

City of Charlotte

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



Meeting Agenda

Monday, April 22, 2024

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, CHARLOTTE-MECKLENBURG GOVERNMENT CENTER, REGULAR MEETING HOSTED FROM ROOM 267

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

1. Mayor and Council Consent Item Questions and Answers

Staff Resource(s):

Marie Harris, Strategy and Budget

Time: 5 minutes

Synopsis

Mayor and Council may ask questions about Consent agenda items.

[2024-04-22 Council Agenda QA](#)

2. Consent agenda items 16 through 36 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

Municipal Service Districts Updates

Staff Resource(s):

Ryan Bergman, Strategy & Budget

Time: Presentation - 20 minutes; Discussion - 15 minutes

Explanation

- Annual updates will be provided on Southpark and University City Municipal Service Districts.

A Home for All Update

Staff Resource(s):

Shawn Heath, City Manager's Office

Time: Presentation - 10 minutes; Discussion - 15 minutes

Explanation

- An update will be provided on A Home For All strategic priorities.

[SouthPark MSD Action Review Presentation](#)

[University City MSD Action Review Presentation](#)

[A Home For All Action Review Presentation](#)

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. Arbor Day Proclamation

Action:

Mayor Lyles will read a proclamation recognizing April 26, 2024, as Arbor Day.

PUBLIC FORUM

7. Public Forum

PUBLIC HEARING

8. Public Hearing and Decision on the Parkwood Avenue Associate Reformed Presbyterian Church Historic Landmark Designation

Action:

- A. Conduct a public hearing to consider historic landmark designation for the property known as the "Parkwood Avenue Associate Reformed Presbyterian Church" (Parcel Identification Number 083-093-09), and
- B. Adopt an ordinance with an effective date of April 22, 2024, designating the property known as the "Parkwood Avenue Associate Reformed Presbyterian Church" (Parcel Identification Number 083-093-09) as a historic landmark.

Staff Resource(s):

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

Explanation

- The city has received a recommendation from the Charlotte-Mecklenburg Historic Landmarks Commission to designate the Parkwood Avenue Associate Reformed Presbyterian Church as a local historic landmark.
- Public hearings are required prior to City Council action on designation requests.
- The Parkwood Avenue Associate Reformed Presbyterian Church is located at 1017 Parkwood Avenue in Council District 1.
- Designation of this property could significantly contribute to its long-term preservation.
- The Parkwood Avenue Associate Reformed Presbyterian Church is listed under Parcel Identification Number 083-093-09 and is zoned as UR-2(CD) (Urban Residential, Conditional).
- The recommended designation would include the exterior of the structure and the land associated with the tax parcel.
- The property is owned by A and E Rental Homes LLC.
- Based on the current value, the potential amount of deferrable taxes would be approximately \$2,343.17 for the City of Charlotte taxes and \$4,257.11 for Mecklenburg County taxes.

Attachment(s)

Ordinance
Information Sheet
Designation Report

[Ordinance](#)

[Information Sheet](#)

[Designation Report](#)

9. Public Hearing and Decision on Kelly Woods Area Voluntary Annexation

Action:

- A. Conduct a public hearing for the Kelly Woods Area voluntary annexation, and
- B. Adopt an annexation ordinance with an effective date of April 22, 2024, 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 & Development
Holly Cramer, Planning, Design & Development
Emma Knauerhase, Planning, Design & Development

Explanation

- Public hearings to obtain community input are required prior to City Council taking action on annexation requests.
- A petition has been received from the owners of this 37.803-acre property located along the west side of Kelly Road, north of Pleasant Grove Road in northwestern Mecklenburg County.
- The property is owned by Sandra Lewis Wiggins and Yvonne Wiggins Felts.
- The site is currently developed with one single family home. The annexation area is primarily zoned N1-A (Neighborhood 1-A), which allows for single family residential uses, as well as duplexes, triplexes, and a limited number of other uses.
- The petitioned area consists of two parcels; parcel identification numbers: 033-051-19 and 033-051-40.
- The property is located within Charlotte's extraterritorial jurisdiction and shares boundaries with current city limits.
- The intent of the annexation is to facilitate the development of 203 single-family homes and preserve the existing single-family home on the site.
- In the evaluation of this annexation area, Charlotte-Mecklenburg Stormwater Services, Charlotte-Mecklenburg Police Department, Charlotte Department of Transportation, and Charlotte Solid Waste Services noted that this annexation area would have minimal to no impacts to the departments' resources.
- In reviewing the developer's proposed uses and the area's service needs, the Charlotte Fire Department noted that the site is within the Effective Response Force travel time standards and provided additional advisory considerations regarding developments.
- The potential revenue generated from this annexation area is projected to exceed the estimated cost of extending municipal services to the site.

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;
 - Will not result in a situation where unincorporated areas will be encompassed by new city limits.

Attachment(s)

Map (GIS)
Map (Survey)
Annexation Ordinance

[Kelly Woods Area Annexation Map](#)

[Kelly Woods Area Annexation Survey 24x36](#)

[Kelly Woods Area Annexation Ordinance](#)

10. Public Hearing on a Resolution to Close a Portion of Alleyway between Scott Avenue and Fountain View Street

Action:

Continue and conclude the public hearing to close a Portion of Alleyway between Scott Avenue and Fountain View Street.

Staff Resource(s):

Debbie Smith, Transportation

Charlie Jones, Transportation

Casey Mashburn, Transportation

Background

- A public hearing to close a Portion of Alleyway between Scott Avenue and Fountain View Street was opened at the March 25, 2024, Council Business Meeting.
- The public hearing was continued until the April 22, 2024, Council Business Meeting to allow for additional time for planning and review of options by surrounding property owners.
- Council has heard from many concerned parties as to the resulting property access created by the proposed alley closure. The petitioner, concerned property owners, and staff have met on multiple occasions to share concerns and potential solutions.
- To resolve the community's concerns, the petitioner has agreed to the following:
 - Widen and improve the public access easement connection to Fountain View Street and add striping to Fountain View Street to enable delivery and trash vehicles to serve the shopping center at 1417 East Boulevard
 - Provide continuous access to 1417 East Boulevard except for the time necessary to conduct the hardscape improvements (driveway, asphalt, etc.)
 - Construct a splitter island at the easement connection with Scott Avenue to discourage cut-through traffic from the 1315 East Boulevard property
 - Dedicate a new ten-foot alleyway that is realigned to provide better access to the future public access easement between Scott Avenue and Fountain View Street

Explanation

- NC General Statute Section 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation (CDOT) received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way and attaches it to the adjacent property.
- The attached Resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.
- The alleyway to be closed is located in Council District 1.
- Council will be asked to vote to close the alleyway at the May 13, 2024, Business Meeting.

Petitioner

SHG East Boulevard, LLC

Right-of-Way to be Abandoned

Portion of Alleyway between Scott Avenue and Fountain View Street

Reason

Per the petition submitted by SHG East Boulevard, LLC, The abandonment of the alleyway will facilitate the future redevelopment of abutting parcels of land. The city has no objections.

Notification

As part of the city's notification process, and in compliance with NC General Statute 160A-299, CDOT

submitted this abandonment petition for review by the public and city departments.

Adjoining property owner(s)

None

City Departments

- Review by City departments identified no apparent reason this closing would:
 - Be contrary to the public interest;
 - Deprive any individuals owning property in the vicinity of reasonable means of ingress and egress to their property as outlined in the statutes; or
 - Be contrary to the adopted policy to preserve existing rights-of-way for connectivity.

Attachment(s)

Map

Resolution

[Abandonment Map](#)

[Resolution](#)

POLICY

11. City Manager's Report

[04.22.2024 City Manager's Memo](#)

12. Sustainable Facilities Policy Revisions

Action

- A. Approve revised Sustainable Facilities Policy, and**
- B. Authorize the City Manager to approve updates to the policy as needed to maintain alignment with the city's 2030 SEAP goals.**

Staff Resource(s):

Sarah Hazel, Office of Sustainability & Resilience

Explanation

- As part of ongoing Strategic Energy Action Plan (SEAP) implementation, the Sustainable Facilities Policy (SFP) was updated in 2021 and calls for periodic review to bring the policy in alignment with SEAP goals by integrating new technology and ongoing experience.
- The revised SFP is intended to direct city departments to design, construct, and operate city facilities in a manner aligned with the city's 2030 SEAP goal to have all city facilities and fleet be fueled by 100 percent zero carbon energy.
- The focus of the revised SFP enhances the 2021 policy revision, with the most notable change in building decarbonization, including the requirement that all new buildings be powered by electricity.
- A decarbonization study from the Department of Energy's National Renewable Energy Laboratory found that electrification of buildings in the absence of any additional power sector carbon policy can result in a 41 percent reduction in fossil fuel combustion emissions.
- Using Duke's current modelled carbon reduction, electrification of our buildings using Geothermal space conditioning can reduce the carbon emissions of buildings by more than 71 percent over its useful life.
- This SFP revision also improves the city's ability to leverage federal rebates through the Inflation Reduction Act direct pay program for clean energy projects.
- The proposed changes to the SFP include:
 - New Construction Only
 - Requires all new facilities to be all-electric except for back-up generation
 - Utilize geothermal systems for HVAC
 - Requires building automation systems
 - Requires smart surfaces to reduce energy and heat (cool pavement and roofs)
 - Requires feasibility analysis to determine if building a net-zero building is possible
 - New Construction & Major Renovations
 - Encourages the Leadership in Energy and Environmental Design (LEED) environmental life cycle assessment
 - Strengthens and expands on-site solar renewable energy
 - Scopes energy storage systems (e.g., battery) to maximize solar energy
 - For facilities that meet the bicycle network requirement, new construction will pursue LEED Bicycle facility credit, which supports mode-shift and includes bicycle storage
 - Requires a periodic analysis for HVAC replacement projects to determine if electrification of systems can occur
 - Upskilling
 - Encourages Professional Energy Manager certification

Attachment(s)

Revised Sustainable Facilities Policy

SFP Summary

[Revised Sustainable Facilities Policy](#)

[SFP Summary](#)

BUSINESS

13. Lease of Office Space for Code Enforcement Team

Action:

- A. Approve a lease with TFC McDowell, LLC, for office space located at 301 South McDowell Street for Code Enforcement, and**
- B. Authorize the City Manager or his designee to negotiate and execute any documents necessary to complete this transaction.**

Staff Resource(s):

Rebecca Hefner, Housing & Neighborhood Services

Phil Reiger, General Services

Explanation

- On June 12, 2023, City Council approved the Fiscal Year 2024 Operating Budget, which included the creation of a new Rapid Response Code Enforcement Team.
- The addition of the new Code Enforcement team allows the city to proactively mitigate and enforce Quality of Life concerns city-wide, including extended hours on certain weekdays and weekends.
- The initial focus of the new Code Enforcement team includes illegal tractor trailer parking, parking in bike lanes, illegal signage, and litter. The city's internal Quality of Life team and the new Code Enforcement Team will continue to assess options to address current and emerging issues as they arise.
- The new Code Enforcement Team has been temporarily operating from leased property on Rozzelles Ferry Road, the lease for which will expire in April 2024.
- General Services has identified available office space located at 301 South McDowell Street (parcel identification number 125-081-02) in Council District 1 and proposes to enter into a lease with TFC McDowell, LLC.
- The leased premises includes 2,134 square feet of office space with access to ample parking for staff vehicles.
- The terms of the lease include:
 - A 38-month term
 - Rent in the amount of \$5,512.83 monthly (base \$31/square foot) and
 - Tenant's pro-rata share of any potential overages of taxes, insurance, and common area maintenance, not to exceed \$50 per month
 - Rent abatement for months one and two
 - Three percent annual rent increase
 - The initial security deposit is waived

Fiscal Note

Funding: Housing & Neighborhood Services Operating Budget

Attachment(s)

Map

[Map - Lease of Office Space for Code Enforcement Team](#)

14. Water Sewer Revenue Bonds and Revenue Bond Anticipation Notes

Action:

- A. **Adopt initial findings resolution that makes certain Statements of Fact concerning the Water Sewer Revenue Bonds and Revenue Bond Anticipation Notes,**
- B. **Provide for the issuance of Water Sewer Revenue Bonds in an amount not to exceed \$610,000,000,**
- C. **Provide for the issuance of Water Sewer Revenue Bond Anticipation Notes in an amount not to exceed \$500,000,000, and**
- D. **Authorize City Officials to take necessary actions to complete the financing, including making the application to the Local Government Commission.**

Staff Resource(s):

Teresa Smith, Finance
Matt Hastedt, Finance
Angela Charles, Charlotte Water

Explanation

- This action provides for the issuance of up to \$610 million comprised of the following:
 - New revenue bonds up to \$110 million to provide financing for projects listed below
 - Refunding of the 2022 Bond Anticipation Note (BAN) of approximately \$500 million. In 2022, the City obtained a \$500 million Revenue BAN to fund projects on a short-term, interim basis and planned to convert it to long-term, fixed rate revenue bonds at the end of the 24-month construction period.
- This action would also authorize a new construction period financing program for up to \$500 million in short-term notes to provide financing for other projects that are in the design phase; it is expected that permanent financing for these projects will be secured in two to three years.
- The 2024 Revenue BAN of up to \$500 million is planned in two steps: a short-term construction period draw program lasting up to 36 months, which will then be converted into long-term, fixed rate revenue bonds once construction nears completion.
- This financing approach reduces interest cost, promotes rate stability, and provides flexibility in the timing of the spending.
- The revenue bonds and BAN will provide funding for projects concentrated in two areas:
 - Maintenance of existing treatment facilities to ensure reliable treatment process and regulatory compliance, and
 - Rehabilitation and replacement of existing water and sewer infrastructure that has met its useful performance life.
 - Water and sewer infrastructure capacity and expansion due to growth of the service area
- These actions do not require rate increases.

Fiscal Note

Funding: Charlotte Water Revenue Bond Debt Service Fund

Attachment(s)

Resolution

[Initial Findings Resolution](#)

15. Affordable Housing Development Support Requests

Action:

- A. Approve up to \$5,362,000 in Housing Trust Fund allocations for the following multi-family rental and homeownership affordable housing developments contingent upon developers receiving a Low-Income Tax Credit award from the North Carolina Housing Finance Agency, where applicable:**
- **Mallard at Sugar Creek, \$2,640,000 (nine percent Low-Income Tax Credit eligible), in Council District 2,**
 - **Grounds for Change, \$2,000,000 (four percent Low-Income Tax Credit eligible), in Council District 1,**
 - **Legacy Vista, \$456,000 (Homeownership), in Council District 3,**
 - **Little’s Landing, \$266,000 (Homeownership), in Council District 4,**
- B. Approve up to \$3,060,000 Transit Oriented Development Affordable Housing Development Bonus Program fee-in-lieu revenue allocation to Give Impact, LLC to support the acquisition of approximately 1.8 acres located at 140 Dorton Street (parcel identification number 091-051-53), in Council District 1, for the development of affordable housing, and**
- C. Authorize the City Manager to execute, amend, extend, and renew contracts and other required documents to complete the transactions approved by these actions.**

Staff Resource(s):

Rebecca Hefner, Housing and Neighborhood Services
Warren Wooten, Housing and Neighborhood Services

Explanation

Action A

- On November 16, 2023, the city issued a Housing Development Funding Request for Proposals (RFP) to aid in the production of affordable housing units.
- In response to this RFP, seven proposals were received seeking various types of gap financing support including nine percent and four percent tax credits from the North Carolina Housing Finance Agency (NCHFA).
- Approval of the recommended developments will add 140 affordable and workforce rental housing units and 19 homeownership units to the city’s existing supply.
- The recommended developments meet all submission requirements, including land use and rezoning approvals where applicable. Additionally, the following guiding principles were adhered to in the evaluation of the proposals:
 - Ensuring affordable, multi-family housing developer experience,
 - Creating mixed-income developments in areas of opportunity,
 - Achieving long-term affordability, and
 - Maximizing the leverage of available resources.
- The NCHFA will base their final tax credit awards on:
 - Market demand and local housing needs,
 - Ability to serve qualified residents for the longest affordability period,
 - Design and quality of construction, and
 - Financial structure and long-term viability.

Action B

- On January 19, 2024, the city issued a rolling Transit Oriented Development (TOD) Land Acquisition RFP to support developer acquisition of TOD-zoned land zoned for affordable housing. City assistance will be provided through short-term (up to three-years) loans.
- The rolling RFP allows the city to evaluate proposals on a rolling-basis as market opportunities arise, and allows developers to be responsive to quickly changing market conditions.
- When proposals seeking land acquisition support are approved by the city, staff will then continue

to work with the developer over the term of the loan to finalize project concepts for the development of affordable housing on the property, in alignment with City Council priorities.

- Give Impact, LLC, a North Carolina limited liability company, has requested a \$3,060,000 short-term loan for the acquisition of approximately 1.8 acres located at 140 Dorton Street (parcel identification number 091-051-53), in Council District 1, for the future development of affordable housing. The property is zoned TOD-TR.
- This request represents the first proposal received in response to the rolling RFP to date. Staff will update Council on future proposals as they are received.

Background

- On November 26, 2001, City Council established the Housing Trust Fund (HTF) to provide financing for affordable housing in the Charlotte area.
- On August 27, 2018, City Council adopted the Housing Charlotte Framework, which recommends expanding the supply of high-quality housing by building affordable housing, preserving existing naturally occurring affordable housing, and promoting family self-sufficiency initiatives.
- On April 15, 2019, City Council approved Chapter 15 (Transit-Oriented Development Districts) of the City of Charlotte Zoning Ordinance, which includes the Transit-Oriented Development Affordable Housing Development Bonus Program.
- Support of the proposed allocations is consistent with the strategies outlined in the Housing Charlotte Framework, demonstrates local alignment with state-supported affordable housing developments, and allows for local leveraging of tax credit awards.

City Council Discussion

- A briefing of the affordable housing development support requests was provided to City Council during the Action Review portion of the April 8, 2024 Council Business Meeting.

Charlotte Business INclusion

All HTF funded housing projects and their developers are subject to MWSBE goals determined based on the amount of city funding allocations received.

Fiscal Note

Funding: General Capital Investment Plan

Attachment(s)

April 8, 2024 Council Action Review Presentation

[April 8 2024 Affordable Housing Recommendations Action Review Presentation](#)

CONSENT

16. Adopt a Resolution Supporting a North Carolina Department of Transportation Safety Project

Action:

Adopt a resolution supporting a safety project on The Plaza at Cove Creek Drive to improve traffic safety in support of the Strategic Mobility Plan.

Staff Resource(s):

Debbie Smith, Transportation

Charlie Jones, Transportation

David Smith, Transportation

Explanation

- The North Carolina Department of Transportation (NCDOT) evaluated the crash history at the intersection of The Plaza and Cove Creek Drive.
- The evaluation revealed a history of crashes for left-turning vehicles exiting Cove Creek Drive.
- The NCDOT has proposed the installation of concrete medians at this intersection to restrict left turns from Cove Creek Drive onto The Plaza.
- The NCDOT will fully fund the cost of these improvements.
- A resolution of support is required for the use of NCDOT Highway Safety Improvement Project funding.
- The project supports the Strategic Mobility Plan adopted by Council in June 2022 by advancing a safe transportation system for all users.
- The NCDOT anticipates beginning design in FY 2025.
- This intersection is on the border between Council Districts 1 and 5.

Fiscal Note

Funding: North Carolina Department of Transportation

Attachment(s)

Map

Resolution

[NCDOT Safety Project RCA - The Plaza at Cove Creek Location Map](#)

[NCDOT Safety Project RCA - The Plaza at Cove Creek Resolution](#)

17. Traffic Signal Installation and Maintenance Change Order

Action:

Approve change order #1 for \$3,236,512.50 to Whiting Construction Company, Inc. for traffic signal installation and maintenance.

Staff Resource(s):

Debbie Smith, Transportation
Charlie Jones, Transportation
David Smith, Transportation

Explanation

- The Charlotte Department of Transportation (CDOT) operates and maintains a transportation system that includes traffic signals and supporting infrastructure to manage traffic operations throughout the city.
- CDOT maintains traffic signals at over 900 intersections across the city.
- On May 22, 2023, Council awarded a contract with Whiting Construction for traffic signal installation and maintenance in the amount of \$2,420,725.
- This traffic signal contract provides resources to install and maintain traffic signals and support infrastructure citywide. Expenditures are based on specific task orders as projects are developed.
- Based on the increasing service demands, additional expenditures are needed for work to continue on current and future projects.
- A future competitive bid process for traffic signal installation and maintenance is planned for 2025.
- The new total value of the contract is \$5,657,237.50.

Charlotte Business INclusion

All additional work involved in this Change Order will be performed by Whiting Construction Co., Inc. and their existing subcontractor(s).

Whiting Construction Co., Inc. has exceeded the original participation goal of 2.0% and has committed 2.10% of the total contract Change Order amount to the following certified firm(s):

- M.H. Graves Construction Co. (SBE) (\$68,100) (incidental concrete work and traffic signal installation)

Fiscal Note

Funding: General Capital Investment Plan

18. Cooperative Purchasing Contract for HVAC Equipment, Supplies, and Installation

Action:

- A. **Approve the purchase of HVAC equipment, supplies and installation from a cooperative contract,**
- B. **Approve a unit price contract with Automated Logic Corporation Inc. for the purchase of proprietary HVAC equipment, supplies, and installation for a term of three years under BuyBoard contract 720-23, and**
- C. **Authorize the City Manager to extend the contract for additional terms as long as the cooperative contract is in effect, at prices and terms that are the same or more favorable than those offered under the cooperative contract.**

Staff Resource(s):

Phil Reiger, General Services
Shelia Anderson, General Services
David Wolfe, General Services

Explanation

- General Services requires critical building control equipment, supplies, and services for the maintenance of city-owned facilities.
- This cooperative will allow the city to purchase a full line of proprietary HVAC equipment, supplies, HVAC controls, software and monitoring systems, air handling products, indoor air quality products, and all necessary services related to maintenance, repair and installation.
- 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 can 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 \$1,000,000.

Charlotte Business INclusion

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

Fiscal Note

Funding: General Services Operating Budget and General Capital Investment Plan

19. General Contractor Services

Action:

- A. Approve contracts with the following companies for general contractor services for an initial term of three years:**
- **Alvakanda Construction Company, LLC (MBE, SBE),**
 - **Batson-Cook Company,**
 - **Corner Stone Construction Services, Inc. (SBE),**
 - **J.E. Brown Construction, LLC (WBE, SBE),**
 - **KDBF Corp.,**
 - **Nance Construction, LLC (WBE, SBE),**
 - **PRESA Construction, LLC (MBE, SBE), and**
- B. Authorize the City Manager to renew the contracts for up to one, two-year term with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

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

Explanation

- These contracts will provide as-needed general contractor services for more than 180 municipal facilities, structures, and other assets.
- Work may include but not be limited to consultation, planning, analysis, and labor.
- On January 30, 2024, the city issued a Request for Proposals (RFP); 16 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 \$1,600,000.

Charlotte Business INclusion

Contract goals were not established on this Contract as there were no viable subcontracting opportunities. However, Corner Stone Construction Services, Inc. is a city certified SBE, J.E. Brown Construction, LLC and Nance Construction, LLC are city certified WBE, SBE, and Alvakanda Construction Company, LLC and PRESA Construction, LLC are city certified MBE, SBE.

Fiscal Note

Funding: General Services Operating Budget

20. Public Auction for Disposal of Surplus Equipment

Action:

- A. **Adopt a resolution declaring specific vehicles, equipment, and other miscellaneous items as surplus,**
- B. **Authorize said items for sale by public electronic auction beginning May 6, 2024, and ending May 15, 2024, and**
- C. **Authorize the City Manager to approve certain administrative and storage fees as may be required from time to time for auction events.**

Staff Resource(s):

Phil Reiger, General Services

Shelia Anderson, General Services

Explanation

- General Services provides asset recovery and disposal services to city departments, Mecklenburg County, Emergency Management Services, and INLIVIAN.
- Periodic auctions of surplus items are regularly conducted at the city's Asset Recovery and Disposal facility located at 5550 Wilkinson Boulevard, Charlotte, North Carolina, in Council District 3.
- Pursuant to North Carolina General Statute 160A-270(c), approval is requested for a public electronic auction to be held beginning May 6 and ending May 15 to dispose of city-owned property declared as surplus.
- The auction will be conducted online by Rogers Realty and Auction Company, Inc. at www.rogersauctiongroup.com.
- The auction company will be compensated seven percent of the total gross sale price of rolling stock and miscellaneous items.
- Proceeds from the auction are distributed to the city's General Fund and Enterprise Funds (Including but not limited to Aviation, Charlotte Water, and Charlotte Area Transit System), and other agencies based on asset ownership.

Attachment(s):

Property List

Delegation of Authority

Resolution

[Rolling stock auction - Property List](#)

[Rolling stock auction - Delegation of Authority](#)

[Rolling stock auction - Resolution](#)

21. Tree Maintenance and Removal Services

Action:

- A. Approve unit price contracts with the following companies for tree maintenance/removal services for an initial term of four years:**
- AAA Tree Experts, Inc.,
 - Cadieu Tree Experts Inc.,
 - Carolina Arboriculture,
 - Coolwood Urban Forestry, LLC (SBE),
 - The Davey Tree Expert Company,
 - E. Schneider Enterprises, Inc. dba Schneider Tree Care,
 - The F.A. Bartlett Tree Expert Company,
 - Spikes-Out Tree Care, LLC (MBE, SBE), and
- B. Authorize the City Manager to renew the contracts with potential price adjustments for one, one-year term and 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 is responsible for street tree pruning and removals for the City of Charlotte.
- The city uses tree pruning and removal contracts to respond to the high number of work orders to care for the city's tree canopy.
- These contracts will include the removal of trees identified by the city as storm damaged, diseased/deteriorated, or pose a safety hazard to the public.
- Services include but are not limited to:
 - Stump grinding
 - Debris removal and disposal
 - Seeding
 - Mulching
 - Clean-up
- Services will also include systematic tree pruning throughout the city to address safety and liability issues, as well as maintaining the overall health of street trees.
- Services may also include tree pruning and removal for private property trees for eligible homeowners and for street trees in the Corridors of Opportunity from the U.S. Department of Agriculture Forest Service grants approved by Council in October 2023.
- On February 21, 2024, the city issued a Request for Proposal (RFP); 11 proposals were received.
- These firms were selected as best meeting 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 \$5,275,000.

Charlotte Business INclusion

Contract goals were not established on this solicitation as there were no viable subcontracting opportunities. However, Coolwood Urban Forestry, LLC is a city certified SBE, and Spikes-Out Tree Care, LLC is a city certified MBE, SBE.

Fiscal Note

Funding: General Capital Investment Plan

22. Electrical Equipment Parts

Action:

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

Staff Resource(s):

Angela Charles, Charlotte Water

David Czerr, Charlotte Water

Carl Wilson, Charlotte Water

Sole Source Exemption

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

Explanation

- This contract will provide parts and services for the repair and modernization of electrical equipment at the treatment plants and pumping facilities.
- Annual expenditures are estimated to be \$1,000,000.

Charlotte Business INclusion

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

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

23. Industrial Protective Coatings Maintenance and Concrete Repair Services

Action:

- A. Approve unit price contracts with the following companies for industrial protective coatings maintenance and concrete repairs for an initial term of one year:**
- Carolina Management Team, LLC (WBE),
 - Superior Industrial Maintenance Company, and
- B. Authorize the City Manager to renew the contracts for up to four, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

Angela Charles, Charlotte Water

David Czerr, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- These contracts will provide for on-call coating and concrete rehabilitation work to facility assets at treatment plants, pump stations, and lift stations.
- On December 12, 2023, 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 \$1,400,000.

Charlotte Business INClusion

Contract goals were not established on these Contracts as there were no viable subcontracting opportunities. However, Carolina Management Team, LLC is a city certified WBE.

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

24. Water Main Replacement Construction

Action:

Approve a guaranteed maximum price of \$13,198,762 to R.H. Price Inc. for Design-Build construction services for the second phase of the Zone 2 Water Replacement Package 1 project.

Staff Resource(s):

Angela Charles, Charlotte Water
Marion Sanders, Charlotte Water

Explanation

- On October 24, 2022, City Council approved a contract for \$2,801,194 with R.H. Price Inc. for Design-Build design services for the Zone 2 Water Replacement Package 1 project.
- On February 27, 2023, City Council approved a guaranteed maximum price of \$8,634,241.80 with R.H. Price Inc. for Design-Build construction services for Phase 1 of the project.
- R.H. Price Inc. has now developed a guaranteed maximum price for Phase 2 of the project to construct 32,000 linear feet of water mains to replace old infrastructure that has reached the end of its useful life.
- The water mains to be replaced are located in northeast Charlotte in Council Districts 1 and 5.
- Phase 2 of the project is within the city's Sugar Creek Road/I-85 Corridor of Opportunity.
- The project is anticipated to be complete by second quarter 2025.

Charlotte Business INclusion

The city negotiates contract participation for Design-Build contracts after scopes of work are defined for construction services. R.H. Price Inc. has committed \$1,450,000 or 10.99% of the total contract for construction services to the following certified firm:

- Uniforce Construction Corp. (MBE, SBE) (\$1,450,000) (water main installation)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Map

[Map - Water Main Replacement Construction](#)

25. Transit Survey Research and Performance Management

Action:

- A. Approve a contract with Jackson Creative, LLC, dba Jackson Insight, for survey research and performance management services for an initial term of three years, and**
- B. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Brent Cagle, CATS
Kelly Goforth, CATS
Laura Johnson, CATS

Explanation

- The Charlotte Area Transit System (CATS) conducts customer satisfaction, community, and employee surveys annually to receive community and transit customers' input.
- Input from the surveys is used to identify concerns and areas where transit services need to be improved and/or better communicated.
- Customers, community members, and employees provide leadership with a deeper understanding of what is successful, what needs improvement, and if progress is being made in areas with identified performance gaps.
- The scope of services for this contract includes:
 - Administration of surveys
 - Focus group research
 - Goal setting, data analysis and trends, and reporting
- On August 15, 2023, the city issued a Request for Proposals (RFP); five responses were received.
- Jackson Insight best meets 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 expenditures are estimated to be \$232,475.

Charlotte Business INclusion

Contract goals were not established on this contract as there were no viable subcontracting opportunities. However, Jackson Insight has committed 16.2% (\$113,400) of the total initial three-year term contract amount to the following certified firm:

- Customer Service Solutions, Inc. (SBE) (\$113,400) (goal setting and consulting)

Fiscal Note

Funding: CATS Operating Budget

26. Airport Civil Engineering Consultation Services

Action:

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

- **AECOM Technical Services of North Carolina, Inc,**
- **Delta Airport Consultants Inc.,**
- **HDR Engineering, Inc. of the Carolinas,**
- **HNTB North Carolina P.C.,**
- **Kimley-Horn and Associates, Inc., and**
- **RS&H Architects Engineers Planners Inc.**

Staff Resource(s):

Haley Gentry, Aviation

Jack Christine, Aviation

Explanation

- Aviation requires engineering consultation, design services, and construction administration for terminal, cargo, airfield, and landside site development facilities.
- The pricing for these services is based on the size and nature of the requested task order service. Aviation staff will review and verify the estimates for each project.
- On November 1, 2023, the city issued a Request for Qualifications (RFQ); ten proposals were received.
- The companies selected best meet the city's needs in terms of qualifications, experience, cost, and responsiveness to RFQ requirements.
- Total estimated expenditures across all contracts over the four-year term are \$35,000,000.

Charlotte Business INclusion

The city negotiates contract participation after the proposal selection process. The specific tasks and contract opportunities associated with this contract are undefined. However, each Prime consultant has identified certified firm(s) to be utilized:

- AECOM Technical Services of North Carolina, Inc.
 - Capstone Civil Companies (SBE) (geotechnical and engineering support services)
 - CES Group Engineers, LLP (WBE) (surveying and utility location)
 - Sweetwater Utility Exploration, LLC (SBE, WBE) (utility location)
- RS&H Architects Engineers Planners Inc.
 - Carolina Wetland Services (WBE) (environmental permitting and mitigation)
 - CES Group Engineers, LLP (WBE) (surveying and utility location)
 - On-Spec Engineering, PC (SBE) (geotechnical services and materials testing)
 - Sikes Design, PLLC (SBE) (landscape architecture)
 - Sweetwater Utility Exploration, LLC (SBE, WBE) (utility location)
- HNTB North Carolina P.C.
 - AE Engineers (MBE) (landscape architecture and constructability)
 - Hana Engineers & Consultants (SBE) (environmental services, construction management, technical services)
 - CES Group Engineers, LLP (WBE) (landside and airside surveying)
 - Jarrett Engineering (SBE, WBE) (utility location and condition assessment)
- Delta Airport Consultants Inc.
 - BREE & Associates, Inc. (SBE) (scheduling to include Primavera and project controls)
 - CES Group Engineers, LLP (WBE) (surveying and controls, utility location and condition assessment, CCTV investigations)
 - On-Spec Engineering, PC (SBE) (environmental testing, geotechnical services, materials testing)
 - VIAS Infrastructure (MBE) (highway civil engineering)

- Wetherill Engineering (WBE) (commercial development site design and engineering, commercial parking, staging facilities, highway civil engineering, structural engineering, traffic engineering)
- HDR Engineering, Inc. of the Carolinas
 - CES Group Engineers, LLP (WBE) (surveying and controls)
 - Sweetwater Utility Exploration, LLC (SBE, WBE) (utility location and condition assessment)
- Kimley-Horn and Associates, Inc.
 - BREE & Associates (SBE) (construction delivery methods, cost estimating, scheduling, e-information management)
 - CES Group Engineers, LLP (WBE) (surveying and controls, utility locates and condition assessments, CCTV investments)
 - Jarrett Engineering, PLLC (SBE, WBE) (utility coordination)
 - Sweetwater Utility Exploration, LLC (SBE, WBE) (utility location and condition assessment, CCTV investigations)
 - WGR Southeast, LLE (SBE, WBE) (e-information management)

Disadvantaged Business Enterprise

The Federal DBE program does not require a DBE goal for all On-Call Contracts. DBE goals will be negotiated per task order. Aviation will monitor goal achievement throughout the life of the contracts. The following certified firm(s) have been identified to be utilized as the project evolves:

- AECOM Technical Services of North Carolina, Inc.
 - CES Group Engineers, LLP (DBE) (topographic and subsurface utility engineering services)
 - Connico, LLC (DBE) (landside and airside civil engineering support)
 - Landry Consulting LLC (DBE) (safety risk management)
 - Walls Engineering, PLLC (DBE) (airfield electrical and lighting)
- RS&H Architects Engineers Planners Inc.
 - CES Group Engineers, LLP (DBE) (surveying and utilities)
 - Connico, LLC (DBE) (cost estimating)
 - On-Spec Engineering, PC (DBE) (geotechnical services and materials testing)
 - Walls Engineering, PLLC (DBE) (airfield electrical, navigational aids)
- HNTB North Carolina P.C.
 - AE Engineers (DBE) (landscape architecture and constructability)
 - CES Group Engineers, LLP (DBE) (surveying and controls)
 - CONNICO, Inc. (DBE) (cost estimating)
 - Hana Engineers & Consultants (DBE) (environmental services, construction management, technical services)
 - Jarrett Engineering (DBE) (utility system, utility location and condition assessment)
- Delta Airport Consultants Inc.
 - Aviation Alliance, Inc. (DBE) (airfield electrical, navigational aids, and communication systems)
 - BREE & Associates, Inc. (DBE) (scheduling to include Primavera and project controls)
 - CES Group Engineers, LLP (DBE) (surveying and controls, utility location and condition assessment, CCTV investigations)
 - Connico, Inc. (DBE) (cost estimating, scheduling to include Primavera and project controls)
 - Flehan Engineering, Inc (DBE) (hydrology and storm water management, utility systems)
 - KEY Engineering Group, Inc. (DBE) (utility systems, airfield lighting and signage)
 - McGuiness Unlimited (DBE) (cost estimating)
- HDR Engineering, Inc. of the Carolinas
 - CES Group Engineers, LLP (DBE) (surveying and controls and civil engineering)
 - Connico, LLC (DBE) (cost estimating and scheduling)
 - Sweetwater Utility Exploration, LLC (DBE) (utility location and assessment)
- Kimley-Horn and Associates, Inc.
 - BREE & Associates (DBE) (construction delivery methods, cost estimating, scheduling, e-information management support)

- CES Group Engineers, LLP (DBE) (surveying and controls, utility location and condition assessment, CCTV investments)
- Connico, LLC (DBE) (cost estimating and scheduling)

Fiscal Note

Funding: Aviation Capital Investment Plan

27. Airport Consolidated Rental Car Facility Management Services

Action:

- A. **Approve a contract with Conrac Solutions Operators, LLC for an initial term of five years for Consolidated Rental Car Facility Management Services, 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

Ted Kaplan, Aviation

Explanation

- Aviation contracts to provide management services to the Airport's consolidated rental car facility (CONRAC).
- The contract services include operating, management, maintenance, and janitorial services for the CONRAC, the customer service lobby, and the remote rental car facility.
- On November 17, 2023, the city issued a Request for Proposal (RFP); three responses were received.
- Conrac Solutions Operator, LLC was chosen due to their qualifications, experience, cost, and responsiveness to RFP requirements.
- The maintenance and management of the CONRAC and remote rental car facility are funded by contract facility charges, a user fee charged by rental car companies to customers.
- 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 expenditures are estimated to be \$2,543,871.

Charlotte Business INclusion

The city negotiates contract participation after the proposal selection process. Conrac Solutions Operators, LLC has committed 33.06% (\$4,205,000) of the total contract amount to certified firms and has identified MWBE opportunities in the following scopes:

- Electrical
- Janitorial Services
- Janitorial Supplies
- Plumbing

Fiscal Note

Funding: Aviation Operating Budget

28. Airport Overlook Relocation Construction Change Order

Action:

Approve change order #1 for \$699,211.10 to Crowder Construction Company for the North End-Around Taxiway Airport Overlook Relocation project.

Staff Resource(s):

Haley Gentry, Aviation

Jack Christine, Aviation

Explanation

- Aviation is in the construction phase for the North End-Around Taxiway (NEAT) Airport Overlook Relocation project.
- On July 10, 2023, City Council approved a contract in the amount of \$8,009,597.20 with Crowder Construction Company for the NEAT Airport Overlook Relocation project.
- The project consists of erosion control, asphalt and concrete paving, drainage installation, pavement markings, signage, conduit installation, and electrical work.
- This change order will provide for additional water line, irrigation credits and public amenities to include restroom slab insulation, excavation, storm drainpipe, sanitary sewer pipe, decorative lighting, and temporary wayfinding signage.
- The new total value of the contract is \$8,708,808.30.

Disadvantaged Business Enterprise

All additional work involved with this change order will be performed by Crowder Construction Company and their existing subconsultants and subcontractors.

Fiscal Note

Funding: Aviation Capital Investment Plan

29. Airport Passenger Boarding Bridges Painting

Action:

- A. Approve a contract with Charlotte Paint Co., LLC for Passenger Boarding Bridge painting for a 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):

Haley Gentry, Aviation
Jack Christine, Aviation

Explanation

- Aviation owns and maintains 111 passenger boarding bridges. Painting passenger boarding bridges extends the useful life of the bridge by applying an epoxy coating to seal and protect against corrosion and water penetration.
- On January 31, 2024, the city issued a Request for Proposal; four proposals were received.
- Charlotte Paint Co., LLC best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to the 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 expenditures are estimated to be \$120,000.

Charlotte Business INclusion

Contract goals were not established on this Contract as there were no viable subcontracting opportunities. However, Charlotte Paint Co., LLC is a city certified WBE.

Fiscal Note

Funding: Aviation Operating Budget

30. Airport Terminal Building Renovation Design Services

Action:

- A. Approve a contract in the amount of \$10,251,200 with C Design Inc. for Design Services for the Terminal Building D/E Connector Renovation and Addition Project, and**
- B. Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Haley Gentry, Aviation
Jack Christine, Aviation

Explanation

- On March 13, 2023, City Council approved a contract in the amount of \$1,326,413 to C Design Inc. for Initial Design and Planning Services for the Terminal Building D/E Connector Renovation and Addition (DECO) Project.
- Based on the initial design services, Aviation plans to move forward with the full development of the proposed design.
- This contract will provide for the full design to renovate and expand the terminal space that connects Concourses D and E, to improve passenger circulation, and provide additional floor space for concessions.
- The project will include a new mezzanine level for a passenger club, airfield apron work to include new loading docks, storage space, and a reconfiguration of the vehicle service road to maintain connectivity between Concourses C and D.
- Aviation intends to return to City Council with a change order for construction administration services prior to the start of construction.

Charlotte Business INClusion

The city negotiates contract participation after the proposal selection process. C Design Inc. has committed 14.82% (\$1,519,420) of the total contract amount to the following certified firm(s):

- AME Consulting Engineers (SBE) (\$1,325,000) (mechanical and electrical engineering)
- Charlotte Engineers (SBE) (\$136,820) (commissioning)
- Hartranft Lighting Design (WBE, SBE) (\$57,600) (lighting design)

Fiscal Note

Funding: Aviation Capital Investment Plan

31. Land Acquisition for Tree Canopy Preservation Program

Action:

Approve the purchase of an approximately 1.68-acre parcel (parcel identification number 089-111-06) located at 5217 North Tryon Street for a purchase price of \$1,200,000.

Staff Resource(s):

Alyson Craig, Planning, Design & Development

Tim Porter, Planning, Design & Development

Explanation

- The city was approached by the broker representing the owners of 5217 North Tryon Street to determine interest in an acquisition for the Tree Canopy Preservation Program (TCPP).
- Staff assessed 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, overall ecosystem value, forest health, and overall conservation value.
- This property contains high-quality mature hardwood forest, consisting of several large white oak trees and other native, beneficial species. Protection of the site will benefit a diversity of resident and migratory wildlife, provide oxygen, and help to protect the water quality of the local watershed.
- The property, located in Council District 1, is in general proximity to numerous development projects that submitted tree save payment-in-lieu fees.
- The city will initiate and record a declaration of conservation to ensure stewardship of the tree canopy and monitoring of the property in perpetuity.
- The purchase price was negotiated based on the appraised value and the list price.
- This transaction is consistent with the City-Owned Real Estate and Facilities Policy, adopted by the City Council in June 2017.

Background

- In 2011, the City Council adopted a goal of 50 percent tree canopy coverage by the year 2050. The Tree Canopy Preservation Program supports the goal through the acquisition and protection of properties that are already forested or provide planting opportunities.
- The city's Unified Development Ordinance allows developers in some cases 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.
- TCPP has acquired and preserved 330 acres of land to date and protected approximately twice as much land than developers would have been required to under the on-site tree save option.
- TCPP supports tree canopy policy objectives outlined in the 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 Tree Canopy Preservation Program](#)

32. Set a Public Hearing on Oak Lake Townhomes 2 Area Voluntary Annexation

Action:

Adopt a resolution setting a public hearing for May 28, 2024, for Oak Lake Townhomes 2 Area voluntary annexation petition.

Staff Resource(s):

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

Explanation

- The City has received a petition for voluntary annexation of private property.
- Public hearings are required prior to City Council action on annexation requests.
- This property is located within Charlotte's extraterritorial jurisdiction.
- The area proposed for annexation shares boundaries with current city limits.
- Annexation of this area will allow for more orderly development review, extension of City services, capital investments, and future annexation processes.
- The 12.95-acre "Oak Lake Townhomes 2" site is located along the east side of Oakdale Road and west of Interstate 485 outer, in northwest Mecklenburg County.
 - The site is currently developed with four single family homes that will be removed prior to redevelopment.
 - The petitioner has plans to develop 82 attached dwelling units on the site.
 - The property is zoned R-8MF(CD) (multi-family residential, conditional). Rezoning petition 2022-170 rezoned this site in May of 2023 from R-3 (single family residential). The site's entitlements under the approved R-8MF(CD) site plan allows for the development of a townhome community.
 - The property is located immediately adjacent to City Council District 4.
 - The petitioned area consists of four parcels; parcel identification numbers: 033-281-02, 033-281-03, 033-281-04, and 033-281-05.

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:
 - Will not adversely affect the city's ability to undertake future annexations;
 - Will not have undue negative impact on city finances or services;
 - Will not result in a situation where unincorporated areas will be encompassed by new city limits.

Attachment(s)

Map

Resolution

[Oak Lake Townhomes 2 Area Annexation Map](#)

[Oak Lake Townhomes 2 Area Annexation Resolution](#)

CONSENT - PROPERTY TRANSACTIONS

33. Aviation Property Transactions - 8108 & 8124 Robbie Circle

Action: Approve the following Acquisition: EIS Mitigation Land South

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): Francis Marion Foard (deceased) and Naomi E. Foard (deceased)

Property Address: 8108 & 8124 Robbie Circle

Total Parcel Area: 57,848 sq ft (1.328 acres)

Property to be acquired by Easements: None

Structures/Improvements to be impacted: Single-family home

Landscaping to be impacted: Grass and small shrubs

Zoned: N1A

Use: Single-family Residential

Parcel Identification Number(s): 141-111-16 & 141-111-04

<https://polaris3g.mecklenburgcountync.gov/#mat=198710&pid=14111116&qsid=14111116>

<https://polaris3g.mecklenburgcountync.gov/#mat=199300&pid=14111104&qsid=14111104>

Purchase Price: \$390,000, and all relocation benefits in compliance with Federal, State or Local regulations.

Council District: Adjacent to Council District 3

34. Property Transactions - Severn-Tyndale Avenue Storm Drainage Improvement Project, Parcel # 8

Action: Approve the following Acquisition: Severn-Tyndale Avenue Storm Drainage Improvement Project, Parcel # 8

Project: Severn-Tyndale Avenue Storm Drainage Improvement Project, Parcel # 8

Program: Severn-Tyndale Avenue Storm Drainage Improvement Project

Owner(s): Daniel Hostrander and Ashley Kaine Metten

Property Address: 3916 Severn Avenue

Total Parcel Area: 13,600 sq. ft. (0.312 ac.)

Property to be acquired by Easements: 1,145 sq. ft. (0.026 ac.) Storm Drainage Easement, 778 sq. ft. (0.018 ac.) Water Line Easement and 452 sq. ft. (0.010 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Irrigation system

Landscaping to be impacted: None

Zoned: N1-A

Use: Neighborhood 1 Zoning District

Parcel Identification Number: 179-095-13

<https://polaris3g.mecklenburgcountync.gov/#mat=118331&pid=17909513&qisid=17909513>

Purchase Price: \$13,300

Council District: 6

35. Property Transactions - Severn-Tyndale Avenue Storm Drainage Improvement Project, Parcel # 9

Action: Approve the following Acquisition: Severn-Tyndale Avenue Storm Drainage Improvement Project, Parcel # 9

Project: Severn-Tyndale Avenue Storm Drainage Improvement Project, Parcel # 9

Program: Severn-Tyndale Avenue Storm Drainage Improvement Project

Owner(s): Aleksandra and Roman Borissenko

Property Address: 3910 Severn Avenue

Total Parcel Area: 13,556 sq. ft. (0.311 ac.)

Property to be acquired by Easements: 1,756 sq. ft. (0.040 ac.) Storm Drainage Easement and 76 sq. ft. (0.002 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: N1-A

Use: Neighborhood 1 Zoning District

Parcel Identification Number: 179-095-14

<https://polaris3g.mecklenburgcountync.gov/#mat=118062&pid=17909514&qisid=17909514>

Purchase Price: \$15,094

Council District: 6

36. Property Transactions - Severn-Tyndale Avenue Storm Drainage Improvement Project, Parcel # 24

Action: Approve the following Acquisition: Severn-Tyndale Avenue Storm Drainage Improvement Project, Parcel # 24

Project: Severn-Tyndale Avenue Storm Drainage Improvement Project, Parcel # 24

Program: Severn-Tyndale Avenue Storm Drainage Improvement Project

Owner(s): Carter Shuford McKaughn aka Carter McKaughn Kelsey and Talley Patrick Kelsey

Property Address: 3745 Severn Avenue

Total Parcel Area: 12,875 sq. ft. (0.296 ac.)

Property to be acquired by Easements: 2,236 sq. ft. (0.051 ac.) Storm Drainage Easement and 315 sq. ft. (0.007 ac.) Sanitary Sewer Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Tree

Zoned: N1-A

Use: Neighborhood 1 Zoning District

Parcel Identification Number: 179-075-13

<https://polaris3g.mecklenburgcountync.gov/#mat=115623&pid=17907513&qisid=17907513>

Purchase Price: \$16,920

Council District: 6

Adjournment

REFERENCES

37. 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.

38. 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.

39. 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.