel # 61

Program: Shamrock Drive Improvements

Owner(s): Solomon Profit, Demarcus Walker and Timera Millanaise Walker

Property Address: 2301 Shamrock Drive

Total Parcel Area: 13,705 sq. ft. (0.315 ac.)

Property to be acquired by Easements: 1,526 sq. ft. (0.035 ac.) Sidewalk Utility Easement, 77 sq. ft. (0.002 ac.) Storm Drainage Easement, 99 sq. ft. (0.002 ac.) Utility Easement and 1,919 sq. ft. (0.044 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-4

Use: Single-family Residential

Parcel Identification Number: 093-072-13

<https://polaris3g.mecklenburgcountync.gov/#mat=79031&pid=09307213&gisid=09307213>

Purchase Price: \$33,889

Council District: 1

81. Property Transactions - Shamrock Drive Improvements, Parcel # 106

Action: Approve the following Acquisition: Shamrock Drive Improvements, Parcel # 106

Project: Shamrock Drive Improvements, Parcel # 106

Program: Shamrock Drive Improvements

Owner(s): Jonathan James Varjabedian and Marko Montez Ward

Property Address: 3228 East Ford Road

Total Parcel Area: 6,179 sq. ft. (0.142 ac.)

Property to be acquired by Easements: 736 sq. ft. (0.017 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: R-5

Use: Single-family Residential

Parcel Identification Number: 093-107-22

<https://polaris3g.mecklenburgcountync.gov/#mat=655232&pid=09310722&qisid=09310722>

Purchase Price: \$13,900

Council District: 1

82. Closed Session (as necessary)

Adjournment

REFERENCES

83. 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.

84. 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.

85. 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.