

# **City of Charlotte**

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



## **Meeting Agenda**

**Monday, October 26, 2020**

**Electronic Regular Meeting Hosted from Room 267**

### **City Council Business Meeting**

*Mayor Vi Lyles  
Mayor Pro Tem Julie Eiselt  
Council Member Dimple Ajmera  
Council Member Tariq Scott Bokhari  
Council Member Ed Driggs  
Council Member Larken Egleston  
Council Member Malcolm Graham  
Council Member Reneé Johnson  
Council Member James Mitchell  
Council Member Matt Newton  
Council Member Victoria Watlington  
Council Member Braxton Winston II*

**4:00 P.M. CITY COUNCIL BUSINESS MEETING,  
CHARLOTTE-MECKLENBURG GOVERNMENT CENTER,  
ELECTRONIC REGULAR MEETING HOSTED FROM ROOM  
267**

*Call to Order*

*Introductions*

*Invocation*

*Pledge of Allegiance*

## ACTION REVIEW

### 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. Action Review Agenda Overview

**Staff Resource(s):**

Marcus Jones, City Manager

### 3. Charlotte MOVES Update

**Staff Resource(s):**

Taiwo Jaiyeobo, City Manager's Office

**Time:** 10 minutes - Presentation; 20 minutes - Discussion

**Explanation**

- Provide an update on the Charlotte MOVES Task Force.

[Charlotte Moves Task Force Update](#)

### 4. Charlotte Future 2040 Comprehensive Plan - Draft Plan Highlights

**Staff Resource(s):**

Taiwo Jaiyeoba, City Manager's Office  
Alysia Osborne; Planning, Design, and Development

**Time:** 10 minutes - Presentation; 20 minutes - Discussion

**Explanation**

- Provide an overview of the final draft of the Charlotte Future 2040 Comprehensive Plan.

[CLT 2040 Plan](#)

## 5. Eastland Update

**Staff Resource(s):**

Tracy Dodson, City Manager's Office

**Time:** 10 minutes - Presentation; 20 minutes - Discussion

**Explanation**

- Provide an update on the Eastland Mall redevelopment.

[Eastland Mall Redevelopment](#)

## 6. Closed Session (as necessary)

## **PUBLIC FORUM**

### **7. Public Forum**

## **CONSENT**

- 8. Consent agenda items 16 through 29 may be considered in one motion except for those items removed by a Council member. Items are removed by notifying the City Clerk.**

Consideration of Consent Items shall occur in the following order:

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

## **AWARDS AND RECOGNITIONS**

### **9. Charlotte Women's Small Business Month Proclamation**

**Action:**

Mayor Lyles will read a proclamation recognizing October 2020 as Charlotte Women's Small Business Month.

## POLICY

### 10. Public Feedback and Adoption of the Proposed SAFE Charlotte Plan

**Action:**

- A. Receive public comment on the proposed SAFE Charlotte Plan and Framework, and
- B. Adopt the SAFE Charlotte Plan.

**Staff Resource(s):**

Marcus Jones, City Manager's Office

**Proposed Plan**

- Over the course of 2020, Council has had a renewed and specific focus on building community trust and advancing safe communities.
- Each of the Council Committees have been working over the last several months on specific policy issues designed to provide a holistic approach to advancing safe communities and violence prevention.
- The Committees reviewed issues; solicited feedback from the community; and discussed proposed enhancements, policy changes, and service revision options.
- Each Committee discussed recommendations with full Council at the October 5, 2020 City Council Expanded Strategy Session.
- Based on the discussions at the Expanded Strategy Session and the October 12 Council Business Meeting, the attached SAFE Charlotte Plan includes specific initiatives planned as a framework for advancing Safety and Accountability for Everyone in Charlotte.
- Community input was a foundational factor in the development of the plan, and continued feedback and collaboration with the community will be essential in moving the plan forward.
- Additional information can be found on the city's website at <https://charlottenc.gov/safecharlotte/Pages/default.aspx>.

**Attachment(s)**

Proposed SAFE Charlotte Plan

SAFE Charlotte presentation from October 12 Council Business Meeting

Community Input Group recommendations

[Presentation-SAFE Charlotte Initiatives - Oct 12, 2020](#)

[Community Input Group Recommendations](#)

[Proposed SAFE Charlotte Plan](#)



## 11. Amend Chapter 16, Article II, Division 2 - Citizens Review Board

**Action:**

Approve an amendment to the Citizens Review Board Ordinance.

**Committee Chair:**

Larken Egleston, Safe Communities

**Staff Resource(s):**

Marcus Jones, City Manager's Office

Patrick Baker, City Attorney's Office

**Current Ordinance**

- The Citizens Review Board (Board) is established as an advisory board to the chief of police, the city manager, and the city council.
- The Board hears appeals by the citizens who filed complaints of disciplinary dispositions imposed by the chief of police or his designee relating to allegations of misconduct against a sworn police officer.
- The Board may hear appeals of complaints regarding alleged violations of the following rules: use of force; unbecoming conduct; arrest, search, and seizure; and arbitrary profiling.
- In addition, the disposition of the review of any discharge of a firearm by an officer which results in the death or injury of a person may be appealed to this board.

**Proposed Changes**

- Update the ordinance to establish that the Board has the authority to hear complaints regarding alleged violations of Neglect of Duties which includes the Duty to Intervene.
- Make technical additions and corrections of department references and sections to the correct names and references.

**Committee Discussion**

- The Safe Communities Committee (Committee) held discussions on the roles of the Citizens Review Board on August 4, 2020, and August 18, 2020. The Committee reviewed issues, solicited feedback from the Community Input Group, and discussed revision options. The Committee's recommendation was given to full Council within the written Committee report outs for the month of September, and is also included in the SAFE Charlotte initiatives.

**Attachment(s)**

Citizens Review Board Proposed Revisions

[DIVISION 2. CITIZENS REVIEW BOARD proposed update blklne](#)

## 12. City Manager's Report - Brookhill Update

[Brookhill Update](#)

**BUSINESS****13. Donation of Face Masks to Charlotte-Mecklenburg Schools****Action:**

**Adopt a resolution authorizing the donation of surplus property as allowed under N.C.G.S. §160A-280 to Charlotte-Mecklenburg Schools.**

**Staff Resource(s):**

Reginald T. Johnson, Fire  
Robert Graham, Fire

**Explanation**

- The city received 2.1 million face masks from the Federal Government to be used by the traveling public and the community.
- The city is distributing these face masks as directed, but based on the current usage, a surplus exists of at least 500,000 face masks.
- According to the CDC, wearing a face mask helps reduce the spread of COVID-19 for the wearer and those around them.
- This action donates the surplus of face masks to Charlotte-Mecklenburg Schools.

**Attachment(s)**

Resolution

[Face Mask Donation Resolution](#)

## 14. November and December 2020 City Council Regular Meeting Schedule

### Action:

- A. Approve the November and December 2020 City Council Regular Meeting Schedule, and
- B. Authorize the City Clerk, or her designee, to adjust the November and December 2020 City Council Regular Meeting Schedule in accordance with the North Carolina's statewide emergency declarations, the Governor's executive orders, and phased reopenings.

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

Stephanie Kelly, City Clerk's Office

### **Explanation**

- N.C.G.S. §143-318.12 requires the City Clerk to maintain on file a schedule of the City Council's regular meetings and that the approved schedule be posted to the city's website. If a schedule is duly adopted and filed, no further notice of regular meetings is necessary.
- N.C.G.S. §143-318.13 authorizes regular meetings by electronic means, and N.C.G.S. §166A-19.24 authorizes remote meetings during certain declarations of emergencies.
- Due to the COVID-19 pandemic, the City Council Meeting Schedule has been adjusted to accommodate remote meetings and using an electronic meeting format for November and December 2020.
- To accommodate an electronic meeting environment, the public may access the meetings via the Government Channel, the city's Facebook page, or the city's YouTube Channel.
- Effective October 2, 2020, under the Governor's Executive Order 169, North Carolina moved into Safer at Home Phase 3 with the lifting of certain COVID-19-related restrictions.
- Phase 3 of the Order limits indoor gatherings to no more than 25 people per room.
- Action B authorizes the City Clerk, or her designee, to adjust the most recently approved meeting schedule in accordance with any updated executive orders, gathering restrictions, and consistent with applicable laws.

### **Attachment(s)**

November and December 2020 City Council Regular Meeting Schedule

[November and December 2020 Proposed City Council Meeting Schedule](#)

## 15. Resolution to Close a Portion of North Myers Street

**Action:**

Adopt a resolution and close a portion of North Myers Street.

**Staff Resource(s):**

Liz Babson, Transportation

Casey Mashburn, Transportation

**Explanation**

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way and attaches it to the adjacent property.
- The attached resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.
- The road to be closed is located in Council District 1.
- A public hearing for this resolution was held on October 12, 2020. No comments from the public were received.

**Petitioner**

Trustees of Little Rock AME Zion Church

**Attachment(s)**

Map

Resolution

[A Portion N Myers St Abandonment Map](#)

[Resolution to Close 10.26.2020](#)

## CONSENT

## 16. Citywide Staff Augmentation and Recruiting Services

### Action:

**A. Approve contracts with the following companies for citywide staff augmentation and recruiting services for an initial term of three years:**

- Acara Solutions;
- Access Services, Inc-(MBE, SBE);
- Accounting Principals;
- Allegiance Staffing Inc. (WBE);
- Alliance of Professionals and Consultants, Inc. (MBE);
- Apex Systems;
- AppleOne Employment Services;
- BCForward (MBE);
- BSI Solutions, Inc. (MBE);
- Collabera;
- DataStaff, Inc. (WBE);
- DatRose, Inc.;
- Eliassen Group;
- Ettain Group;
- Galore Creative Staffing (MBE, SBE);
- GoodWork Staffing;
- InsightGlobal;
- INT Technologies;
- Jennifer Temps, Inc.;
- Logiksavvy Solutions (MBE);
- Manpower Group US Inc.;
- Randstad North America;
- Rapier Solutions, Inc. (MBE, SBE);
- Search Solution Group;
- ServiceTec International, Inc.;
- Sherpa, LLC;
- SystemTec;
- TAD PGS Inc, dba Modis GS;
- Tahill, Inc. (MBE);
- TECHEAD (WBE);
- Vaco; and

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

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

Phil Reiger, General Services

Kay Elmore, General Services

### **Explanation**

- The city utilizes staffing firms to support and augment staffing needs for a variety of operations, special projects, seasonal requirements, and unforeseen events.
- The use of staffing firms provides the following benefits:
  - Augmentation of existing staff to effectively manage planned workload and unforeseen demand and/or special projects and new tasks;
  - Supplementation of full-time resources that are unavailable due to medical leave or other long-term absences;
  - Access to candidates with specialized experience, knowledge, and/or skill sets not available through existing city staff; and

- Opportunity to identify candidates and verify capabilities for recruitment of candidates for city positions.
- These contracts allow the city to have access to pre-qualified, insured, and contracted staffing firms to provide an extensive pool of candidates in a variety of fields, including but not limited to labor, administrative, financial, laboratory, project management, database administration, and other information technology needs.
- Multiple awards are recommended to ensure alternative solutions, flexibility, and accessibility to best fit the needs of multiple city departments and operations.
- On April 17, 2020, the city issued a Request for Proposals (RFP); 146 responses were received.
- The companies selected best meet the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Total estimated annual expenditures are \$8,000,000.

**Charlotte Business INclusion**

Alliance of Professionals and Consultants, Inc.; BCForward; BSI Solutions, Inc.; Logiksavvy Solutions; and Tahill, Inc. are city certified MBEs. Allegiance Staffing Inc.; DataStaff, Inc.; and TECHEAD are city certified WBEs. Access Services, Inc.; Galore Creative Staffing; and Rapier Solutions, Inc. are city certified MBEs and SBEs.

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

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

**Fiscal Note**

Funding: Various Departments' Operating Budgets

## 17. Construct City Cemetery Projects

### **Action:**

**Approve a contract in the amount of \$1,491,621.30 to the lowest responsive bidder Kemp Sigmon Construction Co., Inc. for repair and maintenance projects at the city's cemeteries.**

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

Phil Reiger, General Services

Jennifer Smith, General Services

Bill Bibby, General Services

### **Explanation**

- This project will repair asphalt roadways and drainage structures and pipes within Evergreen Cemetery in Council District 5, North Pinewood Cemetery in Council District 2, and West Pinewood Cemetery in Council District 2.
- Work will also include the installation of bicycle ramp connections and wayfinding signs at Elmwood Cemetery in Council District 2 as part of the Arboretum Trail.
- On September 4, 2020, the city issued an Invitation to Bid; five bids were received.
- Kemp Sigmon Construction Co., Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by fourth quarter 2021.

### **Charlotte Business INClusion**

Established MBE Goal: 5.00%

Committed MBE Goal: 5.03%

Kemp Sigmon Construction Co., Inc. exceeded the established MBE subcontracting goal and has committed 5.03% (\$75,000) of the total contract amount to the following MBE certified firm(s) (Part B: Section 3 of the Charlotte Business INClusion Policy):

- Buffkin Trucking, Inc. (MBE, SBE) (\$75,000) (dirt, hauling)

Established WBE Goal: 9.00%

Committed WBE Goal: 20.27%

Kemp Sigmon Construction Co., Inc. exceeded the established WBE subcontracting goal and has committed 20.27% (\$302,323) of the total contract amount to the following WBE certified firm(s) (Part B: Section 3 of the Charlotte Business INClusion Policy):

- Trull Contracting, LLC (WBE, SBE) (\$302,323) (paving)

### **Fiscal Note**

Funding: General Capital Investment Plan

### **Attachment(s)**

Map

[Map Construct City Cemetery Projects](#)



## 18. Construct Country Club Drive Storm Drainage Improvement Project

### Action:

- A. **Reject the low-bid submitted by Nassiri Development, LLC for the Country Club Storm Drainage Improvement project, and**
- B. **Approve a contract in the amount of \$998,328.80 to the lowest responsive, responsible bidder Husky Construction Corp. for the Country Club Storm Drainage Improvement project.**

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

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

### **Explanation**

- This project is located in the Briar Creek watershed in the 3000 block of Country Club Drive with boundaries of Shamrock Gardens Elementary School to the north, Charlotte Country Club to the south, Anne Street to the east, and Stoneybrook Road to the west, in Council District 1.
- This project will reduce roadway flooding and support upstream drainage improvements.
- This contract will improve approximately 370 linear feet of storm drainage pipe and associated sanitary sewer, water lines, sidewalk, curb, gutter, and paving.
- On June 18, 2020, the city issued an Invitation to Bid; 11 bids were received.
- The low-bid submitted by Nassiri Development, LLC did not meet the criteria to be deemed responsible for this project.
- Husky Construction Corp. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by third quarter 2021.

### **Charlotte Business INclusion**

Husky Construction Corp. is a city certified SBE.

Established MBE Goal: 7.00%

Committed MBE Goal: 7.01%

Husky Construction Corp. met the established MBE subcontracting goal and has committed 7.01% (\$70,000) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- R.R.C. Concrete Inc (MBE, SBE) (\$25,000) (abutment work, concrete)
- Streeter Trucking Company, Inc. (MBE, SBE) (\$45,000) (hauling)

Established SBE Goal: 18.00%

Committed SBE Goal: 22.59%

Husky Construction Corp. exceeded the established SBE subcontracting goal and has committed 22.59% (\$225,500) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- AMP Utility Distribution Services, LLC (WBE, SBE) (\$180,000) (utility supplies)
- Maybury Fencing Inc. (WBE, SBE) (\$23,000) (fencing)
- Ram Pavement Services, Inc. (SBE) (\$15,000) (asphalt, milling, thermo)
- Mor Construction, LLC (SBE) (\$7,500) (demo, curb & sidewalk)

### **Fiscal Note**

Funding: Storm Water Capital Investment Plan

### **Attachment(s)**

Map

[Map Construct Country Club Drive Storm Drainage Improvement Project.pdf](#)

## 19. Contaminated Soil Disposal Services

### **Action:**

- A. Approve unit price contracts with the following companies for contaminated soil disposal services for an initial term of three years:**
- Chambers Development of North Carolina, Inc. d/b/a Anson Landfill;
  - Republic 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):**

Phil Reiger, General Services  
David Wolfe, General Services  
Doug Pierotti, General Services

### **Explanation**

- Contaminated soils are often encountered during construction of capital investment plan projects including transportation, storm water, and building projects.
- Soils can be contaminated with petroleum compounds, metals, and other non-hazardous compounds requiring disposal to a state- or federally-approved facility/landfill.
- On July 15, 2020, 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.
- Total annual expenditures are estimated to be \$300,000.

### **Charlotte Business INClusion**

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

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

### **Fiscal Note**

Funding: General Capital Investment Plan

## 20. Airport Air Filtration Products

### Action:

- A. **Approve contract amendment #2 with United Air Filter Company for the purchase of air filtration products, 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):**

Haley Gentry, Aviation  
Jack Christine, Aviation

### **Explanation**

- This contract provides filtration products for 126 air handling units located in the main terminal building and the CLT Center.
- On February 21, 2019, the city issued an Invitation to Bid; three bids were received.
  - United Air Filter Company was selected as the lowest responsive, responsible bidder, and
  - The total estimated spend for the three-year term was \$439,601.43.
- On August 16, 2019, Aviation approved contract amendment #1 which revised the pricing schedule to reflect new unit prices, the total contract value did not change.
- This contract amendment is needed to upgrade the filter type to improve air quality throughout the main terminal and the CLT Center in response to COVID-19.
- The new total estimated value of this contract, including renewals, is \$1,188,410.
- This activity is occurring on airport property located in Council District 3.

### **Charlotte Business INclusion**

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

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

### **Fiscal Note**

Funding: Aviation Operating Budget

## 21. Banking Services

### Action:

- A. **Authorize the City Manager to negotiate and approve a unit price contract with Bank of America for Banking Services for an initial term of five years,**
- B. **Authorize the City Manager to negotiate and approve a unit price contract with Wells Fargo Bank for Payroll Services for an initial term of five years, and**
- C. **Authorize the City Manager to renew the contracts for up to two, one terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

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

Kelly Flannery, Finance

Sheila Simpson, Human Resources

### **Explanation -**

- The city's Finance Department uses outside Service Providers to provide the city's core banking services and financial management tools in support of daily operations.
- Core banking services include electronic fund transfers, check clearing, payroll direct deposits, receipts of tax revenue, utility payments and other revenues, and reporting.
- On May 8, 2020, the city issued a Request for Proposals (RFP); six responses were received.
- Total annual expenditures are estimated to be \$150,000 with several opportunities for offsetting credits in the form of rebates, dividend earnings, and an earned credit rate on certain balances. Offsets may include:
  - Rebates through the electronic card solution,
  - Dividend earnings through the Bank's automated payment solution depending on volumes, and
  - Earned credits based on account balances.
- This solution will reduce the number of checks printed weekly and increase the number of Automated Clearing House payments to vendors while earning the city a percentage dividend that will be applied to directly offset banking fees.

### **Charlotte Business INclusion**

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

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

### **Fiscal Note**

Funding: Various Departments' Operating Funds

## 22. Meeting Minutes

### Action:

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

- **September 21, 2020 Zoning Meeting, and**
- **September 28, 2020 Business Meeting.**

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

Stephanie Kelly, City Clerk's Office

## PROPERTY TRANSACTIONS

### 23. Aviation Property Transactions - 4500 Ashley Circle / Billy Graham Parkway and West Boulevard

**Action:** Approve the following Acquisition - 4500 Ashley Circle and NW Corner of Billy Graham Parkway and West Boulevard

The property is acquired in accordance with Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration Reimbursement.

**Project:** Master Plan Land

**Owner(s):** Christopher A. Withrow (115-063-02); Jerry W. Withrow, Alan T. Withrow, and Glenn A. Withrow (Trust) (115-063-03)

**Property Address:** 4500 Ashley Circle and NW corner of Billy Graham Parkway and West Boulevard

**Total Parcel Area:** 15.148 acres

**Property to be acquired by Easements:** N/A

**Structures/Improvements to be impacted:** Vacant Land

**Landscaping to be impacted:** Trees and shrubs

**Zoned:** R-17MF

**Use:** Multi Family

**Tax Code:** 115-063-02 and 115-063-03

<https://polaris3g.mecklenburgcountync.gov/#mat=131713&pid=11506302 &qsid=11506302>

<https://polaris3g.mecklenburgcountync.gov/#pid=11506303&qsid=11506303>

**Purchase Price:** \$850,000, and all relocation benefits in compliance with Federal, State, or Local regulations.

**Council District:** 3

## 24. Aviation Property Transactions - 9129 Dorcas Lane

**Action:** Approve the following Acquisition - EIS Mitigation Land South

The property is acquired in accordance with Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration Reimbursement.

**Project:** EIS Mitigation Land South

**Owner(s):** Damila Rebolgar

**Property Address:** 9129 Dorcas Lane

**Total Parcel Area:** 0.667 acres

**Property to be acquired by Easements:** N/A

**Structures/Improvements to be impacted:** Single-family Dwelling

**Landscaping to be impacted:** Trees and shrubs

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 141-261-51

<https://polaris3g.mecklenburgcountync.gov/#mat=215165&pid=14126151&qsid=14126151>

**Purchase Price:** \$250,000, and all relocation benefits in compliance with Federal, State, or Local regulations.

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

## 25. Aviation Property Transactions - 8416 and 8502 Old Dowd Road

**Action:** Approve the following Acquisition - North End Around Taxiway Hold Pads and Relocations

The property is acquired in accordance with Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration Reimbursement.

**Project:** North End Around Taxiway

**Owner(s):** Thomas Concrete of Carolina, Inc.

**Property Address:** 8416 and 8502 Old Dowd Road

**Total Parcel Area:** 6.96 acres

**Property to be acquired by Easements:**

113-111-19 - Permanent Easement - 4,158 sqft (.0955 ac); Temporary Construction Easement - 11,129 sqft (.2555 ac)

113-122-24 - Permanent Easement - 5,927 sqft (.1361 ac); Temporary Construction Easement - 11,311 sqft (.2597 ac)

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

**Landscaping to be impacted:** Trees and shrubs

**Zoned:** I-2

**Use:** Industrial

**Tax Code:** 113-111-19 and 113-111-24

<https://polaris3g.mecklenburgcountync.gov/#mat=204180&pid=11311119&qisid=11311119>

<https://polaris3g.mecklenburgcountync.gov/#mat=205199&pid=11311124&qisid=11311124>

**Purchase Price:** \$11,550, and all relocation benefits in compliance with Federal, State, or Local regulations.

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

## 26. Aviation Property Transactions - 8520, 8531, and 8535 Old Dowd Road

**Action:** Approve the following Acquisition - North End Around Taxiway Hold Pads and Relocations

The property is acquired in accordance with Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration Reimbursement.

**Project:** North End Around Taxiway

**Owner(s):** SteelFab, Inc.

**Property Address:** 8520, 8531, and 8535 Old Dowd Road

**Total Parcel Area:** 8.424 acres

**Property to be acquired by Easements:** 9,804 sq. ft. (0.2251 ac.) Permanent Easement; 23,054 sq. ft. (0.5293 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** Trees and shrubs

**Zoned:** I-1, I-2

**Use:** Industrial

**Tax Code:** 113-111-01 and 113-122-57

<https://polaris3g.mecklenburgcountync.gov/#mat=205803&pid=11311101&qisid=11311101>

<https://polaris3g.mecklenburgcountync.gov/#mat=423227&pid=11312257&qisid=11312257>

**Purchase Price:** \$12,325, and all relocation benefits in compliance with Federal, State, or Local regulations.

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



## 27. Aviation Property Transactions - 9407 Snow Ridge Lane

**Action:** Approve the following Acquisition - EIS Mitigation Land South

The property is acquired in accordance with Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration Reimbursement.

**Project:** EIS Mitigation Land South

**Owner(s):** Rahul Bhushan

**Property Address:** 9407 Snow Ridge Lane

**Total Parcel Area:** 0.629 acres

**Property to be acquired by Easements:** N/A

**Structures/Improvements to be impacted:** Single-family Dwelling

**Landscaping to be impacted:** Trees and shrubs

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 141-111-36

<https://polaris3g.mecklenburgcountync.gov/#mat=219717&pid=14111136&qisid=14111136>

**Purchase Price:** \$202,000, and all relocation benefits in compliance with Federal, State, or Local regulations.

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

## 28. Property Transactions - I-85 North Bridge, Parcel #6.1

**Action:** Approve the following Acquisition: I-85 North Bridge, Parcel #6.1

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

**Project:** I-85 North Bridge, Parcel #6.1

**Owner(s):** Sams Real Estate Business Trust

**Property Address:** 605 Doug Mayes Place

**Total Parcel Area:** 522,678 sq. ft. (11.999 ac.)

**Property to be acquired by Easements:** 12,192 sq. ft. (0.28 ac.) in Post Construction Controls Easement

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

**Landscaping to be impacted:** None

**Zoned:** CC

**Use:** Commercial

**Tax Code:** 047-201-39

<https://polaris3g.mecklenburgcountync.gov/#mat=371783&pid=04720139&gisid=04720139>

**Purchase Price:** \$43,900

**Council District:** 4

## 29. Property Transactions - Tryon Street - 36th Street Streetscape, Parcel #14, 15

**Action:** Approve the following Acquisition: Tryon Street - 36th Street Streetscape, Parcel #14, 15

**Project:** Tryon Street - 36th Street Streetscape, Parcel #14, 15

**Program:** Tryon Street - 36th Street Streetscape

**Owner(s):** Ashrafi First Enterprises Inc and Behrouz Ashrafi

**Property Address:** 3115, 3211, and 3215 North Tryon Street; 3217 and 3221 North Tryon Street

**Total Parcel Area:** 144,942 sq. ft. (3.33 ac.)

**Property to be acquired by Easements:** 511 sq. ft. (0.012 ac.) Utility Easement, 362 sq. ft. (0.008 ac.) Sidewalk Utility Easement, 3,995 sq. ft. (0.092 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** I-1 and I-2

**Use:** Industrial

**Tax Code:** 085-023-04, 085-023-05

<https://polaris3g.mecklenburgcountync.gov/#mat=443602&pid=08502304&qisid=08502304>

<https://polaris3g.mecklenburgcountync.gov/#mat=379258&pid=08502305&qisid=08502305>

**Purchased Price:** \$22,800

**Council District:** 1

## **ADJOURNMENT**

## REFERENCES

## 30. Reference - Charlotte Business INclusion Policy

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

### **Part A: Administration and Enforcement**

#### **Part A: Section 2.3: Targeted Outreach and Designated Contracts for Small Business Enterprises (SBEs).**

When feasible, the Charlotte Business INclusion (CBI) Office may designate certain Contracts or categories of Contracts in which solicitation efforts will be directed only to SBEs. In designating Contracts for targeted outreach or SBE participation, the CBI Office takes into account the size and scope of the Contract and the availability of SBEs to provide the applicable services or products.

**Part A: Section 3.1: Subcontracting Goals.** The city shall establish one or more Subcontracting Goals for all Construction Contracts of 200,000 or more and for all Architecture, Engineering, and Surveying Contracts of \$100,000 or more. Contracts estimated to be less than these thresholds are exempt from the goal setting process.

**Appendix Section 20: Contract:** For the purposes of establishing a (Minority, Women, and Small Business Enterprise (MWSBE) subcontracting goal on a Contract, the following are examples of contract types:

- Any agreement through which the city procures services from a Business Enterprise, other than Exempt Contracts.
- Contracts include agreements and purchase orders for (a) construction, re-construction, alteration, and remodeling; (b) architectural work, engineering, surveying, testing, construction management, and other professional services related to construction; and (c) services of any nature (including but not limited to general consulting and technology-related services), and (d) apparatus, supplies, goods, or equipment.
- The term "Contract" shall also include Exempt Contracts for which an SBE, Minority Business Enterprise (MBE), or Women Business Enterprise (WBE) Goal has been set.
- Financial Partner Agreements, Development Agreements, Infrastructure Improvement Agreements, Design-Build, and Construction Manager-at-Risk Agreements shall also be deemed "Contracts," but shall be subject to the provisions referenced in the respective Parts of the Charlotte Business INclusion Program Policy.

**Appendix Section 27: Exempt Contracts:** Contracts that fall within one or more of the following categories are "Exempt Contracts" and shall be exempt from all aspects of the Charlotte Business INclusion Policy:

**No Competitive Process Contracts:** Contracts or purchase orders that are entered into without a competitive process, or entered into based on a competitive process administered by an entity other than the city, including but not limited to contracts that are entered into by sole sourcing, piggybacking, buying off the North Carolina State contract, buying from a competitive bidding group purchasing program as allowed under G.S. 143-129(e)(3), or using the emergency procurement procedures established by the North Carolina General Statutes.

**Managed Competition Contracts:** Managed competition contracts pursuant to which a city department or division competes with Business Enterprises to perform a city function.

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

**Federal Contracts Subject to Disadvantaged Business Enterprise (DBE) Requirements:** Contracts that are subject to the U.S. Department of Transportation Disadvantaged Business Enterprise Program as set forth in 49 CFR Part 26 or any successor legislation.

**State Funded Contracts Subject to the State's MWBE Requirements:** Contracts that are subject to an MWBE Goal set by the State of North Carolina pursuant to N.C. Gen. Stat. 143-128.2.

**Financial Partner Agreements with DBE or MWBE Requirements:** Contracts that are subject to a DBE program or minority and women business development program maintained by a Financial Partner.

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

**Contracts for Legal Services:** Contracts for legal services, unless otherwise indicated by the City Attorney.

**Contracts with Waivers:** Contracts for which the City Manager or CBI Program Manager waives the CBI Program requirements (such as when there are no MWSBE subcontracting opportunities on a Contract).

**Special Exemptions:** Contracts where the department and the CBI Program Manager agree that the department had no discretion to hire an MWSBE (e.g., emergency contracts or contracts for banking or insurance services) shall be Exempt Contracts.

**Appendix Section 35: Informal Contracts:** Contracts that are estimated to be less than the following dollar thresholds prior to issuance of the City Solicitation Documents:

- Construction Contracts: \$500,000, and
- Service Contracts and Commodities Contracts: \$100,000.

## **Part B: Construction and Commodities Contracts**

**Part B: Section 2.1:** When the city sets a Subcontracting Goal, each Bidder must either: (a) meet each Subcontracting Goal; or (b) comply with the Good Faith Negotiation and Good Faith Efforts requirements for each unmet Subcontracting Goal. Failure to comply constitutes grounds for rejection of the Bid. The City Solicitation Documents will contain certain forms that Bidders must complete to document having met these requirements.

**Part B: Section 2.3: No Goals When There Are No Subcontracting Opportunities.** The city shall not establish Subcontracting Goals for Contracts where: a) there are no subcontracting opportunities identified for the Contract; or b) there are no MBEs, WBEs, or SBEs (as applicable) to perform scopes of work or provide products or services that the city regards as realistic opportunities for subcontracting.

## **Part C: Service Contracts**

**Part C: Section 2.1(a) Subcontracting Goals: No Goal When There Are No MWSBE Subcontracting Opportunities.** The city shall not establish Subcontracting Goals for Service Contracts where (a) there are no subcontracting opportunities identified for the Contract; or (b) there are no MWBEs or SBEs certified to perform the scopes of work that the city regards as realistic opportunities for subcontracting.

**Part C: Section 2.1(b) and 2.1(c):** The city may require each Proposer to submit with its Proposal one or more of the following: (a) a Participation Plan describing how Proposer intends to solicit MWSBE participation; (b) the Proposer's Committed Subcontracting Goals; and (c) an affidavit listing the MWBEs or SBEs it intends to use on the Contract.

**Part C: Section 2.1(h) Negotiated Goals:** The city may seek to negotiate Subcontracting Goals after Proposals have been submitted.

## **Part D: Post Contract Award Requirements**

**Part D: Section 6: New Subcontractor Opportunities/Additions to Scope/Contract Amendments**

If a Contractor elects to subcontract any portion of a Contract that the Contractor did not previously identify to the city as a subcontracting opportunity, or if the scope of work on a Contract increases for any reason in a manner that creates a new MWSBE subcontracting opportunity, the city shall either (a) notify the Contractor that there will be no Supplemental MWSBE Goal for the new work; or (b) establish and notify the Contractor of a Supplemental MWSBE Goal for the new work.

**Part F: Financial Partners**

**Part F: Section 4:** Financial Partners shall undertake the following outreach efforts with respect to MWBEs and SBEs:

- 4.1 Notify MWBEs and SBEs of any contracting or procurement opportunities that may exist in the Financial Partner's business for which there are MWBEs and SBEs listed in the city's database; and
- 4.2 Request advice and assistance from the CBI Office as to what additional SBE measures might be helpful if and when it becomes apparent that outreach alone will be insufficient to meet the Financial Partner's MWBE and SBE Goal; and
- 4.3 Follow such additional measures as the CBI Office reasonably recommends.

**Part G: Alternative Construction Agreements**

**Part G: Section 2.7:** Prior to City Council's vote to award the Alternative Construction Agreement, the Program Manager and the Company shall negotiate and agree on proposed MWSBE Goals for the Project and on a Participation Plan that describes the outreach and efforts the Company will be required to undertake to meet the MWSBE subcontracting goals.

## 31. 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.



## 32. 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.