

# **City of Charlotte**

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



## **Meeting Agenda**

**Monday, January 13, 2025**

**Council Chamber**

### **City Council Business Meeting**

*Mayor Vi Lyles  
Mayor Pro Tem Danté Anderson  
Council Member Dimple Ajmera  
Council Member Tariq Scott Bokhari  
Council Member Tiawana Brown  
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 AND CONSENT AGENDA, CHARLOTTE-MECKLENBURG GOVERNMENT CENTER, REGULAR MEETING ROOM 267**

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

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

**Staff Resource(s):**

Marie Harris, Strategy and Budget

**Time:** 5 minutes

**Synopsis**

Mayor and Council may ask questions about Consent agenda items.

### **2. Consent agenda items 13 through 52 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**

#### **Public Safety Framework: SAFE Charlotte Update**

**Staff Resource(s):**

Johnny Jennings, Police

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

**Explanation**

- Receive a review and update on the SAFE Charlotte recommendations.

### **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. Cervical Cancer Awareness Month**

**Action:**

Mayor Lyles will read a proclamation recognizing January as Cervical Cancer Awareness Month.

## **PUBLIC FORUM**

### **7. Public Forum**

## PUBLIC HEARING

### 8. Public Hearing and Decision on Miranda Road Firehouse No. 46 Area Voluntary Annexation

**Action:**

- A. Conduct a public hearing for Miranda Road Firehouse No. 46 voluntary annexation, and
- B. Adopt an annexation ordinance with an effective date of January 13, 2025, to extend the corporate limits to include this property and assign it to the adjacent City Council District 2.

**Staff Resource(s):**

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

**Explanation**

- Public hearings to obtain community input are required prior to City Council taking action on annexation requests.
- The City of Charlotte seeks the annexation of a city-owned parcel. This 6.709-acre "Miranda Road Firehouse No. 46 Area" site is located along the south side of Miranda Road and the west side of Beatties Ford Road in northern Mecklenburg County.
- This parcel is currently vacant and will be constructed with future, funded Firehouse No. 46. The property is zoned N1-A (Neighborhood 1 - A). The N1-A district allows for public safety facilities, such as a firehouse.
- The petitioned area consists of one parcel: parcel identification number 037-411-23.
- The property is located within Charlotte's extraterritorial jurisdiction and shares boundaries with current city limits. The property is adjacent to Council District 2.
- Annexation of this property is required to develop planned city infrastructure. Once constructed, this firehouse will service surrounding areas and provide critical resource relief to Charlotte Fire Department, ensuring equitable service that meets established industry and local standards.

**Consistent with City Council Policies**

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

**Attachment(s)**

Map (GIS)  
Map (Survey)  
Annexation Ordinance

[Map - Miranda Road Firehouse No. 46 Annexation](#)

[Map - Miranda Rd Firehouse No. 46 Annexation \(Survey\)](#)

[Ordinance - Miranda Road Firehouse No. 46 Annexation](#)

**POLICY**

**9. City Manager's Report**

## BUSINESS

### 10. CATS Retired Van Donation

**Action:**

**Adopt a resolution authorizing the donation of a surplus Charlotte Area Transit System van to Promise Youth Development, Inc.**

**Staff Resource(s):**

Brent Cagle, CATS

Elizabeth Presutti, CATS

**Explanation**

- North Carolina General Statute Section 160A-280 authorizes the donation of personal property from a city to a non-profit organization upon adoption of a resolution by the City Council.
- Promise Youth Development, Inc., a nonprofit organization incorporated by the State of North Carolina and recognized by the U.S. Department of Treasury as a 501(c)(3) entity under the Internal Revenue Code, has requested a surplus van to transport under-served youth to programming and community resources.
- Promise Youth Development, Inc., helps under-served youth in East Charlotte improve their health and well-being through education, resilience-focused mentoring, and anti-violence programs.
- The Charlotte Area Transit System (CATS) has identified one van purchased in 2009 financed, in whole or part, with Federal Transit Administration funds, that has reached the end of its useful service life, is valued at less than \$5,000, and is no longer needed.
- Promise Youth Development, Inc., would accept the donated van "as is," without warranty.

**Attachment(s)**

Resolution

[Resolution - CATS Van Donation](#)



## 11. Municipal Agreement for New Traffic Signal Installation

### **Action:**

- A. Adopt a resolution authorizing the City Manager to execute a Municipal Agreement with the North Carolina Department of Transportation in the amount of \$214,000, and**
- B. Adopt a budget ordinance appropriating \$214,000 for the installation of a traffic signal at the intersection of East W.T. Harris Boulevard and University Ridge Drive/Rose Heather Court.**

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

Debbie Smith, Transportation

David Smith, Transportation

### **Explanation**

- The North Carolina Department of Transportation (NCDOT) conducted an evaluation of crashes at the intersection of East W.T. Harris Boulevard and University Ridge Drive/Rose Heather Court in Council District 4.
- The evaluation revealed a pattern of left-turning crashes from East W.T. Harris Boulevard onto the side streets.
- NCDOT authorized the installation of a traffic signal at this intersection to improve safety for vehicles turning from East W.T. Harris Boulevard to University Ridge Drive/Rose Heather Court.
- By this agreement, NCDOT authorizes the Charlotte Department of Transportation (CDOT) to install a traffic signal at this location.
- This Municipal Agreement is needed to accept NCDOT reimbursement for the work performed.
- This format is consistent with past Municipal Agreements between the city and NCDOT.
- CDOT will install and operate this traffic signal as part of the existing signal systems in the area.

### **Fiscal Note**

Funding: NCDOT Funds

### **Attachment(s)**

Map

Resolution

Budget Ordinance

[Map - New Traffic Signal at E W.T. Harris Blvd and University Ridge Dr](#)

[Resolution - Municipal Agreement for New Traffic Signal Installation](#)

[Budget Ordinance - Municipal Agreement for New Traffic Signal Installation](#)

## 12. Belk Greenway Connector Phase I Supplemental Municipal Agreement

**Action:**

**Adopt a resolution authorizing the City Manager to execute a Supplemental Agreement with the North Carolina Department of Transportation to adjust the project limits for the Belk Greenway Connector Phase I.**

**Staff Resource(s):**

Debbie Smith, Transportation

Samantha Miller, Transportation

**Explanation**

- In May 2018, City Council approved a municipal agreement from the Charlotte Regional Transportation Planning Organization allocating \$1,716,000 in State Transportation Improvement Program funding for the construction of the Belk Greenway Connector Phase I, which begins at Baxter Street and ends at South Davidson Street in Council District 1.
- The supplemental agreement adjusts the project limits to construct a bicycle facility along South McDowell Street from Baxter Street to Martin Luther King Boulevard.
- This greenway connector project was identified in the Uptown Connects Study completed in 2017. The Study provides recommendations to link existing and future greenways and urban trails and destinations into and through Uptown.

**Attachment(s)**

Map

Resolution

[Map - Belk Greenway Connector Phase 1](#)

[Resolution - Belk Greenway Connector Phase I Supplemental Municipal Agreement](#)

## CONSENT

### 13. Governor's Highway Safety Program Grant for Traffic Safety

**Action:**

**Adopt a Resolution authorizing the City Manager, or his designee, to apply for and accept a grant in the amount of \$50,000 from the North Carolina Governor's Highway Safety Program to conduct overtime projects focused on increased enforcement of traffic violations.**

**Staff Resource(s):**

Johnny Jennings, Police

Kevin Triola, Police

Katie Anderson, Police

**Explanation**

- The Charlotte-Mecklenburg Police Department (CMPD) has been invited to apply for a \$50,000 grant from the North Carolina Governor's Highway Safety Program.
- The terms of the grant require that City Council adopt a resolution authorizing CMPD to apply for and accept the grant funding.
- If awarded this grant will provide funding to conduct overtime projects focused on increased enforcement of traffic violations such as aggressive driving, organized street racing or takeovers, and/or special traffic operations including Vision Zero.
- Officers will work two-to-six-hour shifts in areas of the city and Mecklenburg County that have been identified as having a problem with excessive speeding and/or crashes.
- The grant is for a one-year term from October 1, 2025, through September 30, 2026.
- No matching funds are required from the city.

**Fiscal Note**

Funding: North Carolina Governor's Highway Safety Program Grant

**Attachment(s)**

Resolution

[Resolution - Governor's Highway Safety Program Grant for Traffic Safety](#)

## 14. Governor's Highway Safety Program Grant for Traffic Safety - Law Enforcement Liaison

**Action:**

Adopt a resolution authorizing the City Manager, or his designee, to apply for and accept a grant in the amount of \$30,000 from the North Carolina Governor's Highway Safety Program.

**Staff Resource(s):**

Johnny Jennings, Police

Kevin Triola, Police

Katie Anderson, Police

**Explanation**

- The Charlotte-Mecklenburg Police Department (CMPD) has been invited to apply for a \$30,000 grant from the North Carolina Governor's Highway Safety Program.
- The terms of the grant require that City Council adopt a resolution authorizing CMPD to apply for and accept the grant funding.
- If awarded, the grant will provide:
  - \$22,500 to purchase six LIDAR radar units (handheld pieces of equipment used by certified officers to detect speeding);
  - \$6,500 for professional development (in- and out-of-state training and conference); and
  - \$1,000 for support for regional meetings hosted by CMPD's Law Enforcement Liaison.
- The grant is for the one-year term from October 1, 2025, to September 30, 2026.
- No matching funds are required from the city.

**Fiscal Note**

Funding: North Carolina Governor's Highway Safety Program Grant

**Attachment(s)**

Resolution

[Resolution - Governor's Highway Safety Program Grant for Traffic Safety, Law Enforcement Liaison](#)

## 15. Governor's Highway Safety Program Grant for Traffic Safety - Driving While Impaired Task Force

### **Action:**

**Adopt a resolution authorizing the City Manager, or his designee, to apply for and accept a grant in the amount of \$217,739 from the North Carolina Governor's Highway Safety Program for the Driving While Impaired Task Force.**

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

Johnny Jennings, Police  
Kevin Triola, Police  
Katie Anderson, Police

### **Explanation**

- The Charlotte-Mecklenburg Police Department (CMPD) has been invited to apply for a North Carolina Governor's Highway Safety Program (NC GHSP) grant for the Driving While Impaired (DWI) Task Force. This is an annual opportunity, which has been granted to the city for the past 12 years.
- The terms of the grant require that City Council adopt a resolution authorizing CMPD to apply for and accept grant funding.
- The total cost for the DWI Task Force, made up of six officers and one sergeant, is projected to be \$870,958 in fiscal year (FY) 2026. The grant will fund 25 percent of the Task Force's costs (\$217,739). The city plans to provide the 75 percent required match (\$653,218) with funding from CMPD's operating budget.
- In FY 2024, the DWI Task Force charged a total of 378 DWI offenses and issued 3,000 total violations and 3,998 traffic stops. The task force conducted numerous search warrants for blood on all DWI breath test refusals and assisted with 77 fatality cases, 18 of which involved impaired drivers. To combat impaired driving through education, the DWI Task Force has taught 10 Drug and Alcohol Awareness classes at area high schools, universities, and at various community events, and three Standardized Field Sobriety Test (SFST) classes, two SFST refresher classes, and two DWI 101 classes to local law enforcement. The seven positions partially funded by the NC GHSP Grant are permanent CMPD positions. When the opportunity to apply for this funding ceases, the CMPD will fully support all positions.
- The grant is for a one-year term from October 1, 2025, through September 30, 2026.

### **Fiscal Note**

Funding: North Carolina Governor's Highway Safety Program Grant and Police Operating Budget

### **Attachment(s)**

Resolution

[Resolution - Governor's Highway Safety Program Grant for Traffic Safety, DWI Task Force](#)

## 16. U.S. Department of Justice FY 2024 Edward Byrne Memorial Justice Assistance Grant

**Action:**

**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

David Robinson, Police

Tonya Scott, Police

**Explanation**

- Each year, the city applies for and receives the Edward Byrne Memorial Justice Assistance Grant.
- The grant will fund the Police Cadet Program, as well as overtime for neighborhood patrols and crime lab staff.
- 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 \$484,095; Mecklenburg County will receive \$85,434.
- No matching contribution from the city is required.

**Fiscal Note**

Funding: Edward Byrne Memorial Justice Assistance Grant

**Attachment(s)**

Memorandum of Understanding

[Memorandum of Understanding - FY 2024 Edward Byrne Memorial Justice Assistance Grant](#)

## 17. Beatties Ford Sunset Pedestrian Improvements Phase 1

### **Action:**

**Authorize the City Manager to execute a contract in the amount \$5,871,879 to the lowest responsive, responsible bidder Zoladz Construction Company, Inc. for the Beatties Ford Sunset Pedestrian Improvements Phase 1 project.**

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

Phil Reiger, General Services  
Kathleen Cishek, General Services  
Keith Bryant, General Services

### **Explanation**

- This project will improve pedestrian and bicycle connectivity and safety along Sunset Road from Day Lily Lane to Kiev Drive in Council District 2.
- Work will include new sidewalk, wheelchair ramps, curb and gutter, drainage improvements, driveway improvements, and pavement markings.
- On September 19, 2024, the city issued an Invitation to Bid; four bids were received.
- Zoladz Construction Company, Inc. was selected as the lowest responsive, responsible bidder.
- This is a joint project between the city and the North Carolina Department of Transportation (NCDOT). NCDOT received Federal Highway Administration (FHWA) authorization for the construction phase of this project in the amount of \$1,870,000.
- Contract will be awarded upon review and approval by NCDOT.
- This project is anticipated to be complete by the fourth quarter of 2027.

### **Disadvantage Business Enterprise**

Established DBE Goal: 5.00%

Committed DBE Goal: 7.78%

Zoladz Construction Company, Inc. exceeded the established contract goal and has committed 7.78% (\$456,567) of the total contract amount to the following certified firm(s):

- RRC Concrete, Inc. (DBE) (\$456,567) (gutters, curbs, sidewalk, driveways, concrete, wheelchair ramps)

### **Fiscal Note**

Funding: General Capital Investment Plan and FHWA funds

### **Attachment(s)**

Map

[Map - Beatties Ford Sunset Pedestrian Improvements Phase 1](#)

## 18. Building Grounds Maintenance

### Action:

- A. Approve contracts with the following companies for Building Grounds Maintenance for an initial term of three years:**
- **Pristine Properties of NC, Inc. (SBE),**
  - **Roundtree Companies, LLC (MBE, SBE), and**
- B. Authorize the City Manager to renew the contracts for up to two, one-year renewal terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

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

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

### **Explanation**

- These contracts will provide grounds maintenance services for the Landscape Management Division for projects at various city-owned facilities.
- On October 4, 2024, the city issued a Request for Proposals (RFP); five responses were received.
- The companies selected best meet the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- At renewal, potential price adjustments may be considered based on legitimate and justified increases in the cost of doing business. The ability to consider price adjustments also allows the city to accept decreases, if warranted.
- Annual aggregate expenditures are estimated to be \$483,000.

### **Charlotte Business INclusion**

Roundtree Companies, LLC is a city certified MBE and SBE, and Pristine Properties of NC, Inc. is a city certified SBE. Contract goals were not established for this Contract because the scope of work or goods required does not present viable subcontracting opportunities. The selected companies will be responsible for 100% of the work or goods, and there are no opportunities to include subcontractors. This assessment was confirmed by CBI and the respective department after reviewing the project's scope and potential for division into subcontracting opportunities.

### **Fiscal Note**

Funding: General Services Operating Budget



## 19. Bus Park and Ride Lots Grounds Maintenance

### **Action:**

**Approve contract amendment #3 in the amount of \$123,487 with Roundtree Companies, LLC (MBE, SBE) for grounds maintenance services for various CATS Bus Park and Ride Lots.**

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

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

### **Explanation**

- General Services Landscape Management Division provides grounds maintenance services for CATS Bus Park and Ride Lots at the following locations:
  - Albemarle Road Park and Ride,
  - Archdale Drive Bus Stop,
  - Cornelius Park and Ride,
  - Eastland Community Transit Center,
  - Huntersville Park and Ride,
  - Mallard Creek Park and Ride,
  - Matthews Park and Ride,
  - Northcross Park and Ride,
  - Old Sardis Road Park and Ride, and
  - Rosa Parks Community Transit Center.
- On March 9, 2021, the city entered a contract with Roundtree Companies, LLC in the amount of \$370,461 for grounds maintenance services.
- This contract included turf maintenance, landscape maintenance, snow and ice removal, irrigation operation, bioretention, and wet retention maintenance.
- On February 8, 2024, the city executed contract amendment #1, to extend the term of the contract by the first of two, one-year renewal terms.
- On September 11, 2024, the city executed contract amendment #2, in the amount of \$123,487, increasing the not to exceed value to \$493,948.
- Contract amendment #3 is needed to extend the term of the contract by the second of the two, one-year renewal terms and to add \$123,487 to support the extended time.
- The total contract amount including amendment #3 is \$617,435.

### **Charlotte Business INclusion**

Roundtree Companies, LLC is a city certified MBE and SBE. Contract goals were not established for this Contract because the scope of work or goods required does not present viable subcontracting opportunities. Roundtree Companies, LLC will be responsible for 100% of the work or goods, and there are no opportunities to include subcontractors. This assessment was confirmed by CBI and the respective department after reviewing the project's scope and potential for division into subcontracting opportunities.

### **Fiscal Note**

Funding: General Services Operating Budget

### **Attachment(s)**

Map

[Map - Bus Park and Ride Lots Grounds Maintenance](#)

## 20. Interstate 277 Rail Trail Pedestrian Bridge

### **Action:**

**Authorize the City Manager to execute a contract in the amount of \$16,338,845.64 to the lowest responsive, responsible bidder Blythe Construction, Inc. for the Interstate 277 Rail Trail Pedestrian Bridge project.**

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

Phil Reiger, General Services  
Kathleen Cishek, General Services  
Keith Bryant, General Services

### **Explanation**

- This project will include the construction of a 280-foot-long pedestrian bridge across Interstate 277 at the CATS Brooklyn Village Station in Council District 1.
- Work will include a 16-foot-wide bicycle and pedestrian concrete path, retaining walls, and grading.
- Once completed, this project will improve pedestrian and cyclist connectivity and safety by seamlessly providing Rail Trail users direct access to and from Center City and South End.
- The project is funded in part by the Charlotte Regional Transportation Planning Organization, North Carolina Department of Transportation (NCDOT), Mecklenburg County and private contributors.
- On October 24, 2024, the city issued an Invitation to Bid; four bids were received.
- Blythe Construction, Inc. was selected as the lowest responsive, responsible bidder.
- Contract will be awarded upon review and approval by NCDOT.
- The project is anticipated to be complete by second quarter 2028.

### **Disadvantage Business Enterprise**

Established DBE Goal: 6.00%

Committed DBE Goal: 6.16%

Blythe Construction, Inc. exceeded the established goal and committed 6.16% (\$1,006,031) of the base bid amount to the following certified firm(s):

- Lopez Rebar, LLC (DBE) (\$117,244) (reinforcing steel/rebar)
- Native Transportation Supply, LLC (DBE) (\$150,000) (electrical supplies)
- RRC Concrete, Inc. (DBE) (\$140,000) (gravity retaining wall)
- Tricor Construction, Inc. (DBE) (\$598,787) (prefabricated modular retaining wall)

### **Fiscal Note**

Funding: General Capital Investment Plan, NCDOT funds, Mecklenburg County funds, and private contributions

### **Attachment(s)**

Map

[Map - I-277 Rail Trail Pedestrian Bridge](#)

## 21. Maintenance, Repair, and Operating Supplies

### Action:

- A. **Approve the purchase of maintenance, repair, and operating supplies from a cooperative contract,**
- B. **Approve a unit price contract with W.W. Grainger for the purchase of maintenance, repair, and operating supplies for a term of one year under OMNIA Partners contract #240078-01,**
- 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

Shelia Anderson, General Services

### **Explanation**

- City departments require various maintenance, repair, and operating supplies for daily operations, including but not limited to hardware, hand tools, material handling products, motor and hydraulic parts, lighting, pumps, fasteners, lumber, and appliances.
- 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 aggregate expenditures are estimated to be \$2,500,000.

### **Charlotte Business INClusion**

Cooperative purchasing contracts are exempt from CBI Program goals, as these agreements leverage contracts established by other governmental agencies and do not involve a competitive bidding process within the city.

### **Fiscal Note**

Funding: Various Departments' Operating Budgets

## 22. Median Maintenance Services

### Action:

- A. Approve contracts with the following companies for Median Maintenance Services for an initial term of four years:**
- **MB Premier Enterprises, LLC (MBE)**
  - **Roundtree Companies, LLC (MBE, SBE), and**
- B. Authorize the City Manager to renew the contracts for up to one, one-year term with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

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

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

### **Explanation**

- General Services Landscape Management Division provides median maintenance to more than 1,000 locations along city-maintained roads across the city.
- These contracts will include the maintenance of material located within the medians including but not limited to turf, ornamental trees, shrubs, and perennials. The work will also include mulch replacement, trash and debris removal, storm debris removal, and leaf removal.
- On November 1, 2024, the city issued a Request for Proposals (RFP); six proposals were received.
- The companies selected best meet the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- At renewal, potential price adjustments may be considered based on legitimate and justified increases in the cost of doing business. The ability to consider price adjustments also allows the city to accept decreases, if warranted.
- Annual aggregate expenditures are estimated to be \$292,438.

### **Charlotte Business INclusion**

MB Premier Enterprises, LLC is a city certified MBE, and Roundtree Companies, LLC is a city certified MBE and SBE. Contract goals were not established for this Contract because the scope of work or goods required does not present viable subcontracting opportunities. The selected companies will be responsible for 100% of the work or goods, and there are no opportunities to include subcontractors. This assessment was confirmed by CBI and the respective department after reviewing the project's scope and potential for division into subcontracting opportunities.

### **Fiscal Note**

Funding: General Services Operating Budget

## 23. Specialized Roadway Construction Services

### **Action:**

- A. Reject the low bid submitted by Hux Contracting, LLC for the Specialized Roadway Construction Services Fiscal Year 25A project, and**
  
- B. Approve a contract in the amount of \$3,192,425 to the lowest responsive, responsible bidder United of Carolinas, Inc. for the Specialized Roadway Construction Services Fiscal Year 25A project.**

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

Phil Reiger, General Services  
Kathleen Cishek, General Services  
Tonia Wimberly, General Services

### **Explanation**

- This contract will be used to construct various transportation projects throughout the city.
- Work will include, but not be limited to, new concrete sidewalk, accessible ramps, pedestrian crossings, storm drain installation, sewer/water installations, milling, asphalt pavement, and pavement markings.
- Approximately 15 to 20 projects may be completed within the contract term of two years.
- On November 5, 2024, the city issued an Invitation to Bid; four bids were received.
- United of Carolinas, Inc. was selected as the lowest responsive, responsible bidder.
- This project is anticipated to be complete by second quarter 2027.

### **Reject Low-Bid Explanation**

The low bid from Hux Contracting, LLC in the amount of \$2,549,443.75 did not meet the bid requirement of signing the Execution of Bid and was found to be non-responsive.

### **Charlotte Business INclusion**

Established MBE Goal: 7.00%

Committed MBE Goal: 7.02%

United of Carolinas, Inc. exceeded the established subcontracting goal and has committed 7.02% (\$224,000) of the base bid amount to the following certified firm(s):

- Cesar A Leon (MBE, SBE) (\$180,000) (hauling)
- Silverback Brothers, LLC (MBE, SBE) (\$44,000) (hauling)

Established WBE Goal: 4.00%

Committed WBE Goal: 4.01%

United of Carolinas, Inc. exceeded the established subcontracting goal and has committed 4.01% (\$128,000) of the base bid amount to the following certified firm(s):

- Parsi Trucking, LLC (WBE) (\$128,000) (concrete)

### **Fiscal Note**

Funding: General Capital Investment Plan

## 24. Beaverdam Creek Trunk Sewer Phase 2

### **Action:**

**Approve a contract in the amount of \$1,295,019 to the lowest responsive bidder State Utility Contractors for the Beaverdam Creek Trunk Sewer Phase 2 project.**

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

Angela Charles, Charlotte Water  
David Czerr, Charlotte Water  
Chuck Bliss, Charlotte Water

### **Explanation**

- This contract will provide for the installation of a sanitary sewer pipeline to serve customers located in the Beaverdam Creek Basin in Charlotte (adjacent to Council District 3).
- On August 14, 2024, the city issued an Invitation to Bid; five bids were received.
- State Utility Contractors was selected as the lowest responsive, responsible bidder.
- On August 11, 2021, City Council approved a developer reimbursement agreement with Crescent River District, LLC to fund construction of the Beaverdam Creek Trunk Sewer Phase 2. This contract fulfills the city's agreement with Crescent River District.
- The project is anticipated to be complete by second quarter 2025.

### **Charlotte Business INclusion**

Established MBE Goal: 8.00%

Committed MBE Goal: 1.76%

State Utility Contractors failed to meet the established contract goal but earned the required minimum Good Faith Efforts. State Utility Contractors has committed 1.76% (\$22,786) of the total contract amount to the following certified firm(s):

- CriTek Engineering Group, PC (MBE, SBE) (\$6,786) (CCTV sewer)
- Mid-Atlantic Erosion Control, Inc. (MBE, SBE) (\$6,000) (erosion control)
- Silverback Brothers, LLC (MBE, SBE) (\$10,000) (hauling)

Established WBE Goal: 3.00%

Committed WBE Goal: 1.63%

State Utility Contractors failed to meet the established contract goal but earned the required minimum Good Faith Efforts. State Utility Contractors has committed 1.63% (\$21,100) of the total contract amount to the following certified firm(s):

- CES Group Engineers LLP (WBE) (\$21,100) (surveying)

### **Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

### **Attachment(s)**

Map

[Map - Beaverdam Creek Trunk Sewer Phase 2](#)

## 25. Fire Hydrants and Parts

### Action:

- A. Approve unit price contracts for the purchase of fire hydrants and associated parts for an initial term of two years to the following:**
- **Consolidated Pipe and Supply,**
  - **Core and Main, LP,**
  - **Ferguson Enterprises,**
  - **Fortiline Inc.,**
  - **Raleigh Winwater, 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  
Carl Wilson, Charlotte Water  
Marion Sanders, Charlotte Water

### **Explanation**

- These contracts will supply fire hydrants and associated parts which are stock items that Charlotte Water maintains in inventory for both replacement and new hydrant installations.
- Currently, Charlotte Water maintains over 18,000 fire hydrants of various models throughout the water distribution system, which require parts from multiple vendors.
- On October 30, 2024, the city issued an Invitation to Bid; six bids were received.
- The companies selected were the lowest responsive, responsible bidders.
- Annual expenditures are estimated to be \$450,000.

### **Charlotte Business INclusion**

Contract goals were not established for this Contract because the scope of work or goods required does not present viable subcontracting opportunities. The selected companies will be responsible for 100% of the work or goods, and there are no opportunities to include subcontractors. This assessment was confirmed by CBI and the respective department after reviewing the project's scope and potential for division into subcontracting opportunities.

### **Fiscal Note**

Funding: Charlotte Water Operating Budget

## 26. McDowell Creek Water Resource Recovery Facility Clarifier Mechanism

### **Action:**

**Approve a contract in the amount of \$615,659.80 to the lowest responsive bidder WesTech Engineering, LLC for the purchase of a clarifier mechanism and associated appurtenances.**

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

Angela Charles, Charlotte Water

David Czerr, Charlotte Water

Chuck Bliss, Charlotte Water

### **Explanation**

- This contract will provide for the purchase of a replacement to the existing mechanism and associated appurtenances at primary clarifier #5, which has reached the end of its useful life at the McDowell Creek Water Resource Recovery Facility located in the Town of Huntersville (adjacent to Council Districts 2 and 4).
- This equipment is essential infrastructure for the wastewater treatment process.
- On November 20, 2024, the city issued an Invitation to Bid; two bids were received.
- A Bid Alternative was included in the Invitation to Bid which provided an addition to extend the access walkway through the full diameter of the primary clarifier. The Bid Alternative was selected.
- WesTech Engineering, LLC was selected as the lowest responsive, responsible bidder.
- A separate, future construction contract will be advertised for the installation of the mechanism and appurtenances along with repairs to the primary clarifier.

### **Charlotte Business INclusion**

Contract goals were not established on this Contract as there were no viable subcontracting opportunities. WesTech Engineering, LLC will be responsible 100% of the work or goods, and there are no opportunities to include subcontractors. This assessment was confirmed by CBI and the respective department after reviewing the project's scope and potential for division into subcontracting opportunities.

### **Fiscal Note**

Funding: Charlotte Water Capital Investment Plan



## 27. Municipal Agreement for Relocation of Water and Sanitary Sewer Infrastructure on Shopton Road

### **Action:**

- A. Adopt a resolution authorizing the City Manager to negotiate and execute a municipal agreement with the North Carolina Department of Transportation for construction of water and sanitary sewer line relocations, adjustments, and improvements, and**
  
- B. Authorize the City Manager to approve the reimbursement request for the actual cost of the utility construction.**

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

Angela Charles, Charlotte Water

David Czerr, Charlotte Water

Carl Wilson, Charlotte Water

### **Explanation**

- This municipal agreement is for the relocation, replacement, and improvements of water and sanitary sewer infrastructure located within the North Carolina Department of Transportation's (NCDOT) highway improvements project BP10-R013, located in Council District 3 along Shopton Road between the intersections with Ayrshire Glen Place and Laurel Valley Road. The purpose of the project is to widen Shopton Road and replace the bridge over Coffey Creek.
- As required by NCDOT's encroachment agreements, the city is financially responsible for the cost to relocate city-owned water and sanitary sewer lines within the state-maintained right-of-way.
- The city will reimburse NCDOT for actual construction costs at the conclusion of the project.
- The total estimated city cost of this construction is \$258,617.

### **Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

### **Attachment(s)**

Map

Resolution

[Map - Relocation of Water and Sanitary Sewer Infrastructure on Shopton Road](#)

[Resolution - Municipal Agreement for Relocation of Infrastructure on Shopton Road](#)

## 28. Sanitary Sewer System Modeling and Support Services

### Action:

- A. **Approve contracts with the following companies for engineering support services for an initial term of two years:**
- **Brown & Caldwell,**
  - **HDR Engineering, Inc. of the Carolinas, and**
- B. **Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

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

Angela Charles, Charlotte Water  
David Czerr, Charlotte Water  
Keri Cantrell, Charlotte Water

### **Explanation**

- These contracts will provide hydraulic modeling, analytical tools, and support services necessary to evaluate the sanitary sewer system.
- On September 12, 2024, the city issued a Request for Qualifications (RFQ); six responses were received.
- Brown & Caldwell and HDR Engineering, Inc. of the Carolinas meet the city's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- Aggregate annual expenditures are estimated to be \$1,000,000.

### **Charlotte Business INclusion**

The city negotiates subcontracting participation after the proposal selection process. Each of the Primes have identified the following certified firm(s) to be utilized:

#### Brown & Caldwell

- Highfill Infrastructure Engineering, P.C. (SBE) (field investigations, cost estimating)

#### HDR Engineering, Inc. of the Carolinas

- Forrest Geomatics, PLLC (SBE) (surveying)

### **Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

## 29. Interlocal Agreement for the Reedy Creek Phase 1 Tributaries Water Quality Enhancement Project

### Action:

- A. **Adopt a resolution authorizing the City Manager, or his designee, to negotiate and execute an interlocal agreement with Mecklenburg County for construction of the Reedy Creek Phase 1 Tributaries Water Quality Enhancement Project, and**
  
- B. **Authorize the City Manager, or his designee to amend the interlocal agreement consistent with the purpose for which the agreement was approved.**

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

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

### **Explanation**

- The Reedy Creek Tributaries Water Quality Enhancement Project is intended to improve surface water quality in the Reedy Creek watershed and help the city meet its ongoing permit requirements under the Federal Clean Water Act.
- This interlocal agreement between Mecklenburg County and the city will accelerate the construction of approximately 9,000 linear feet of stream improvement located along a portion of Reedy Creek that runs from Hood Road to Interstate 485 in Council District 5.
- This interlocal agreement outlines the city's partnership with Mecklenburg County to design and construct the project, including cost-sharing and reimbursement specifics for construction activities.
- The estimated design and construction costs for the city-funded portion of the project is \$5,700,000.
- This interlocal agreement will also require approval by the Mecklenburg County Board of County Commissioners.

### **Fiscal Note**

Funding: Stormwater Capital Investment Plan

### **Attachment(s)**

Interlocal Agreement  
Resolution

[Interlocal Agreement - Reedy Creek Phase 1](#)

[Resolution - Interlocal Agreement for Reedy Creek Phase 1](#)

## 30. Sardis Oaks Road 9816 Storm Drainage Improvement Project

### **Action:**

- A. Approve a contract in the amount of \$982,764.34 to the lowest responsive bidder D.E. Walker Construction Co. (MBE) for the Sardis Oaks Road 9816 Storm Drainage Improvement Project, and**
- B. 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  
Mike Davis, Storm Water Services  
Logan Oliver, Storm Water Services

### **Explanation**

- The Sardis Oaks Road 9816 Storm Drainage Improvement Project will replace aging drainage infrastructure along Sardis Oaks Road from Sardis Road to Rock Point Road in Council District 6.
- On October 28, 2024, the city issued an Invitation to Bid; eight bids were received.
- D.E. Walker Construction Co. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by the third quarter of 2025.

### **Charlotte Business INclusion**

D.E. Walker Construction Co. is a city certified MBE.

Established MBE Goal: 7.00%

Committed MBE Goal: 10.18%

D.E. Walker Construction Co. exceeded the established contract goal and has committed 10.18% (\$100,000) of the total contract amount to the following certified firm(s):

- Express Logistics Services (MBE, SBE) (\$40,000) (hauling)
- RRC Concrete, Inc. (MBE) (\$60,000) (concrete)

Established WBE Goal: 4.00%

Committed WBE Goal: 8.14%

D.E. Walker Construction Co. exceeded the established contract goal and has committed 8.14% (\$80,000) of the total contract amount to the following certified firm(s):

- AMP Utility Distribution Services, LLC (WBE, SBE) (\$80,000) (materials, pipe)

### **Fiscal Note**

Funding: Stormwater Capital Investment Plan

### **Attachment(s)**

Map

[Map - Sardis Oaks Road 9816 SDIP](#)

## 31. Bus Bulk Fluids

### Action:

- A. Approve unit price contracts for the purchase of Bus Bulk Fluids for the initial term of three years to the following:**
- **Campbell Oil Company,**
  - **Colonial Oil Industries, Inc.,**
  - **PetroChoice, LLC, 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):**

Brent Cagle, CATS

Victoria Johnson, CATS

Jennifer Fehribach, CATS

### **Explanation**

- These contracts will provide a variety of oils and lubricants (including diesel oil, transmission fluid, gear oil, grease, hydraulic oil, anti-freeze/coolant, and diesel exhaust fluid) for the on-going maintenance of CATS bus fleet and Special Transportation Service vehicles.
- On July 12, 2024, the city issued an Invitation to Bid; four bids were received.
- Campbell Oil Company, Colonial Oil Industries, Inc., and PetroChoice, LLC were selected as the lowest responsive, responsible bidders.
- Annual expenditures are estimated to be \$560,215.

### **Charlotte Business INclusion**

Contract goals were not established for this Contract because the scope of work or goods required does not present viable subcontracting opportunities. The selected companies will be responsible for 100% of the work or goods, and there are no opportunities to include subcontractors. This assessment was confirmed by CBI and the respective department after reviewing the project's scope and potential for division into subcontracting opportunities.

### **Fiscal Note**

Funding: CATS Operation Budget

## 32. Light Rail Vehicle Repair Services and Parts

### **Action:**

- A. Approve a unit price contract with Siemens Mobility, Inc. for light rail vehicle repair services and parts 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):**

Brent Cagle, CATS

Gary Lee, CATS

### **Explanation**

- CATS rail operations require daily maintenance and repair of light rail cars, trolley cars, and rail infrastructure.
- The proprietary system knowledge and original equipment manufacturer parts provided by Siemens Mobility, Inc. meet the required specifications and standards to keep the light rails cars, trolley cars, and rail infrastructure systems operating in a safe and reliable condition and to maintain the warranty on the rail vehicles.
- Rail-related part repair services and new parts will be ordered on an as-needed basis.
- 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 Siemens Mobility being the original supplier of the light rail vehicles.
- Annual expenditures are estimated to be \$870,000.

### **Charlotte Business INclusion**

A waiver of solicitation was necessary for this contract since the items/services purchased must be consistent, and interchangeable with existing systems and require propriety knowledge/skillsets limited to the manufacturer. To maintain equipment warranty, original equipment manufacturer parts and labor must be provided by the original manufacturer. Contracts with a waiver of solicitation do not involve a competitive bidding process and are exempt from the CBI program.

### **Fiscal Note**

Funding: CATS Operating Budget

### 33. Major Bus Repair Services

**Action:**

- A. **Approve a contract for major bus repair services with ABC Bus, Inc. 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):**

Brent Cagle, CATS

Elizabeth Presutti, CATS

Jennifer Fehribach, CATS

**Explanation**

- CATS has a fleet of approximately 300 buses. While CATS is equipped to repair minor damage in-house, major bus repair service is contracted out to a certified bus rebuild contractor.
- On January 11, 2022, the city issued a Request for Proposals (RFP); one response was received.
- ABC Bus, Inc. met the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- ABC Bus, Inc. provides major bus damage repair services in compliance with Federal Motor Vehicle Safety Standards including body repairs and supplying all parts, labor, and towing related to the repairs.
- The need for major bus repair varies depending how many vehicles are involved in accidents, the extent of damage, and other related factors.
- Annual expenditures are estimated to be \$596,000.

**Disadvantaged Business Enterprise**

No goals shall be established on contracts where: (a) there are no subcontracting opportunities identified for the contract; or (b) there are no DBEs 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: CATS Operating Budget

## 34. Security Access Controls System Refresh

### Action:

- A. **Approve the purchase of a security access controls system refresh from a cooperative contract,**
- B. **Approve a unit price contract with Convergent Technologies LLC for the purchase of a security access controls system refresh for a term of one year under Sourcewell cooperative contract #030421-CTL, 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):**

Brent Cagle, CATS

Elizabeth Presutti, CATS

Randy Moulton, Innovation & Technology

### **Explanation**

- CATS requires a company to provide various security, access control products, and related services throughout various CATS locations.
- CATS' current access control system is at the end of life.
- The refresh project involves transferring and upgrading the access control system that governs user permissions and privileges within all CATS facilities via hardware and software changes.
- 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.
- Total expenditures are estimated to be \$2,447,023.

### **Charlotte Business INclusion**

This contract is for a large software and support purchase where the product must be purchased through an authorized reseller. Cooperative purchasing contracts are exempt from CBI Program goals, as these agreements leverage contracts established by other governmental agencies and do not involve a competitive bidding process within the city.

### **Fiscal Note**

Funding: CATS Capital Investment Plan



## 35. Airport Concourse E Renovation Construction Change Order

### **Action:**

**Approve change order #4 for \$2,343,806 to the contract with Edison Foard, LLC for the Concourse E Renovation project.**

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

Haley Gentry, Aviation

Jack Christine, Aviation

### **Explanation**

- Aviation is in the construction phase for the Concourse E Renovation project.
- On September 25, 2023, City Council approved a contract in the amount of \$44,221,875 with Edison Foard, LLC for the project.
- The project is primarily funded by a \$32.2 million Federal Bipartisan Infrastructure Law Grant under the competitive Airport Terminals Program.
- The project consists of restroom renovations, new standard Airport signage and wayfinding, new floor and wall finishes, and upgrades to the mechanical, plumbing, and electrical systems to support the renovation.
- At the time of the original contract, change orders were anticipated as the project scope was further developed.
- Change Order #1 in the amount of \$388,016 was for the removal of three pairs of moving walkways.
- Change Order #2 in the amount of \$18,306 was for a change in the required terrazzo floor aggregate.
- Change Order #3 was to extend the contract by 27 days due to a delay in receiving the construction permit.
- This change order will provide for additional steel, ceiling and light fixture changes, temporary moving walkway infill changes, and a general allowance to handle future potential changes during construction.
- The new total value of the contract is \$46,972,003.

### **Disadvantaged Business Enterprise**

All additional work involved with this change order will be performed by Edison Foard, LLC and their existing subcontractor(s):

- Besco Electrical (DBE) (electric work)

### **Fiscal Note**

Funding: Aviation Capital Investment Plan

## 36. Airport Grounds Maintenance Equipment

### Action:

- A. **Approve the purchase of grounds maintenance equipment, attachments, and accessories with related services from a cooperative contract,**
- B. **Approve a unit price contract with James River Companies, LLC for the purchase of grounds maintenance equipment, attachments, and accessories with related services for a term of three years under Sourcewell cooperative contract #030421-CTL, 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 needs to purchase grounds maintenance equipment, attachments, and accessories with related services. Current equipment is approaching the end of its useful life, and new equipment is needed to ensure services can be performed safely with the expansion of the Airport.
- 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 \$475,000.

### **Charlotte Business INclusion**

Cooperative purchasing contracts are exempt from CBI Program goals, as these agreements leverage contracts established by other governmental agencies and do not involve a competitive bidding process within the city.

### **Fiscal Note**

Funding: Aviation Capital Investment Plan

## 37. Airport Facility On-Call Painting Services

### Action:

- A. Approve contracts with the following companies for on-call painting services for an initial term of three years:**
- Bobby’s Painting Company, Inc. (MBE),
  - Charlotte Paint Company, LLC (WBE),
  - Stancil Painting & Services, Inc., and
- B. Authorize the City Manager to renew the contracts for up to two, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

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

Haley Gentry, Aviation

Jack Christine, Aviation

### **Explanation**

- These contracts provide experienced personnel to provide painting services in the Airport Terminal and other aviation facilities.
- On September 16, 2024, the city issued a Request for Proposals (RFP); three responses were received.
- The companies selected best meet the city’s needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- At renewal, potential price adjustments may be considered based on legitimate and justified increases in the cost of doing business. The ability to consider price adjustments also allows the city to accept decreases, if warranted.
- Annual aggregate expenditures are estimated to be \$450,000.

### **Charlotte Business INclusion**

Bobby’s Painting Company, Inc. is a city certified MBE and Charlotte Paint Company, LLC is a city certified WBE. Contract goals were not established for this Contract because the scope of work or goods required does not present viable subcontracting opportunities. The selected companies will be responsible for 100% of the work or goods, and there are no opportunities to include subcontractors. This assessment was confirmed by CBI and the respective department after reviewing the project’s scope and potential for division into subcontracting opportunities.

### **Fiscal Note**

Funding: Aviation Operating Budget

## 38. Airport Passenger Loading Bridge Canopies

### Action:

- A. **Approve the purchase of passenger loading bridge canopies, parts, and materials by the sole source exemption,**
- B. **Approve a contract with Hubner Manufacturing Corporation for the purchase of passenger loading bridge canopies, parts, and materials for an initial term of three years, and**
- C. **Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

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

Haley Gentry, Aviation

Jack Christine, Aviation

### **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 there is only one supplier of the needed canopies, parts, and materials.
- At renewal, 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.
- City Council approval is required for any purchases made under the sole source exception.

### **Explanation**

- Aviation owns and maintains 120 passenger loading bridges. The specialized loading bridge canopies protect passengers from the elements while boarding and deboarding aircraft.
- Hubner Manufacturing Corporation is the proprietary manufacturer of these specialized canopies, parts, and materials required to maintain performance standards, standardization, and compatibility.
- Annual expenditures are estimated to be \$150,000.

### **Charlotte Business INclusion**

Sole sourcing was required for this contract because there is only one supplier of the needed commodities. This aligns with what is required by North Carolina State Statute § 143-129(e)(3). Sole source contracts are exempt from CBI Program goals, as these contracts do not involve a competitive bidding process and do not present opportunities for subcontracting.

### **Fiscal Note**

Funding: Aviation Operating Budget

## 39. Airport South Crossfield Taxiway Construction Change Order

### **Action:**

**Approve change order #7 for \$567,609.80 to the contract with Hi-Way Paving, Inc. for the Deicing Pad and South Crossfield Taxiway Project Package 2.**

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

Haley Gentry, Aviation  
Jack Christine, Aviation

### **Explanation**

- The Deicing Pad and South Crossfield Taxiway Project consists of three packages of work, which will increase airfield operational efficiency. Construction activities in these three packages include the extension of Taxiway F, construction of a new cross-field taxiway connecting the center and eastern-most runways, and relocation of existing aircraft deicing pads from the cargo area to the south end of the center runway.
- On February 13, 2023, City Council approved a contract in the amount of \$75,551,803.60 with Hi-Way Paving, Inc. for the Deicing Pad and South Crossfield Taxiway Project Package 2 for pavement and lighting for the new taxiway extensions and deicing pad.
- On May 22, 2023, City Council approved Change Order #1 in the amount of \$4,162,113 to Hi-Way Paving, Inc. to provide for earthwork that was descoped from Package 1 and added to Package 2.
- Change Order #2 was to extend the contract by one day due to weather impacts.
- Change Order #3 was to extend the contract by two days due to weather impacts.
- Change Order #4 in the amount of \$456,895.22 was for regional detention basin maintenance for managing stormwater flow and replacing cement-treated bases during concrete demolition.
- Change Order #5 in the amount of \$18,517.57 was for replacing electrical manhole covers.
- Change Order #6 was to extend the contract by two days due to weather impacts.
- This change order will provide for additional earthwork and reorienting electrical junction boxes for conduit installation.
- The new total value of the contract is \$80,756,939.19.

### **Disadvantaged Business Enterprise**

All additional work involved with this change order will be performed by Hi-Way Paving, Inc., and their existing subcontractors:

- Archangel Protective Services (DBE) (flagger traffic control, access control and escorting)
- Express Logistics Services, Inc. (DBE) (furnish aggregates, haul aggregates)
- Martin Landscaping (DBE) (seeding and erosion control)

### **Fiscal Note**

Funding: Aviation Capital Investment Plan

## 40. Land Acquisition for Tree Canopy Preservation Program - Rocky River Church Road

### Action:

- A. **Approve the purchase of approximately 30.950 acres of property (parcel identification number 111-471-01) located near Rocky River Church Road, Charlotte, North Carolina for a purchase price of \$712,075,**
- B. **Authorize the City Manager or his designee to grant a conservation easement to the Catawba Lands Conservancy, and**
- C. **Authorize the City Manager, or his designee, to negotiate and execute any documents necessary to complete these transactions.**

### Staff Resource(s):

Alyson Craig, Planning, Design, and Development  
Tim Porter, Planning, Design, and Development

### Explanation

- The city was approached by a real estate broker representing the property owners to determine interest in acquisition of land for the Tree Canopy Preservation Program (TCPP).
- The property, zoned NA-1, is located in the extraterritorial jurisdiction, is in close proximity to the Sherman Branch Nature Preserve and is adjacent to properties recently purchased by the city for TCPP.
- The city performed an assessment of the property using the current TCPP conservation scoring model. The property scored high in comparison to previously TCPP-acquired and targeted properties with significant value related to property location, acres of contiguous tree canopy, forest health, and overall ecosystem and conservation values.
- This property contains high-quality mature hardwood forest and other native, beneficial species. Acquisition of the site will help protect a diversity of resident and migratory wildlife as well as the water quality of the local watershed.
- The city will donate a conservation easement to the Catawba Lands Conservancy to ensure stewardship of the tree canopy and monitoring of the property in perpetuity.
- The city negotiated the purchase price with the property owners based on appraised value and the list price.
- On September 16, 2024, the Planning Committee reviewed the proposed land acquisition and had no comments.
- This transaction is consistent with the City-Owned Real Estate and Facilities Policy, adopted by City Council in June 2017.

### Background

- In 2011, City Council adopted a goal of 50 percent tree canopy coverage by the year 2050. The Tree Canopy Preservation Program supports the goal through acquisition and protection of properties that are already forested or provide planting opportunities.
- The city's Unified Development Ordinance allows developers to pay into the Tree Conservation Fund, housed under the Neighborhood Development Grants Fund and administered by the city, in lieu of preserving trees on site. The city uses these funds for property acquisition to support long-term tree canopy conservation and related expenditures associated with ongoing forest management and property maintenance needs.
- To date TCPP has acquired and preserved more than 330 acres of land, double what developers would have been required to protect under the on-site tree save option.
- TCPP supports tree canopy policy objectives outlined in City Council's 2040 Comprehensive Plan, adopted June 21, 2021, and Urban Forest Master Plan, adopted September 25, 2017.
- All acquisitions through the program are voluntary.

**Fiscal Note**

Funding: Neighborhood Development Grants Fund

**Attachment(s)**

Map

[Map - Land Acquisition for TCPP, Rocky River Church Rd](#)

## 41. Land Acquisition for Tree Canopy Preservation Program - Sam Wilson Road

### Action:

- A. **Approve the purchase of approximately 16.870 acres of property (parcel identification numbers 053-152-56 and 053-156-09) located near Sam Wilson Road in Charlotte, North Carolina for the purchase price of \$594,875,**
- B. **Authorize the City Manager or his designee to grant a conservation easement to the Catawba Lands Conservancy, and**
- C. **Authorize the City Manager, or his designee, to negotiate and execute any documents necessary to complete these transactions.**

### Staff Resource(s):

Alyson Craig, Planning, Design, and Development  
Tim Porter, Planning, Design, and Development

### Explanation

- The city contacted the broker representing the owners of the property to inquire about their interest in selling the property for the Tree Canopy Preservation Program (TCPP).
- The city performed an assessment of the property using the current TCPP conservation scoring model. The property scored high in comparison to previously TCPP-acquired and targeted properties with significant value related to property location, acres of contiguous tree canopy, forest health, and overall ecosystem and conservation values.
- This property contains high quality mature hardwood forest and other native, beneficial species. Protection of the site will benefit a diversity of resident and migratory wildlife and help to protect the water quality of the local watershed.
- The property, located in the extraterritorial jurisdiction, is in general proximity to numerous development projects that submitted tree save payment-in-lieu fees.
- The city will donate a conservation easement to the Catawba Lands Conservancy to ensure stewardship of the tree canopy and monitoring of the property in perpetuity.
- The city negotiated the purchase price with the property owners based on appraised value and the list price.
- On September 16, 2024, the Planning Committee reviewed the proposed land acquisition and had no comments.
- This transaction is consistent with the City-Owned Real Estate and Facilities Policy, adopted by City Council in June 2017.

### Background

- In 2011, City Council adopted a goal of 50 percent tree canopy coverage by the year 2050. The Tree Canopy Preservation Program supports the goal through acquisition and protection of properties that are already forested or provide planting opportunities.
- The city's Unified Development Ordinance allows developers to pay into the Tree Conservation Fund, housed under the Neighborhood Development Grants Fund and administered by the city, in lieu of preserving trees on site. The city uses these funds for property acquisition to support long-term tree canopy conservation and related expenditures associated with ongoing forest management and property maintenance needs.
- To date TCPP has acquired and preserved more than 330 acres of land, double what developers would have been required to protect under the on-site tree save option.
- TCPP supports tree canopy policy objectives outlined in City Council's 2040 Comprehensive Plan, adopted June 21, 2021, and Urban Forest Master Plan, adopted September 25, 2017.
- All acquisitions through the program are voluntary.



**Fiscal Note**

Funding: Neighborhood Development Grants Fund

**Attachment(s)**

Map

[Map - Land Acquisition for TCPP, Sam Wilson Rd](#)

## 42. Meeting Minutes

**Action:**

Approve the titles, motions, and votes reflected in the Clerk's record as the minutes of:

- **May 6, 2024, City Manager's Proposed FY 2025 Budget Presentation,**
- **May 13, 2024, Business Meeting,**
- **May 20, 2024, Budget Adjustments Meeting,**
- **May 20, 2024, Zoning Meeting,**
- **May 28, 2024, Business Meeting, and**
- **May 30, 2024, Budget Straw Votes Meeting.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- Meeting minutes can be reviewed on the City Clerk's website:  
<https://www.charlottenc.gov/City-Government/Departments/City-Clerk/Meeting-Minutes>

## 43. Set a Public Hearing on Baucom Area Voluntary Annexation

### **Action:**

**Adopt a resolution setting a public hearing for February 10, 2025, for Baucom Area voluntary annexation petition.**

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

Alyson Craig, Planning, Design, and Development  
Holly Cramer, Planning, Design, and Development  
Emma Knauerhase, 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.
- The 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 12.68-acre "Baucom" site is in northeast Mecklenburg County. The property is located west of Interstate 485 along Rocky River Road and John Russell Road.
  - The site is currently developed with a horticultural commercial production which will be removed prior to redevelopment.
  - The petitioner has plans to redevelop the site with 115 multi-family attached dwelling units and 9,000 square feet of commercial space.
  - The site is zoned N2-A(CD).
    - Rezoning Petition 2023-107 rezoned the site in April of 2024 from NS to N2-A(CD) to entitle the development of multi-family residential uses and limited commercial uses.
  - The property is located immediately adjacent to City Council District 4.
  - The petitioned area consists of two parcels: parcel identification numbers 105-052-03 and 105-052-01.

### **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

[Map - Baucom Area Voluntary Annexation](#)

[Resolution - Public Hearing on Baucom Area Voluntary Annexation](#)

## 44. Set a Public Hearing on Park Crossing Phase 1 Voluntary Annexation

### **Action:**

**Adopt a resolution setting a public hearing for February 10, 2025, for Park Crossing Phase 1 Area voluntary annexation petition.**

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

Alyson Craig, Planning, Design, and Development  
Holly Cramer, Planning, Design, and Development  
Emma Knauerhase, 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.
- The 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 23.545-acre "Park Crossing Phase 1" site is in southwest Mecklenburg County. The property is located along the west side of Steele Creek Road and the south side of Parkside Crossing Drive.
  - The site is currently vacant.
  - The petitioner has plans to develop the site with 143 multi-family attached dwelling units.
  - The property is zoned UR-2(CD).
    - Rezoning Petition 2022-161 rezoned the property within the annexation area and parcel identification number 199-161-69A in January of 2024 from N1-A to UR-2(CD). The approved conditional rezoning allows for up to 169 multi-family attached units on the annexation area and adjacent parcel. The adjacent parcel, parcel identification number 199-161-69A, is already within city limits.
  - The property is located immediately adjacent to Council District 3.
  - The petitioned area consists of one parcel: parcel identification number 199-061-69B.

### **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

[Map - Park Crossing Phase 1 Voluntary Annexation](#)

[Resolution - Public Hearing on Park Crossing Phase 1 Voluntary Annexation](#)

## 45. Set a Public Hearing on River North Area Voluntary Annexation

### **Action:**

**Adopt a resolution setting a public hearing for February 10, 2025, for River North Area voluntary annexation petition.**

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

Alyson Craig, Planning, Design, and Development  
Holly Cramer, Planning, Design, and Development  
Emma Knauerhase, 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.
- The 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 70.254-acre "River North" site is in southwest Mecklenburg County. The property is located west of Interstate 485 along the west side of Dixie River Road, north of Westbound Drive.
  - The site is currently vacant.
  - The petitioner has plans to develop 167 single-family units and 261 multi-family units.
  - A small portion of the property is zoned N1-A (Neighborhood 1 - A) and the majority of the property is zoned MX-2(INNOV).
    - Rezoning Petition 2016-056 rezoned the site and surrounding areas in November of 2016 from several zoning districts to MUDD-O and MX-2 (INNOV). The proposed annexation is part of the larger River District project to develop up to 8,000,000 square feet of office space, 500,000 square feet of retail space, 1,000 hospitality (hotel) rooms, 2,350 multi-family units, 600 multi-family or single family attached units, 1,700 single family detached units, 200 continuing care retirement units, and supporting civic/institutional uses.
  - The property is located immediately adjacent to Council District 3.
  - The petitioned area consists of three parcels: parcel identification numbers 113-201-02, 113-201-03, and 113-201-22.

### **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

[Map - River North Area Voluntary Annexation](#)

[Resolution - Public Hearing on River North Area Voluntary Annexation](#)

**CONSENT - PROPERTY TRANSACTIONS****46. Aviation Property Transactions - 8004 Robbie Circle**

**Action:** Approve the following Acquisition: 8004 Robbie Circle

The property is acquired in accordance with Federal Regulations in 49 C.F.R. Part 24 that implement the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration Reimbursement.

**Project:** EIS Mitigation Land South

**Program:** N/A

**Owner(s):** Andrew Bradford Williams

**Property Address:** 8004 Robbie Circle

**Total Parcel Area:** 197, 327 sq. ft. (4.53 ac.)

**Property to be acquired by Easements:** None

**Structures/Improvements to be impacted:** Single family home, various structures, outbuildings

**Landscaping to be impacted:** Small shrubs and grass

**Zoned:** N1-A (ANDO)

**Use:** Single-family Residential - Acreage

**Parcel Identification Number(s):** 141-111-06

<https://polaris3g.mecklenburgcountync.gov/pid/14111106>

**Purchase Price:** \$590,000, and all relocation benefits in compliance with Federal, State, or Local regulations

**Council District:** Adjacent to Council District 3

## 47. Property Transactions - Cross Charlotte Trail Mallard Creek to Pavilion Segment 10, Parcel # 2

**Action:** Approve the following Condemnation: Cross Charlotte Trail Mallard Creek to Pavilion Segment 10, Parcel # 2

**Project:** Cross Charlotte Trail Mallard Creek to Pavilion Segment 10, Parcel # 2

**Program:** Cross Charlotte Trail

**Owner(s):** James Frosst Alexander and Denise David Alexander, Stella Watkins Alexander Harmon, John William Alexander and Judith Brown Alexander, Edward Alexander Boone, Rebecca Boone Thompson, Sarah Boone Brown, and Ruth Elizabeth Boone McLean

**Property Address:** 10400 North Tryon Street

**Parcel Area:** 1,330,666 sq. ft. (30.548 ac.)

**Property to be acquired by Easements:** 32,688 sq. ft. (0.750 ac.) Permanent Greenway Easement and 79,875 sq. ft. (1.834 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** None

**Zoned:** MHP & IC-1

**Use:** Manufactured Home Park & Institutional Campus

**Parcel Identification Number(s):** 051-021-02  
<https://polaris3g.mecklenburgcountync.gov/xv/1485077.9332.577998.3473>

**Appraised Value:** \$23,750

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

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

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

**Council District:** 4

**Attachment(s):** Map

[Map - Cross Charlotte Trail Mallard Creek to Pavilion Segment 10, Parcel #2](#)

## 48. Property Transactions - Davidson and Anderson Ramps, Parcel # 1

**Action:** Approve the following Condemnation: Davidson and Anderson Ramps, Parcel # 1

**Project:** Davidson and Anderson Ramps, Parcel # 1

**Program:** Davidson and Anderson Ramps

**Owner(s):** Northmore Properties, Inc.

**Property Address:** 3700 North Davidson Street

**Total Parcel Area:** 27,323 sq. ft. (0.627 ac.)

**Property to be acquired by Easements:** 171 sq. ft. (0.004 ac.) Sidewalk Utility Easement and 88 sq. ft. (0.002 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** None

**Zoned:** TOD-TR

**Use:** Transit Transition

**Parcel Identification Number(s):** 091-066-04  
<https://polaris3g.mecklenburgcountync.gov/xv/1463859.5581.550611.8998>

**Appraised Value:** \$2,250

**Property Owner's Concerns:** Unknown, no response received.

**City's Response to Property Owner's Concerns:** Property owner has been unresponsive since May 2024.

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

**Council District:** 1

**Attachment(s):** Map (attach)

[Map - Davidson and Anderson Ramps, Parcel #1](#)

## 49. Property Transactions - Remount Road and West Boulevard Intersection Improvements, Parcel # 5

**Action:** Approve the following Acquisition: Remount Road and West Boulevard Intersection Improvements, Parcel # 5

**Project:** Remount Road and West Boulevard Intersection Improvements, Parcel # 5

**Program:** Remount Road and West Boulevard Intersection Improvements

**Owner(s):** Koon W. Wu, Bu Yun Ma, and the heirs of Wai Chi Chan

**Property Address:** 1535 Remount Road

**Total Parcel Area:** 9,845 sq. ft. (0.226 ac.)

**Property to be acquired by Easements:** 1,613 sq. ft. (0.037 ac.) Sidewalk Utility Easement, 161 sq. ft. (0.004 ac.) Permanent Shelter Easement, and 1,559 sq. ft. (0.036 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** None

**Zoned:** CG

**Use:** General Commercial

**Parcel Identification Number(s):** 145-041-22  
<https://polaris3g.mecklenburgcountync.gov/xv/1437355.6231,538830.4306>

**Purchase Price:** \$85,475

**Council District:** 3



## 50. Property Transactions - Severn-Tyndale Avenue Storm Drainage Improvement Project, Parcel # 3

**Action:** Approve the following Acquisition: Severn-Tyndale Avenue Storm Drainage Improvement Project, Parcel # 3

**Project:** Severn-Tyndale Avenue Storm Drainage Improvement Project, Parcel # 3

**Program:** Severn-Tyndale Avenue Storm Drainage Improvement Project

**Owner(s):** Kai Stacks and Philip Stacks

**Property Address:** 4108 Tyndale Avenue

**Total Parcel Area:** 13,568 sq. ft (0.311 ac.)

**Property to be acquired by Easements:** 2,710 sq. ft. (0.062 ac.) Storm Drainage Easement, 306 sq. ft. (0.007 ac) Water Line Easement, and 1,107 sq. ft. (0.025 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** None

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

**Zoned:** N1-A

**Use:** Neighborhood 1 Zoning Designation

**Parcel Identification Number(s):** 179-096-26  
<https://polaris3g.mecklenburgcountync.gov/xv/1448595.0706.508901.3915>

**Purchase Price:** \$94,625

**Council District:** 6

## 51. Property Transactions - Severn-Tyndale Avenue Storm Drainage Improvement Project, Parcel # 4

**Action:** Approve the following Acquisition: Severn-Tyndale Avenue Storm Drainage Improvement Project, Parcel # 4

**Project:** Severn-Tyndale Avenue Storm Drainage Improvement Project, Parcel # 4

**Program:** Severn-Tyndale Avenue Storm Drainage Improvement Project

**Owner(s):** Gustavo LaRotta and Stephanie Grochmal

**Property Address:** 4100 Tyndale Avenue

**Total Parcel Area:** 13,606 sq. ft. (0.312 ac.)

**Property to be acquired by Easements:** 2,521 sq. ft. (0.058 ac.) Storm Drainage Easement, 321 sq. ft. (0.007 ac.) Waterline Easement, and 1,224 sq. ft. (0.028 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** None

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

**Zoned:** N1-A

**Use:** Neighborhood 1 Zoning District

**Parcel Identification Number(s):** 179-096-27  
<https://polaris3g.mecklenburgcountync.gov/xv/1448541.5665.508962.3247>

**Purchase Price:** \$96,350

**Council District:** 6

## 52. Property Transactions - Severn Tyndale Avenue Storm Drainage Improvement Project, Parcel # 10

**Action:** Approve the following Acquisition: Severn Tyndale Ave Storm Drainage Improvement Project, Parcel # 10

**Project:** Severn-Tyndale Ave Storm Drainage Improvement Project, Parcel # 10

**Program:** Severn-Tyndale Ave Storm Drainage Improvement Project

**Owner(s):** Ryan Patrick Flynn and Lindsay Morgan Benedict

**Property Address:** 3900 Severn Avenue

**Total Parcel Area:** 17,689 sq. ft. (0.406 ac.)

**Property to be acquired by Easements:** 2,208 sq. ft. (0.051 ac.) Storm Drainage Easement

**Structures/Improvements to be impacted:** None

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

**Zoned:** N1-A

**Use:** Neighborhood 1 Zoning Designation

**Parcel Identification Number(s):** 179-095-15  
<https://polaris3g.mecklenburgcountync.gov/xv/1448860.5266.509560.0935>

**Purchase Price:** \$18,670

**Council District:** 6

## Adjournment

## REFERENCES

### 53. 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.

## 54. 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.

## 55. Reference - Charlotte Business INclusion Program

The following excerpts from the City of Charlotte's Charlotte Business INclusion Administrative Procedures Manual are intended to provide further explanation for those agenda items that reference the Charlotte Business INclusion Program in the business meeting agenda.

### Section 7.11 Small Business Market Strategy

**Section 7.11:** The Business Inclusion Officer may develop a market strategy for SBEs that may consist of setting aside certain classes or sizes of contracts for targeted Solicitations to SBEs.

### Section 3.1 Contract Goals

**Section 3.1.2: Contract Goals:** One or more contract goals may be established for all Contracts of \$100,000 or more.

**Section 3.1.3: Types of Contract Goals:** A Contract Goal can be a (i) MWSBE Goal, (ii) MBE Goal, (iii) SBE Goal, (iv) WBE Goal, (v) MSBE Goal, (vi) WSBE Goal or (vii) MWBE Goal.

#### Section 3.1.4: Participation Plan for Specific City Agreements:

**3.1.4.1:** Participation Plans shall be used for Contracts using the Infrastructure Reimbursements Agreements, Developer Agreements, Financial Partner agreements, design-build construction delivery method, construction manager at-risk delivery method, and public-private partnership construction delivery method. The Business Inclusion Officer may require a Participation Plan for other Contracts not specified in this section.

**3.1.4.2:** The Business Inclusion Officer shall draft a Participation Plan describing what outreach and other efforts the Contractor will be required to undertake to meet the Contract Goals established for the Contract. Any revisions to a Participation Plan after submission shall be approved in writing by the Business Inclusion Officer.

#### Section 3.1.5: Negotiated Contract Goals:

**3.1.5.1:** The City may negotiate with a Business Enterprise regarding prospective MWSBE utilization on a Contract prior to its Solicitation. In such instances, the negotiation regarding any Contract Goals may involve scopes of work that are undefined prior to Solicitation but will consist of an overall City expenditure of funds that is known.

**Section 3.1.6: No Contract Goals:** Contract Goals will not be established on a Contract if (i) there are no MWSBEs to perform the work for the Contract or (ii) it is an Exempt Contract.

### Section 8.0 Definitions

**Section 8.15: Contract:** Any written agreement between the City and Business Enterprise, or any modification thereof, obligating the Business Enterprise to furnish goods or services to the City or perform construction activities for the City. This term shall not include exempt contracts.

**Section 8.21: Exempt Contracts:** The following Contracts are exempt from all aspects of the CBI Program unless a Department elects otherwise:

**8.21.1 Federal Funded Agreements:** 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.

**8.21.2 Financial Partner Agreements:** Contracts with a Financial Partner that has an existing MWSBE program or DBE program that the Financial Partner uses regularly and can provide evidence thereof.

**8.21.3 Interlocal Agreements:** Contracts with other units of federal, state, or local government.

**8.21.4 Legal Services:** Contracts to provide legal services on behalf of the City or its employees or elected officials.

**8.21.5 No Competitive Process:** Contracts 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 agreements 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 North Carolina General Statutes § 143-129(e)(3), or using the emergency procurement procedures established by the North Carolina General Statutes.

**8.21.6 Real Estate Leasing and Acquisition:** Contracts for the acquisition or lease of real estate.

**8.21.7 Special Exemptions:** Contracts where the Department and the Business Inclusion Officer agree that there was no discretion to hire an MWSBE including, but not limited to, payments or reimbursements to City employees or the procurement of utilities.

**8.21.8 State Funded Agreements.** Contracts that are subject to an MWBE Goal set by the State of North Carolina pursuant to North Carolina General Statutes § 143- 128.2

## **Section 5.0: Responsibilities After Contract Award**

### **Section 5.4: New Subcontracting Opportunities**

**5.4.1:** If a Contract has a previously unidentified opportunity for MWSBE participation or if a scope of work has been enlarged or increased, then the Contractor shall notify the Department Head.

**5.4.2 Notice:** Contractor shall promptly notify the Department Head of the new opportunity for MWSBE participation and whether existing MWSBE Subcontractors on the Contract can and/or will perform the new work.

**5.4.3 Response:** Upon receipt of the notice under Section 5.4.2, the Department Head shall notify the Contractor that (i) there will be no Supplemental Goal or (ii) there will be a Supplemental Goal based on MWSBE availability.

### **Section 7.12: Financial Partners**

**7.12.1 Exemption:** If a Financial Partner currently administers a program for MWSBEs, then the Financial Partner may seek an exemption from the Business Inclusion Officer by communicating an intent to use the Financial Partner's existing program in lieu of adhering to the CBI Program. Determinations are made on a case-by-case basis by Business Inclusion Officer.

**7.12.2 Contract Goals:** A Financial Partner shall be subject to Section 3 (Goals) and Section 4 (Good Faith Efforts) if the Financial Partner has not been exempted pursuant to Section 7.11.1.