

# City of Charlotte

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



## Meeting Agenda

**Monday, October 23, 2023**

**Council Chamber**

### **City Council Business Meeting**

*Mayor Vi Lyles*

*Mayor Pro Tem Braxton Winston II*

*Council Member Dimple Ajmera*

*Council Member Danté Anderson*

*Council Member Tariq Scott Bokhari*

*Council Member Ed Driggs*

*Council Member Malcolm Graham*

*Council Member Reneé Johnson*

*Council Member LaWana Mayfield*

*Council Member James Mitchell*

*Council Member Marjorie Molina*

*Council Member Victoria Watlington*

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

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

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

**Staff Resource(s):**

Marie Harris, Strategy and Budget

**Time:** 5 minutes

**Synopsis**

Mayor and Council may ask questions about Consent agenda items.

[2023-10-23 Council Agenda QA](#)

### **2. Consent agenda items 14 through 38 may be considered in one motion except for those items removed by a Council member. Items are removed by notifying the City Clerk.**

**Time:** 10 minutes

Consideration of Consent Items shall occur in the following order:

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

### **3. Action Review Agenda Overview**

**Staff Resource(s):**

Marcus Jones, City Manager

## 4. Action Review Items

### **NEST Commission: Anti-Displacement Recommendations**

**Staff Resource(s):**

Rebecca Hefner, Housing & Neighborhood Services

**Time:** Presentation - 10 minutes; Discussion - 25 minutes

**Explanation**

- Receive an overview of the NEST Commission’s anti-displacement recommendations.

### **Arts and Culture Update**

**Staff Resource(s):**

Priya Sircar, City Manager’s Office

**Time:** Presentation - 10 minutes; Discussion - 30 minutes

**Explanation**

- Receive an update on the Charlotte Arts and Culture Plan.

[Item 4.1 Action Review - NEST Recommendations](#)

[Item 4.2 Action Review - Arts and Culture](#)

## 5. Closed Session (as necessary)

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

*Call to Order*

*Introductions*

*Invocation*

*Pledge of Allegiance*

## **AWARDS AND RECOGNITIONS**

### **6. National Arts and Humanities Month**

**Action:**

Mayor Lyles will read a proclamation recognizing October as National Arts and Humanities Month.

## **PUBLIC FORUM**

### **7. Public Forum**

## **PUBLIC HEARING**

## 8. Public Comment on Chapter 14 Ordinance Revisions

### **Action:**

Receive public comments on proposed amendments to Chapter 14 of the City Code.

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

Debbie Smith, Transportation  
Patrick Baker, City Attorney's Office  
Lisa Flowers, City Attorney's Office  
Rebecca Hefner, Housing & Neighborhood Services

### **Explanation**

- A Quality-of-Life Team (Team) was convened as an extension to the broader Council adopted SAFE Charlotte initiative.
- The Team consists of a group of city departments that pool resources and expertise to address issues that residents repeatedly bring to staff and Council.
- Current areas of focus are commercial truck parking, illegal parking, and litter.
- Illegal parking and truck parking emerged as top concerns for many residents who contacted their Council representative and city staff asking for action.
  - Code Enforcement and CDOT have distributed educational windshield flyers on vehicles parked in bike lanes and illegally parked semi-trucks.
  - The Team identified opportunities to clarify ordinance language and heard from the community that current citation amounts are not enough to deter continued infractions.
- The Team reviewed city ordinance language as part of its research and found areas in Chapter 14 where text updates would provide better opportunity to manage these resident concerns and safety related issues.
- City Council received a presentation from the Quality-of-Life Team regarding the team's work and the proposed ordinance changes at their Action Review meeting on September 25, 2023.

### **Ordinance Revisions**

- Proposed revisions to the Chapter 14 ordinances as drafted will:
  - Provide clarification to terms:
    - Change "Trucks" to "Vehicles",
    - Change "drive or" to "drive, stop, stand, or park", and
    - Add Americans with Disabilities Act standards to exceptions.
  - Align definitions with North Carolina General Statutes and the Unified Development Ordinance on the following terms:
    - Commercial vehicle Light, Medium, or Large,
    - Plug-in electric vehicle, and
    - Public Bicycle Path.
  - Add illegal parking provisions for the following categories:
    - Public bicycle path,
    - Streetcar right-of-way,
    - Electric vehicle space, and
    - Loading zones.
  - Increase fines violations. These increased fines align with other serious infractions:
    - Fine increase from \$25 to \$100 for:
      - Blocking intersections,
      - Parking on sidewalks,
      - Parking in a bike lane,
      - Illegal parking on streetcar right-of-way, and
      - Illegal commercial vehicle parking.
    - Hourly citation (\$25/each hour) when a vehicle remains illegally parked in metered and time restricted spaces.

**Attachment(s)**

Proposed Ordinance Amendments

[Ordinance - Chapter 14 Proposed Amendments](#)**9. Public Hearing on PRO Housing Grant Application****Action:****Conduct a public hearing regarding the City of Charlotte's application to the Pathways to Removing Obstacles to Housing program.****Staff Resource(s):**

Rebecca Hefner, Housing &amp; Neighborhood Services

Alyson Craig, Planning, Design &amp; Development

**Explanation**

- The City of Charlotte is preparing a federal grant application for the Pathways to Removing Obstacles to Housing (PRO Housing) program, a competitive grant program offered by the U.S. Department of Housing & Urban Development (HUD). The purpose of the grant program is to remove barriers and other obstacles to affordable housing production and preservation.
- HUD requires grant applicants to hold a public hearing in advance of the grant submittal.
- The city proposes applying for \$10,000,000 in grant funding, the maximum award amount allowed by HUD. The grant program does not require a local match.
- The city is working in partnership with Mecklenburg County and both private and nonprofit partners to develop the proposal.
- Proposed grant activities have emerged from recent planning processes and City Council priorities and are designed to make affordable housing more accessible, so more units will be available across the entire city, especially in areas of opportunity. These activities include:
  - A housing concierge service and dedicated review team for development projects with affordability components
  - Acquisition, Rehabilitation, and Resale revolving fund
  - Managed services for set-aside affordable units
  - "Missing Middle" program to incentivize affordable and compatible "missing middle" housing - e.g., accessory dwelling units, townhomes, duplexes, and triplexes
  - Cost of regulations study
  - Affordable housing incentives study
- Community engagement on the proposal includes:
  - Publishing a draft copy of the grant proposal to the city's website with paper copies available by request in English and Spanish. Residents can make comments online.
  - Holding two in-person workshops scheduled for October 25 and 26, 2023, and a virtual workshop scheduled for October 26, 2023. During the workshops, staff will provide an overview of the grant proposal, answer participants' questions, and provide residents with opportunities to make comments.
- The grant application must be submitted to HUD no later than October 30, 2023.
- The PRO Housing grant program has a six-year period of performance, with an estimated project start date of January 31, 2024 (or after the issuance of HUD awards).

## **POLICY**

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

[10.23.2023 City Manager's Memo](#)

## 11. Plaza Midwood Social District

### **Action:**

**Adopt an ordinance amending Chapter 15, Article XV, Section 15-322 of the City Code to establish the Plaza Midwood Social District.**

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

Debbie Smith, Transportation  
Casey Mashburn, Transportation  
Patrick Baker, City Attorney's Office  
Lisa Flowers, City Attorney's Office

### **Explanation**

- In the fall of 2021, the NC General Assembly enacted legislation allowing cities to adopt an ordinance designating social districts; in July 2022, the General Assembly enacted legislation to recodify and clarify social districts.
- In August of 2022, Council adopted Chapter 15, Article XV-Social Districts in the City Code to establish the framework for the creation of Social Districts in Charlotte.
- A social district is a defined area in which a person may consume alcoholic beverages sold by a permittee.
  - A social district may include both indoor and outdoor areas of businesses within or contiguous to the defined area during the days and hours established for the social district pursuant to NC General Statute Section 15-314.
  - A social district may include privately owned property, including permittees and non-permittee businesses; multi-tenant establishments; and public streets, crosswalks, or parking areas whether or not the streets or parking areas are closed to vehicle traffic.
- North Carolina Law has requirements on establishing and operating a social district. City and state requirements include:
  - A Council-adopted ordinance designating a social district which includes days and hours of operation, the boundaries map and written description, and a management and maintenance plan,
  - A published Council-approved management and maintenance plan on the city's website, and
  - Registration of the social district with the NC Alcoholic Beverage Control Commission.

### **Applicant**

Plaza Midwood Merchants Association

### **Summary of Application**

- The district is located from Louise Avenue/10th Street to Morningside Drive along Central Avenue in the east/west directions. The district stretches from Chesterfield Avenue to near Hamorton Place along Pecan Avenue in the north/south direction, Council District 1. A detailed map is attached.
- The district proposes to operate Monday-Sunday, 10AM-10PM.
- The applicant and other participating members will fund the initial setup of the district and any ongoing expenditures related to the district.
- Ongoing management of the district will be performed by a committee consisting of members representing the merchant's association and the surrounding neighborhood associations.
- The district intends to utilize reusable stainless-steel cups with the required logos in a partnership with Envision Charlotte.
- A community meeting was required as part of the application process and was held virtually on June 1, 2023. Approximately 75 people attended over the duration of the event. The complete meeting report is attached.
- The Commonwealth Morningside and Chantilly Neighborhood Associations provided letters of support for the application.
- Public comments for the proposed district were received by Council on October 9, 2023.

**Staff Analysis**

This application has met the requirements outlined in Chapter 15, Article XV-Social Districts of the City Code as well as the associated Social Districts Standards and Provisions.

**Attachment(s)**

Map

Ordinance

Management and Maintenance Plan

[Map - Plaza Midwood Social District](#)

[Ordinance - Plaza Midwood Social District](#)

[Management Plan - Plaza Midwood Social District](#)

**BUSINESS****12. Urban and Community Forestry Grant****Action:**

- A. Accept grants from the U.S. Department of Agriculture’s Forest Service in the total amount of \$1,100,000 for the Tree Maintenance and Canopy Care programs, and**
- B. Adopt a budget ordinance appropriating \$1,100,000 in grant funds from the U.S. Department of Agriculture’s Forest Service to the General Capital Investment Plan.**

**Staff Resource(s):**

Phil Reiger, General Services  
David Wolfe, General Services  
Erin Oliverio, General Services

**Explanation**

- On September 14, 2023, the City of Charlotte’s Landscape Management Division was awarded two grants from the U.S. Department of Agriculture’s (USDA) Forest Service.
- The USDA Forest Service selected 385 grant proposals from entities working to increase:
  - equitable access to trees and nature,
  - the benefits trees provide for cooling city streets, improving air quality, and promoting food security, and
  - public health and safety.
- These grants will fund one new program, Canopy Care (\$600,000), as well as supplement an existing program, Tree Maintenance (\$500,000); both grants will focus on neighborhoods within Charlotte’s Corridors of Opportunity areas.
  - The Canopy Care program will plant new trees, prune existing trees, and remove hazardous trees to enhance the overall health of tree canopy on private property.
  - The Tree Maintenance Program will prioritize underserved communities for public tree maintenance work including pruning young and mature trees, removing hazardous trees, and stump grinding to prepare sites for replacement trees.

**Fiscal Note**

Funding: General Capital Investment Plan

**Attachment(s)**

Budget Ordinance

[Budget Ordinance - Forestry Grant](#)

## 13. Municipal Agreement for the Albemarle Road Pedestrian Safety and Connectivity Project

### Action:

- A. Adopt a Resolution authorizing the City Manager to execute a Municipal Agreement with the North Carolina Department of Transportation to accept Transportation Alternatives Program funds in the amount of \$1,756,000 for the Albemarle Road Pedestrian Safety and Connectivity project, and**
- B. Adopt a budget ordinance appropriating \$1,756,000 in Transportation Alternatives Program funding from the North Carolina Department of Transportation to the General Capital Projects Fund.**

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

Debbie Smith, Transportation  
Matt Magnasco, Transportation

### **Explanation**

- Corridors of Opportunity is a city investment initiative that is designed to meet the growing needs of our community in the areas of affordable housing, community safety, infrastructure, transportation, workforce and business development, and urban design.
- The Albemarle Road Pedestrian Safety & Connectivity Project in Council District 5 will implement pedestrian safety and connectivity improvements using Charlotte Regional Transportation Planning Organization (CRTPO) Transportation Alternative Program (Direct Attributable) (TAP(DA)) funds. The North Carolina Department of Transportation (NCDOT) administers these funds on behalf of CRTPO.
- The project will include the following improvements:
  - Providing Pedestrian Hybrid Beacons at the following locations:
    - Albemarle Road between Farm Pond Lane and Winterhaven Drive,
    - Albemarle Road between Regal Oaks Drive and E W.T. Harris Boulevard, and
    - Central Avenue at Reddman Road.
  - Completing a sidewalk gap along Wilora Lake Road
  - Completing a sidewalk gap along Albemarle Road
  - Constructing two CATS mobility hubs that provide convenient connections between bus and rail transit, rideshare programs, bicycles, micromobility, and other modes of travel.
- These projects were identified as high priorities in the Albemarle Road Corridor of Opportunity Playbook.
- The budget for the Albemarle Road Pedestrian Safety & Connectivity Project is \$3,192,000 and is broken down as follows:
  - \$1,756,000: TAP(DA) funds from NCDOT, and
  - \$1,436,000: city funding.
- Construction for these improvements is anticipated to begin in early 2027.
- This format is consistent with past municipal agreements between the city and NCDOT.

### **Charlotte Business INclusion**

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

### **Fiscal Note**

Funding: NCDOT Funding

### **Attachment(s)**

Map  
Resolution  
Budget Ordinance

[Map - Albemarle Road Ped Project](#)

[Resolution - Albemarle Road Ped Project](#)

[Budget Ordinance - Albemarle Road Ped Project](#)

## CONSENT

### 14. National Sexual Assault Kit Initiative FY 2023 Grant

**Action:**

**Authorize the City Manager to accept a grant in the amount of \$900,000 from the U.S. Department of Justice to continue participation in the National Sexual Assault Kit Initiative.**

**Staff Resource(s):**

Johnny Jennings, Police

Steven Brochu, Police

Joel McNelly, Police

**Explanation**

- The Charlotte-Mecklenburg Police Department (CMPD) often applies for grants to fund programs and expenses that support the approved operating budget.
- CMPD has received the Sexual Assault Kit Initiative (SAKI) grant from the U.S. Department of Justice's Bureau of Justice Assistance since Fiscal Year 2016.
- The goal of the program is to improve state and local jurisdictions' capacities to respond to violent crime and the functioning of the criminal justice system through the investigation and prosecution of cases resulting from sexual assault kit evidence and the collection of lawfully owed DNA from convicted offenders.
- CMPD will use the FY 2023 SAKI Purpose Area 3 Grant to fund the following:
  - Conducting a state-wide census of collecting DNA samples of those convicted offenders from whom a DNA sample was never obtained to expand the DNA database, enabling CMPD to better identify persons convicted of violent and sex offenses involved in unsolved crimes.
  - Hiring one DNA Collections Coordinator to conduct the census and manage overall operations of the program.
  - Hiring two part-time DNA Collections Officer positions to collect lawfully owed DNA samples based on the results of the census.
  - Providing detective overtime to assist with local DNA collections activity in Mecklenburg County and surrounding areas.
  - Purchasing supplies and travel needed to carry out the program.
- The total amount of the grant award is \$900,000. This grant does not require the city to match funds.
- The grant period is October 1, 2023, through September 30, 2026.
- The city must accept this award by November 9, 2023.
- At the conclusion of the grant, CMPD will evaluate the need for the grant-funded positions.

**Fiscal Note**

Funding: General Grants Fund

## 15. National Sexual Assault Kit Initiative FY 2023: National Cold Case Initiative Grant Program

### **Action:**

**Authorize the City Manager to accept a grant in the amount of \$2,000,000 from the U.S. Department of Justice to implement initiatives that enhance investigations of violent crime cold cases.**

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

Johnny Jennings, Police  
Steven Brochu, Police  
Joel McNelly, Police

### **Explanation**

- The Charlotte-Mecklenburg Police Department (CMPD) often applies for grants to fund programs and expenses that support the approved operating budget.
- CMPD has received the Sexual Assault Kit Initiative (SAKI) grant from the U.S Department of Justice's Bureau of Justice Assistance since Fiscal Year 2016.
- The goal of the grant program is to enhance previous efforts by implementing a comprehensive approach to resolve violent crime.
- FY 2023 SAKI purpose area 6 grant funds will be used to investigate violent crime cold cases that are not sexually motivated through multiple initiatives including the following:
  - Designating a Site Coordinator to serve as the central point of contact to ensure the team is meeting milestones,
  - Establishing a Multidisciplinary Working Group,
  - Developing a comprehensive strategy to address the outstanding cold cases,
  - Exploring ways to improve victim advocacy,
  - Hiring a Cold Case Analyst to conduct follow-up investigations with Violent Crime Detectives,
  - Hiring a Crime Lab Technician to assist the Criminalist DNA Analysts in preparing case files,
  - Providing overtime for Criminalist DNA Analysts to review profiles developed from violent crime cold case evidence by the private lab for entry into the Combined DNA Index System (CODIS),
  - Providing overtime for Violent Crime Detectives to conduct follow-up investigations and enter criteria cases into CODIS, and
  - Hiring an Assistant District Attorney to research and prepare cases for prosecution that resulted from CODIS hits.
- The grant is for a three-year term from October 1, 2023, to September 30, 2026.
- No matching contribution from the city is required.

### **Fiscal Note**

Funding: General Grants Fund

## 16. U.S. Department of Justice FY 2023 Edward Byrne Memorial Justice Assistance Grant

### **Action:**

- A. Authorize the City Manager to accept a four-year, Edward Byrne Memorial Justice Assistance Grant in the amount of \$672,395 from the U.S. Department of Justice, and**
- B. Adopt a resolution authorizing the City Manager, or his designee, to enter into a memorandum of understanding with Mecklenburg County as a law enforcement partner.**

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

Johnny Jennings, Police  
Steven Brochu, Police  
Tonya Scott, Police

### **Explanation**

- The Charlotte-Mecklenburg Police Department (CMPD) often applies for grants to fund programs and expenses that support the approved operating budget.
- Each year, the city applies for and has received the Edward Byrne Memorial Justice Assistance Grant.
- According to grant parameters, the city must accept the grant award by November 6, 2023, to receive the funding.
- The grant will fund overtime for neighborhood patrols and crime lab staff, the Police Cadet Program, and the CMPD Summer Internship Program.
- The grant requires that Mecklenburg County receive a portion of the total award as a law enforcement partner.
- The city's share of the funding will be \$537,916; Mecklenburg County will receive \$134,479.
- No matching contribution from the city is required.

### **Fiscal Note**

Funding: General Grants Fund

### **Attachment(s)**

Resolution  
Memorandum of Understanding

[Resolution - FY 2023 E.B. Memorial Grant](#)

[MOU - FY 2023 E.B. Memorial Grant](#)

## 17. Sugar Creek Road Streetscape Project Change Order

**Action:**

Approve change order #2 for \$679,767.97 to Mountain Creek Contractors, Inc. for the Sugar Creek Road Streetscape project.

**Staff Resource(s):**

Phil Reiger, General Services  
Jennifer Smith, General Services  
Tonia Wimberly, General Services

**Explanation**

- On September 28, 2020, City Council approved the construction contract with Mountain Creek Contractors, Inc. in the amount of \$3,055,954.65 for the Sugar Creek Road Streetscape Project.
- Identified in the Northeast Corridor Infrastructure Program, the work includes bicycle lanes, sidewalk, and street trees along Sugar Creek Road from Greensboro Street to North Tryon Street in Council District 1.
- Soon after construction began there were unforeseen utility conflicts which required a partial redesign around a large box culvert.
- Change order #2 in the amount of \$679,767.97 includes funding for:
  - Additional mobilizations, traffic control measures and erosion control,
  - Additional quantities related to the large box culvert and pump around operations, and
  - Other miscellaneous items such as sewer pipe, pipe collars, stone layering, and pavement markings.
- On September 1, 2022, change order #1 was approved for a time extension to accommodate utility delays related to the redesign of the large box culvert.
- The new total value of the contract, including this change order, is \$3,735,722.62 and is available within the project budget.

**Charlotte Business INclusion**

All additional work involved in this Change Order will be performed by Mountain Creek Contractors, Inc. and their existing subcontractors.

**Fiscal Note**

Funding: General Capital Investment Plan

**Attachment(s)**

Map

[Map - Sugar Creek Road Streetscape Project Change Order](#)

## 18. Americans with Disabilities Act Transition Plan Implementation at Old City Hall

### Action:

- A. Reject the low bid submitted by Cinderella Partners, Inc for Old City Hall - Americans with Disabilities Act Improvements, and**
- B. Approve a contract in the amount of \$853,650.00 to the lowest responsive, responsible bidder Nance Construction LLC for the Old City Hall - Americans with Disabilities Act Improvements.**

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

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

### **Explanation**

- The City of Charlotte's Americans with Disabilities Act (ADA) Transition Plan, dated 2022, ensures greater compliance of all city facilities, programs, policies, and procedures.
- This contract includes funding for ADA improvements at Old City Hall including but not limited to curb ramps, parking, stair handrails, restrooms, break rooms, reception desk, water fountains, signage, and door hardware.
- On August 2, 2023, the city issued an Invitation to Bid; three bids were received.
- The first low bid submitted by Cinderella Partners Inc. did not meet the criteria to be deemed responsible for this project.
- Nance Construction LLC was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by second quarter 2024.

### **Charlotte Business INclusion**

Established MWBE Goal: 7.00%  
Committed MWBE Goal: 16.44%

Nance Construction LLC is a City WSBE and their total self-performance of 16.44% (\$140,356) of the total contract amount will be counted toward the established goal.

Nance Construction LLC has also committed 5.66% (\$48,280) of the total contract amount to the following certified firms.

- Century Contracting, Inc. (SBE) (\$28,560) (ceiling, drywall)
- Treadaway & Sons Painting & Wallcovering, Inc. (SBE) (\$19,720) (painting)

### **Fiscal Note**

Funding: General Capital Investment Plan

## 19. Managed Print Services

### Action:

- A. Authorize the City Manager to negotiate and execute an extension to a unit price contract with Ricoh USA, Inc. for managed print services and related products, services, and solutions for a term of four years, and**
- B. Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.**

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

Markell Storay, Innovation and Technology  
Phil Reiger, General Services  
Marcy Mars, General Services

### **Explanation**

- On November 10, 2014, City Council approved a citywide contract with Ricoh USA, Inc. for managed print services and related products, services, and solutions with an initial term of four years starting July 1, 2015 with one, four-year extension.
- A six-month extension was executed to extend the contract while the city and Ricoh evaluated and tested new print devices with updated system management programs.
- Ricoh USA, Inc. supplies and maintains a fleet of 400+ multi-function (print, copy, scan, and fax) machines and print devices throughout the city, and runs on-site print shop facilities available for use by all city departments.
- The installed print machines and devices currently average 12 million impressions annually and the print shop facilities print approximately 1.6 million impressions annually.
- Services are charged to the city based on a defined cost per impression model, which is inclusive of machines, devices, consumables (toner, paper, and other supplies) maintenance services, print shop services, and other related software, solutions, and services.
- A waiver of a competitive solicitation process for services may be granted on a limited basis when deemed appropriate and in the city's best interest.
- A waiver for the four-year extension has been approved for these services based on the need for continuity of services during the city's implementation of a new Enterprise Resource Planning System.
- Ricoh USA, Inc. will conduct a full site assessment of the existing fleet devices, retire old devices, and will provide a complete refresh for all city departments with new multifunction machines and print devices that will have enhanced technology and security features.
- Annual expenditures are estimated to be \$1,800,000, with per impression pricing expected to remain in line with the current pricing structure, pending final negotiations and site assessment.

### **Charlotte Business INclusion**

This contract is exempt under the CBI Program.

### **Fiscal Note**

Funding: Various Departments' Operating Budgets

## 20. Commercial Floor Coverings

### Action:

- A. Approve the purchase of commercial floor coverings and related services from cooperative contracts for a term of three years to the following:**
- Tarkett USA, Inc. (Omnia Coop #2020002143)
  - Mohawk Carpet Distribution, Inc. (Omnia Coop# 2020002149) , and
- B. Authorize the City Manager to renew the contracts for up to two, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

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

Phil Reiger, General Services  
David Wolfe, General Services  
Bill Witherell, General Services

### **Explanation**

- These contracts are needed for the purchase and installation of floor coverings for city facilities.
- NC General Statute Section 143-129(e)(3) allows local governments to purchase from formally organized cooperative purchasing contracts.
- Cooperative purchasing agreements result 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.
- Commercial flooring may include but is not limited to carpet, vinyl, laminate, rubber and sheet tile, ceramic tile, and wood flooring.
- The contracts will also provide the option of turn-key installation or replacement services performed by a network of authorized dealer/installation partners to service the city's needs.
- Total annual expenditures are estimated to be \$3,000,000.
- Potential price adjustments may be considered based on legitimate and justified increases in the cost of doing business. The ability to consider price adjustments also allows the city to accept decreases, if warranted.

### **Charlotte Business INclusion**

This is a cooperative purchasing contract and is exempt from the CBI Program.

### **Fiscal Note**

Funding: General and Enterprise Capital Investment Plans, and General Services Operating Budget

## 21. Security Guard Services

### **Action:**

- A. Approve a unit price contract with Metropolitan Security Services, Inc. d/b/a Walden Security for Security Guard Services for an initial term of three years, and**
- B. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

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

Phil Reiger, General Services  
Richard Williams, General Services  
Marcy Mars, General Services

### **Explanation**

- The City of Charlotte utilizes an outside service provider to perform security guard services for four city-owned facilities: the Charlotte-Mecklenburg Government Center, the Belmont Center, Old City Hall, and CMPD Headquarters.
- This contract will assist building management in providing an orderly, safe environment to ensure the safety of employees, vendors, and citizens who work, conduct business, or visit these facilities.
- Specific duties include:
  - Armed and unarmed uniformed security officer presence,
  - Foot patrols throughout the building,
  - Emergency, safety, medical, or other as-needed response, and
  - Professional and courteous interaction with the public.
- On April 12, 2023, the city issued a Request for Proposals (RFP); ten proposals were received.
- Metropolitan Security Services, Inc. d/b/a Walden Security best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Metropolitan Security Services, Inc. d/b/a Walden Security is certified through the Women's Business Enterprise National Council (WBENC).
- Price adjustments may be considered based on legitimate and justified increases in the cost of doing business and aligned to Consumer Price Index.
- Annual expenditures are estimated to be \$2,300,000.

### **Charlotte Business INclusion**

The city negotiates contract participation after the proposal selection process.

Metropolitan Security Services, Inc. d/b/a Walden Security has identified the following certified firm(s) to be utilized:

- LifeGuard Protective Services, Inc., (MBE) (12.00%) (armed and unarmed security guard services)

### **Fiscal Note**

Funding: General Services and CMPD Operating Budgets

## 22. Wastewater Treatment Plant Strainpress Equipment

### Action:

- A. Approve the purchase of strainpress equipment by the sole source exemption,
- B. Approve a contract with Huber Technology, Inc. for the purchase of strainpress equipment and startup services for the term of five years, and
- C. Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.

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

Angela Charles, Charlotte Water  
Ron Hargrove, Charlotte Water  
Joseph Lockler, Charlotte Water

### **Sole Source Exemption**

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

### **Explanation**

- This contract will provide for Huber Strainpress equipment and startup services for the Charlotte Water wastewater treatment plants.
- Strainpresses are a type of sludge screen which capture and remove material and debris which could otherwise interfere with the treatment process.
- The units will share spare parts, and the controls and interface will be standardized in all units, which will operate at multiple wastewater treatment plants.
- Annual expenditures are estimated to be \$220,000.

### **Charlotte Business INclusion**

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

### **Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

## 23. Airport Cooperative Contract for Snow Equipment

### Action:

- A. **Approve the purchase of Snow Removal Equipment from a cooperative contract,**
- B. **Approve a unit price contract with ASH North America Inc., DBA Aebi Schmidt North America for the purchase of Snow Removal Vehicles and Brooms for a term of five years under Sourcewell contract # 111522-AEB, 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):**

Haley Gentry, Aviation

Jack Christine, Aviation

### **Explanation**

- Aviation is required to maintain all primary movement surfaces in the event of winter weather. The current Aviation snow equipment is insufficient and no longer supported by the manufacturer.
- NC General Statue Section 143-129(e)(3) allows for 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 at \$2,602,620.

### **Charlotte Business INClusion**

This is a cooperative purchasing contract and is exempt from the CBI Program.

### **Fiscal Note**

Funding: Aviation Capital Investment Plan

## 24. Airport Fire Protection Improvements Change Order

**Action:**

**Approve change order #1 for \$3,358,888 to Messer Construction Co. for Construction Manager at-Risk services for the Federal Inspections Station Facility and Concourse D Renovations project.**

**Staff Resource(s):**

Haley Gentry, Aviation  
Jack Christine, Aviation

**Explanation**

- On August 22, 2022, City Council approved a contract with Messer Construction Co. in the amount of \$4,448,091 for Construction Management at-Risk services for the Federal Inspection Station Facility and Concourse D Renovations project.
- This change order will provide for the purchase and installation of new fire protection system equipment on the lower-level of Concourse D required to bring the terminal into compliance with NC State Building Code.
- The new total value of the contract is \$7,806,979.

**Charlotte Business INclusion**

Established MBE Goal: 10.27%

Committed MBE Goal: 10.27%

Messer Construction Co. met the established contract goal for this Change Order, committing to 10.27% (\$344,802) of the total contract Change Order amount to the following certified firm(s):

- All Pro Builders (MBE) (\$298,034) (general construction)
- Besco Electric (MBE) (\$46,768) (electrical)

**Fiscal Note**

Funding: Aviation Capital Investment Plan

## 25. Airport Planning Consultation Service

### Action:

Approve contracts for planning consultation services with the following vendors for a four-year term:

- **AECOM Technical Services of North Carolina, Inc**
- **Ricondo & Associates Inc.,**
- **RS&H Architects Engineers Planners Inc.,**
- **Landrum & Brown Inc., and**
- **Kimley-Horn & Associates Inc.**

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

Haley Gentry, Aviation

Jack Christine, Aviation

### **Explanation**

- The Aviation Department uses planning consultation services for master, airfield, terminal, landside, environmental, noise, and land use.
- On July 6, 2023, the city issued a Request for Qualifications; nine proposals were received.
- The selected firms best meet the city's needs in terms of qualifications and experience.
- Pricing for these services will be based on the size and nature of the project.
- Annual aggregate expenditures are estimated to be \$2,000,000.

### **Charlotte Business INclusion**

The city negotiates contract participation after the proposal selection process. The specific tasks and contract opportunities associated with this contract are undefined; however, each Prime consultant has identified certified firms to be utilized:

- Hubpoint Strategic Advisors, LLC (SBE) (cargo, air service)
- Neighboring Concepts (MBE) (architecture, community engagement)
- CES Group Engineers, LLC (WBE) (civil engineering)
- John Davenport Engineering, Inc (MBE) (transportation engineering)
- Richa, Inc (MBE) (reproduction services)
- Carolina Wetland Services, Inc (WBE) (environmental permitting, testing, mitigation)
- CES Group Engineers, LLC (WBE) (hazmat, survey)
- Jarrett Engineering PLLC (WBE, SBE) (utility coordination)
- New South Associates, Inc. (WBE) (cultural/archaeological)

### **Disadvantaged Business Enterprise**

The Federal DBE program does not require a DBE goal for all On-Call Contracts. DBE goals will be negotiated per task order. Aviation will monitor achievement throughout the life of the contracts.

The following certified firm(s) have been identified to be utilized as the project evolves:

- Connico, LLC (DBE) (cost estimating, scheduling)
- Hubpoint Strategic Advisors (DBE) (cargo, air service)
- Neighboring Concepts (DBE) (architecture, community engagement)
- Airport Design Consultants, Inc. (DBE) (airport planning)
- AirProjects, Inc. (DBE) (concession planning)
- CES Group Engineers, LLP (DBE) (civil engineering)
- Illustrate My Design, LLC (DBE) (project rendering)
- John Davenport Engineering, Inc. (DBE) (transportation engineering)
- Legacy Research Associates (DBE) (cultural resources)
- Sensis, Inc. (DBE) (communication strategy, public outreach/meetings)
- Landry Consulting, LLC. (DBE) (safety management systems)
- Jarrett Engineering PLLC. (DBE) (utility coordination)

- New South Associates, Inc. (DBE) (cultural/archaeological)
- Amplify Consulting LLC (DBE) (public involvement)

**Fiscal Note**

Funding: Aviation Capital Investment Plan

## 26. Reimbursement Agreement for Runway Navigational Aid Establishment

**Action:**

- A. **Authorize the City Manager to execute a reimbursement agreement with the Federal Aviation Administration for Navigational Aid Establishment, and**
  
- B. **Authorize the City Manager to amend the agreement consistent with the purpose for which the agreement was approved.**

**Staff Resource(s):**

Haley Gentry, Aviation

Jack Christine, Aviation

**Explanation**

- Aviation is in the design phase for the Fourth Parallel Runway Program, which will enhance airfield capacity and operational efficiency.
- The Runway will require new Navigational Aids (NAVAIDs). This reimbursable agreement will address design and procurement activities for the installation and operation of the new runway NAVAIDs.
- The agreement will be amended to include Federal Aviation Administration (FAA) implementation costs of the NAVAIDs after design development is sixty percent complete.
- The city will reimburse the FAA for the cost of the work, which is estimated to be \$9,707,102.

**Fiscal Note**

Funding: Aviation Capital Investment Plan

## 27. Set a Public Hearing on Alverton Area Voluntary Annexation

### **Action:**

**Adopt a resolution setting a public hearing for November 27, 2023, for Alverton Area voluntary annexation petition.**

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

Alyson Craig, Planning, Design & Development

Holly Cramer, Planning, Design & 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 12.739-acre "Alverton" site is just north of Interstate 485 along the east side of Mt Holly-Huntersville Rd. The site is currently developed with one single family home on the property that will be removed prior to any redevelopment.
  - The petitioner has plans to develop the site with 32 single family dwelling units.
  - The property is zoned N1-A (Neighborhood 1, A) which allows for single family residential uses, as well as duplexes, triplexes, and a limited number of other uses.
  - The property is located immediately adjacent to City Council District 4.
  - The petitioned area consists of one parcel; parcel identification number: 033-111-10.

### **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

[Annexation Map - Alverton Area](#)

[Resolution - Alverton Area](#)

## 28. Set a Public Hearing on Amavi University Area Voluntary Annexation

### **Action:**

**Adopt a resolution setting a public hearing for November 27, 2023, for Amavi University Area voluntary annexation petition.**

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

Alyson Craig, Planning, Design & Development

Holly Cramer, Planning, Design & 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 60.13-acre "Amavi University" site is in eastern Mecklenburg County. The property is located along the east side of John Russell Road, west of Back Creek Church Road.
  - The site is currently developed with six single family dwellings and associated accessory buildings that will be removed prior to any redevelopment.
  - The petitioner has plans to redevelop the site with 185 single family dwelling units.
  - The property is zoned N1-A (Neighborhood 1, A) which allows for single family residential uses, as well as duplexes, triplexes, and a limited number of other uses.
  - The property is located immediately adjacent to City Council District 4.
  - The petitioned area consists of six parcels; parcel identification numbers: 105-041-12, 105-041-13, 105-041-14, 105-351-01, 105-351-02, and 105-351-03.

### **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

[Annexation Map - Amavi University Area](#)

[Resolution - Amavi University Area](#)

## 29. Resolution of Intent to Abandon a Portion of Alleyway off Roland Street

### **Action:**

- A. Adopt a Resolution of Intent to abandon a Portion of Alleyway off Roland Street, and**
- B. Set a Public Hearing for November 27, 2023.**

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

Debbie Smith, Transportation

Casey Mashburn, Transportation

### **Explanation**

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition signed by the adjacent property owners to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property. The land will be distributed proportionally between adjacent property owners in accordance with North Carolina General Statute 160A-299.
- The alleyway is located in Council District 1.

### **Petitioners**

Adam J. Senk

### **Attachment(s)**

Map

Resolution

[2023-000435 - Abandonment Map](#)

[2023-000435A - Resolution of Intent 10.23.2023](#)

### 30. Resolution of Intent to Abandon a Portion of Paragon Drive

**Action:**

- A. Adopt a Resolution of Intent to abandon a Portion of Paragon Drive, and
- B. Set a Public Hearing for November 27, 2023.

**Staff Resource(s):**

Debbie Smith, Transportation  
Casey Mashburn, Transportation

**Explanation**

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

**Petitioners**

Ram Realty Acquisitions VI, LLC

**Attachment(s)**

Map  
Resolution

[2023-001141A - Abandonment Map](#)

[2023-002395A Resolution of Intent](#)

## PROPERTY TRANSACTIONS

### 31. Charlotte Water Property Transactions - Little Hope Creek Sanitary Sewer Improvements, Parcel #314

**Action:** Approve the following Property Condemnation: Little Hope Creek Sanitary Sewer Improvements, Parcel #314

**Project:** Little Hope Creek Sanitary Sewer Improvements, Parcel #314

**Owner(s):** Jon Thomas Gajewski

**Property Address:** 1101 Barkley Road

**Total Parcel Area:** 17,663 sq. ft. (0.41 ac.)

**Property to be acquired by Easements:** 2,159 sq. ft. (0.05 ac.) in Permanent Easement

**Structures/Improvements to be impacted:** Gravel parking pad

**Landscaping to be impacted:** Three small bushes

**Zoned:** R-4

**Use:** FLUM/SWIM Floodway (restricted)

**Parcel Identification Number:** 171-084-15

<https://polaris3g.mecklenburgcountync.gov/#mat=12657&pid=17108415&qisid=17108415>

**Appraised Value:** \$35,125

**Property Owner's Concerns:** The city is unable to reach an agreement with the property owner.

**City's Response to Property Owner's Concerns:** After initially working with the city, the property owner became unresponsive.

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

**Council District:** 6

**Attachment(s):** Map

[Map - Little Hope Creek Sanitary Sewer Improvements, Parcel #314](#)

## 32. Property Transactions - Beckwith Meadows Storm Drainage Improvement Project, Parcel # 23

**Action:** Approve the following Acquisition: Beckwith Meadows Storm Drainage Improvement Project, Parcel # 23

**Project:** Beckwith Meadows Storm Drainage Improvement Project (SDIP), Parcel # 23

**Program:** Beckwith Meadows SDIP

**Owner(s):** Ryan Dennison and Erin Dennison

**Property Address:** 1712 Anderson Street

**Total Parcel Area:** 16,406 sq. ft. (0.377 ac)

**Property to be acquired by Easements:** 654 sq. ft. (0.015 ac.) Sanitary Sewer Easement

**Structures/Improvements to be impacted:** Shelter

**Landscaping to be impacted:** Trees

**Zoned:** N1-B

**Use:** Neighborhood 1 Zoning District

**Parcel Identification Number:** 093-041-02

<https://polaris3g.mecklenburgcountync.gov/#mat=54875&pid=09304102&qisid=09304102>

**Purchase Price:** \$20,000

**Council District:** 1

### 33. Property Transactions - Bryant Farms Rd Extension, Phase 1, Parcel # 2

**Action:** Approve the following Condemnation: Bryant Farms Rd Extension, Phase 1, Parcel # 2

**Project:** Bryant Farms Rd Extension, Phase 1, Parcel # 2

**Program:** Bryant Farms Rd Extension, Phase 1

**Owner(s):** South Mecklenburg Presbyterian Church

**Property Address:** 8601 Bryant Farms Road

**Total Parcel Area:** 590,829 sq. ft. (13.564 ac.)

**Property to be acquired by Fee Simple:** 5,435 sq. ft. (0.125 ac.) Fee Simple

**Property to be acquired by Easements:** 14,378 sq. ft. (0.330 ac.) Sidewalk Utility Easement, 5,706 sq. ft. (0.131 ac.) Waterline Easement, 1,691 sq. ft. (0.039 ac.) Storm Drainage Easement and 6,186 sq. ft. (0.142 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** Wooden post sign, wrought iron sign, plaster monument sign, and lights

**Landscaping to be impacted:** Trees and various plantings

**Zoned:** N1-A

**Use:** Neighborhood 1 Zoning District

**Parcel Identification Number:** 229-041-04

<https://polaris3g.mecklenburgcountync.gov/#mat=206435&pid=22904104&qisid=22904104>

**Appraised Value:** \$57,175

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

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

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

**Council District:** 7

**Attachment(s):** Map

[Map - Bryant Farms Rd Extension, Phase 1, Parcel # 2](#)

## 34. Property Transactions - Bryant Farms Rd Extension, Phase 1, Parcel # 3

**Action:** Approve the following Condemnation: Bryant Farms Rd Extension, Phase 1, Parcel # 3

**Project:** Bryant Farms Rd Extension, Phase 1, Parcel # 3

**Program:** Bryant Farms Rd Extension, Phase 1

**Owner(s):** Nisbet Oil Company

**Property Address:** 11924 Elm Lane

**Total Parcel Area:** 73,364 sq. ft. (1.684 ac.)

**Property to be acquired by Fee Simple:** 3,496 sq. ft. (0.080 ac.) Fee Simple outside existing ROW

**Property to be acquired by Easements:** 3,067 sq. ft. (0.070 ac.) Utility Easement, 185 sq. ft. (0.004 ac.) Sidewalk Utility Easement and 7,702 sq. ft. (0.177 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** Asphalt paving and lights

**Landscaping to be impacted:** Tree and various plantings

**Zoned:** CG

**Use:** Commercial

**Parcel Identification Number:** 223-282-86

<https://polaris3g.mecklenburgcountync.gov/#mat=22184&pid=22328286&gisid=22328286>

**Appraised Value:** \$120,700

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

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

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

**Council District:** 7

**Attachment(s):** Map

[Map - Bryant Farms Rd Extension, Phase 1, Parcel # 3](#)

## 35. Property Transactions - Bryant Farms Rd Extension, Phase 1, Parcel # 4

**Action:** Approve the following Condemnation: Bryant Farms Rd Extension, Phase 1, Parcel # 4

**Project:** Bryant Farms Rd Extension, Phase 1, Parcel # 4

**Program:** Bryant Farms Rd Extension, Phase 1

**Owner(s):** Nisbet Oil Company

**Property Address:** 11914 Elm Lane

**Total Parcel Area:** 68,078 sq. ft. (1.563 ac.)

**Property to be acquired by Fee Simple:** 4,060 sq. ft. (0.093 ac.) Fee Simple outside existing ROW

**Property to be acquired by Easements:** 3,006 sq. ft. (0.069 ac.) Utility Easement and 2,458 sq. ft. (0.056 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** Asphalt paving and lights

**Landscaping to be impacted:** Trees and various plantings

**Zoned:** CG

**Use:** Commercial

**Parcel Identification Number:** 223-282-90

<https://polaris3g.mecklenburgcountync.gov/#mat=543299&pid=22328290&qsid=22328290>

**Appraised Value:** \$105,125

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

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

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

**Council District:** 7

**Attachment(s):** Map

[Map - Bryant Farms Rd Extension, Phase 1, Parcel # 4](#)

## 36. Property Transactions - Monroe Road Multiuse Path, Parcel # 5

**Action:** Approve the following Acquisition: Monroe Road Multiuse Path, Parcel # 5

**Project:** Monroe Road Multiuse Path (MUP), Parcel # 5

**Program:** Monroe Road MUP

**Owner(s):** Bergman Brothers Realty, LLC

**Property Address:** 5205 Monroe Road

**Total Parcel Area:** 18,217 sq. ft. (0.418 ac.)

**Property to be acquired by Easements:** 1,181 sq. ft. (0.027 ac.) Sidewalk Utility Easement, 514 sq. ft. (0.012 ac.) Storm Drainage Easement and 1,928 sq. ft. (0.044 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** Driveways and signs

**Landscaping to be impacted:** None

**Zoned:** OFC

**Use:** Office Flex Campus Zoning District

**Parcel Identification Number:** 161-064-02

<https://polaris3g.mecklenburgcountync.gov/#mat=144820&pid=16106402&qisid=16106402>

**Purchase Price:** \$37,575

**Council District:** 5

## 37. Property Transactions - Monroe Road Multiuse Path, Parcel # 6

**Action:** Approve the following Acquisition: Monroe Road Multiuse Path, Parcel # 6

**Project:** Monroe Road Multiuse Path (MUP), Parcel # 6

**Program:** Monroe Road MUP

**Owner(s):** Bergman Brothers Realty, LLC

**Property Address:** 5215 Monroe Road

**Total Parcel Area:** 14,952 sq. ft. (0.343 ac.)

**Property to be acquired by Easements:** 514 sq. ft. (0.012 ac.) Sidewalk Utility Easement, 221 sq. ft. (0.005 ac.) Storm Drainage Easement and 1,125 sq. ft. (0.026 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** Driveway

**Landscaping to be impacted:** Trees

**Zoned:** OFC

**Use:** Office Flex Campus Zoning District

**Parcel Identification Number:** 161-064-03

<https://polaris3g.mecklenburgcountync.gov/#mat=145277&pid=16106403&qisid=16106403>

**Purchase Price:** \$22,100

**Council District:** 5

## 38. Property Transactions - Shamrock Gardens Storm Drainage Improvement Project, Parcel # 10

**Action:** Approve the following Acquisition: Shamrock Gardens Storm Drainage Improvement Project, Parcel # 10

**Project:** Shamrock Gardens Storm Drainage Improvement Project (SDIP), Parcel # 10

**Program:** Shamrock Gardens SDIP

**Owner(s):** Community Apartments Corporation of Metrolina #2

**Property Address:** 3630 Frontenac Avenue

**Total Parcel Area:** 49,557 sq. ft. (1.138 ac.)

**Property to be acquired by Easements:** 9,973 sq. ft. (0.229 ac.) Storm Drainage Easement, 1,478 sq. ft. (0.045 ac.) Sanitary Sewer Easement, 9 sq. ft. (0.000 ac.) Permanent Utility Easement and 5,816 sq. ft. (0.134 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** 5 Parking spaces will be impacted during a 4-month construction period, impacting habitancy in those units for 6 months and associated damages.

**Landscaping to be impacted:** None

**Zoned:** N2-B

**Use:** Neighborhood 2 Zoning District

**Parcel Identification Number:** 099-052-31

<https://polaris3g.mecklenburgcountync.gov/#mat=568035&pid=09905231&qisid=09905231>

**Purchase Price:** \$95,975

**Council District:** 1

## Adjournment

## REFERENCES

## 39. 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.

## 40. 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.

## 41. 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.