

City of Charlotte

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



Meeting Agenda

Monday, July 13, 2020

Virtual Meeting

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

**5:00 P.M. CITY COUNCIL BUSINESS MEETING,
CHARLOTTE-MECKLENBURG GOVERNMENT CENTER,
VIRTUAL MEETING**

Call to Order

Introductions

Invocation

Pledge of Allegiance

1. Mayor and Council Consent Item Questions and Answers

Staff Resource(s):

Marie Harris, Strategy and Budget

Time: 5 minutes

Synopsis

Mayor and Council may ask questions about Consent agenda items.

2. Closed Session (as necessary)

3. Consent agenda items 20 through 46 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

4. Americans With Disabilities Act Awareness Day Proclamation

Action:

Mayor Lyles will read a proclamation recognizing July 26, 2020, as Americans With Disabilities Act Awareness Day.

[Americans with Disabilities Act Awareness Day Proclamation](#)

PUBLIC HEARING

5. Public Hearing on General Obligation Bond Referendum

Action:

Conduct a public hearing on the bond orders which would be authorized at the General Obligation Bond Referendum to be set for November 3, 2020.

Staff Resource(s):

Kelly Flannery, Finance

Explanation

- On June 8, 2020, Council adopted the Fiscal Year (FY) 2021 Operating Budget and FY 2021 - FY 2025 Capital Investment Plan, which included a \$197,232,000 bond referendum in 2020.
- At the same meeting, Council approved resolutions authorizing staff to proceed with the actions necessary to conduct a General Obligation Bond Referendum.
- On June 22, 2020, City Council introduced the bond orders and set a public hearing on each of the bond orders for July 13, 2020.
- The current action is the third of five City Council actions. This action will specifically:
 - Hold a public hearing on each bond order.
- On July 27, 2020, City Council will be asked to:
 - Adopt bond orders for \$102,732,000 of Street Bonds, \$44,500,000 of Neighborhood Improvement Bonds, and \$50,000,000 of Housing Bonds, and
 - Approve a resolution setting the bond referendum for November 3, 2020, and directing staff to publish notice of the referendum.
- The Local Government Commission is scheduled to consider the referendum for approval at its October meeting.
- After November 3, City Council will be asked to adopt a resolution certifying and declaring the results of the special bond referendum. This action will occur after the Mecklenburg Board of Elections certifies the results of the vote.

Attachment(s)

Resolution

[Public Hearing Minutes \(7-13-20\) - City of Charlotte - 2020 GO Referendum - rev. to v2](#)

6. Public Hearing on a Resolution to Close a Portion of an Alleyway between 21st Street and 22nd Street

Action:

Conduct a public hearing to close a portion of an alleyway between 21st Street and 22nd 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 proposed action removes land from public right-of-way and attaches it to the adjacent property.
- The street to be closed is located in Council District 1.
- In compliance with NC G.S.166A-19.24 *Remote meetings during certain declarations of emergency*, written comments on the public hearing topic will be accepted by the Clerk's Office through July 14, 2020, at 11:59 p.m. Any additional comments received will be provided to Council.

Petitioner

WP East Acquisitions, LLC

Right-of-Way to be Abandoned

A portion of the alleyway between 21st Street and 22nd Street.

Reason

Per the petition submitted by WP East Acquisitions, LLC, the parcels abutting this portion of the dead-end alley are being consolidated for new development. The city has no objections.

Notification

As part of the city's notification process, and in compliance with North Carolina General Statute 160A-299, the Charlotte Department of Transportation submitted this abandonment petition for review by the public and city departments.

Adjoining property owner(s)

Willie Ann Houston - No objections

Southeast Lighting, Inc. - No objections

Ideal Investments & Property Management, LLC - No objections

City departments

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

Attachment(s)

Map

[Abandonment Map](#)

POLICY

7. City Manager's Report

- COVID-19 Response - Facility Modifications
- Police Department Updates
- City's Nuisance Abatement Process
- 7th and N. Tryon

[01. COVID-19 Response Facility Modifications](#)

[02a. Police Department Updates June 2 Uptown Demonstrations Walkthrough](#)

[02b. Police Department Updates Beatties Ford Road](#)

8. Fiscal Years 2021 - 2025 Consolidated Plan and Fiscal Year 2021 Annual Action Plan for Housing and Community Development

Action:

Adopt the Fiscal Years 2021-2025 Consolidated Plan and Fiscal Year 2021 Annual Action Plan for Housing and Community Development.

Staff Resource(s):

Pamela Wideman, Housing and Neighborhood Services
Warren Wooten, Housing and Neighborhood Services

Policy

- The U.S Department of Housing and Urban Development (HUD) mandates the development of a Consolidated Five-Year Plan and an Annual Action Plan (Plans) to receive federal funding for housing and community development activities.
- The two Plans for housing and community development are the City of Charlotte's strategy for the use of federal funds in providing housing and community development activities.
- The Plans support the city's approved Housing Charlotte Framework to preserve existing housing, expand supply of low- and moderate-income housing, and support family self-sufficiency.

Community Input

- A draft copy of each Plan was published to the city's website with paper copies available by request. The documents were available in English and Spanish when requested.
- On June 22, 2020, City Council held a public hearing for this item. No public comments were received.

Explanation

- The Plans include housing and community development needs and resources for the city and Regional Housing Consortium.
- The Regional Housing Consortium is a partnership among the City of Charlotte, Mecklenburg County, and the towns of Cornelius, Pineville, Matthews, Mint Hill, Huntersville, and Davidson.
- In FY 2021, the city expects to receive the following federal funding allocations, totaling \$12,588,758, which City Council appropriated as part of the FY 2021 Budget:
 - Community Development Block Grant: \$5,975,046,
 - HOME Investment and Partnerships: \$3,241,207,
 - Emergency Solution Grants: \$512,016, and
 - Housing Opportunity for Persons with AIDS: \$2,860,489.

Next Steps

- The Plans will be submitted to HUD on July 14, 2020.

Attachment(s)

Fiscal Years 2021-2025 Consolidated Plan and Fiscal Year 2021 Annual Action Plan

[FY21-FY25 Consolidated Plan and Action Plan](#)

9. Amendments to Streets Map for Transit-Oriented Development Zoning along the Blue Line

Action:

Adopt minor amendments to the Streets Map for Transit-Oriented Development for the Blue Line.

Committee Chair:

Julie Eiselt, Transportation, Planning, and Environment

Staff Resource(s):

Liz Babson, Transportation

Johanna Quinn, Transportation

David Harrison, Transportation

Explanation

- City Council adopted the Streets Map for Transit-Oriented Development (TOD) for the Blue Line on October 28, 2019. The Charlotte Department of Transportation and Planning, Design, and Development have been applying the Streets Map in TOD reviews since adoption.
 - This action is to adopt minor amendments to provide additional clarity for several Streets Map requirements.
 - These Streets Map amendments complement the TOD Text Amendment which Council adopted on June 15, 2020.
- The Streets Map is a key implementation tool for the TOD Zoning Ordinance, which was adopted by City Council on April 15, 2019 and the TOD Zoning Alignment that City Council approved on November 18, 2019.
- Based on previous comments and implementation of the Streets Map, several minor amendments have been identified to provide additional clarity to the Streets Map requirements:
 - Clarified language where on-street parking is either required or not allowed,
 - Clarified cross-sections where the Cross Charlotte Trail is immediately adjacent to streets, and
 - Adjusted the cross-section of one segment of North Davidson Street to better reflect context.
- The public was invited to provide comments on the Streets Map amendments at Council's June 8 Business Meeting. No comments were offered.

Background

- The Streets Map complements the TOD Zoning Ordinance to create safe and comfortable complete streets for all users and to provide multi-modal access to transit stations and the destinations around those stations.
- The Streets Map shows expected cross-sections and curb line locations for all arterials, collectors, and some local streets in the TOD areas around the Blue Line. That information is used in the TOD to help quickly and consistently determine design requirements such as setbacks, building placement, streetscapes, and other key design elements related to street frontages.
- The Streets Map cross-section for each arterial street around the Blue Line includes the number of lanes, the Urban Street Design Guidelines design classification, the recommended bicycle facility category, and on-street parking and center space where applicable.
- The Streets Map for the Blue Line areas is serving as the pilot for expansion to include streets around the Gold and Silver Lines and, ultimately, a citywide Streets Map. The Streets Map is available at: <<https://charlottenc.gov/Projects/Pages/StreetsMap.aspx>>.

BUSINESS**10. FY 2020 Coronavirus Emergency Supplemental Funding Program Grant****Action:**

- A. Authorize the City Manager to accept a 24-month 2020 Coronavirus Emergency Supplemental Funding Program grant in the amount of \$1,818,071 from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, and**
- B. Adopt a budget ordinance appropriating \$1,818,071 from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance for the 2020 Coronavirus Emergency Supplemental Funding Program grant.**

Staff Resource(s):

Johnny Jennings, Police
Jeff Estes, Police
Todd Lontz, Police

Explanation

- The City of Charlotte/Charlotte-Mecklenburg Police Department (CMPD) was invited to submit an application for funding associated with preventing, preparing for, and responding to the coronavirus.
- The City of Charlotte/CMPD was awarded grant funds in the amount of \$1,818,071 on March 30, 2020.
- Grant funds must be used for projects and purchases including, but not limited to, overtime, equipment, supplies, and training.
- Grant funds will be used to purchase N95 masks, cloth masks, face shields, gloves, gowns/aprons, hand sanitizer, biohazardous bags, thermometers, commercial and vehicle cleaning services, antibody testing, and office modifications.
- The drawdown of grant funds must be carefully managed, be based on approved costs, and adhere to the U.S. Department of Justice Financial Guide standards on cash management.
- The grant is for a 24-month term beginning January 20, 2020 and ending January 20, 2022.
- No matching contribution from the city is required.

Fiscal Note

Funding: COVID-19 Stimulus Fund

Attachment(s)

Budget Ordinance

[Budget Ordinance - FY 2020 Coronavirus Emergency Supplemental Funding Program Grant](#)

11. Memorandum of Understanding - 7th and North Tryon Redevelopment Project

Action:

- A. **Authorize the City Manager to negotiate and execute, in coordination with other landowners involved in the project, a Memorandum of Understanding for the 7th and North Tryon Redevelopment Project with the Master Developer, BP-Metropolitan NC, LLC, and**
- B. **Approve the use of Capital Investment Plan and Tax Increment Grant dollars as a source of public funding to be negotiated in the Memorandum of Understanding.**

Staff Resource(s):

Tracy Dodson, City Manager's Office

Background

- In early 2017, City Council voted to adopt the North Tryon Vision Plan (the Plan).
- The Plan outlined the desire to create a district that will attract, retain, and strengthen creative industries, innovative arts, and cultural and educational institutions through the following:
 - A broader mix of uses to help activate and create an inclusive space and a space that financially supports the district's development and ongoing maintenance;
 - A creative integration of land use, architecture, urban design, and programming with functional, yet attractive, infrastructure including transportation, parking, utilities, and public realm improvements;
 - Residential development to support existing businesses and destinations, attract new businesses, and make the area more vibrant; and
 - Leverage public investment in the district to maximize the benefits while supporting and enhancing existing businesses and helping attract additional employers and jobs.
- Specific to the area between 6th, Tryon, College, and 8th Streets, the Plan suggests the following:
 - Planning and development in concert and linked with plaza spaces, streets, parks, and promenades, will create a transformative collective investment in these blocks;
 - A shared desire to revitalize the existing Spirit Square and Main Library block presents an opportunity for an urban awakening along North Tryon; and
 - Creation of an underground parking structure located on the blocks bounded by College, Tryon, 6th, and 8th Streets. This area was identified in the Plan as one of the critical sites for shared and coordinated parking within the district.
- As outlined in the Plan, public private partnerships are an integral asset of the vision.

Explanation

- On June 8, 2020, the City Council received information on the 7th and North Tryon Redevelopment Project. The information included a description of the key terms of a non-binding Memorandum of Understanding (MOU) between the Stakeholders and the Master Developer, BP-Metropolitan NC, LLC.
- The four property owners that have coordinated the negotiation and are party to the Memorandum of Understanding (MOU) include the City of Charlotte, Mecklenburg County, Charlotte Mecklenburg Library, and Bank of America.
- Key terms of the MOU are as follows:
 - City and County Tax Increment Grant (TIG) of \$25 million to support the overall project vision. This includes the mixture of uses, public open space, public parking, enhanced public realm, and the ability to achieve a significant number of affordable housing units offsite;
 - City of Charlotte Capital Investment Plan (CIP) for \$2-\$5 million for 7th Street construction and infrastructure improvements;
 - Good Faith Effort towards MWSBE participation goal of 30 percent;

- \$3 million contribution from the developer towards affordable housing; and
 - 180-day exclusivity clause for the developer.
- On June 2, 2020, the Mecklenburg County Commission (Commission) voted to allow the County Manager to negotiate a MOU with other property owners and the Master Developer. In addition, the Commission also approved a funding allocation of its land sales proceeds from 7th Street and North Tryon Street towards the adjacent Uptown redevelopment project proposed by Inlivan and off-site locations throughout the city. Specifics on the affordable housing strategy would also be incorporated into multiple project agreements.
- The economic development impact of this project includes:
 - Estimated 1,200-1,500 temporary construction jobs,
 - Estimated 250 facility-based permanent jobs,
 - Office building space for an estimated 4,000 jobs,
 - \$75 million local supplier estimate,
 - \$35-45 million MWSBE estimate,
 - Estimated \$4.1 million in new annual property tax revenue, and
 - Estimated \$674,000 in new annual local sales tax revenue,

Fiscal Note

Funding: Tax Increment Grant and Capital Investment Plan

Attachment(s)

06.08.2020 Presentation

[Presentation 7th and N. Tryon Project Overview](#)

12. Philemon Avenue and Dave McKinney Avenue Extensions Infrastructure Reimbursements

Action:

Authorize the City Manager to negotiate and execute Infrastructure Reimbursement Agreements with developers in an amount not to exceed \$12.8 million for the design and construction of the Philemon Avenue and Dave McKinney Avenue Extensions.

Staff Resource(s):

Phil Reiger, General Services

Jennifer Smith, General Services

Explanation

- The city has partnership opportunities to coordinate with private developers to secure the required land and to construct extensions for Philemon Avenue (Council District 1) and Dave McKinney Avenue (Council District 4).
- Terms of this agreement would require the developers to build the public improvements related to these extensions and be reimbursed as work is completed.
- These street extensions were identified during the community outreach and planning phase of the Northeast Corridor Infrastructure Program (NECI).
- The street extensions will improve pedestrian, bicyclist, and motorist access to the Charlotte Area Transit System Blue Line Light Rail Stations and are part of a greater plan to create alternative and parallel routes to North Tryon Street.
- The Philemon Avenue Extension facilitates the future connection between 36th Street and Craighead Road, an important connection for businesses and residents currently cutoff from the NoDa neighborhood due to the closing of Craighead Road at the railroad crossing near Davidson Street.
- The extensions of Dave McKinney Avenue and Philemon Avenue are important connections for businesses and residents in the area and are part of the University City Area Plan and the Blue Line Extension Transit Station Area Plan, respectively.
- The extensions are in coordination with development plans outlined in previously approved rezonings.
 - City Council approved the rezoning petition 2019-102 on November 18, 2019, for property at Philemon Avenue.
 - City Council approved the rezoning petition 2019-152 on April 20, 2020, for property at Dave McKinney Avenue.
- The total private investment is estimated to be more than \$300 million.
- Funding for these projects was included in original project budgets within the NECI program.
- State law and the City Charter authorize the city to enter into a contract with a private property owner or developer for the reimbursement of costs associated with the design and construction of municipal infrastructure when doing such work separately would be impracticable.

Charlotte Business INclusion

The city negotiates subcontracting participation for Infrastructure Reimbursement Agreement contracts after the scopes of work are defined for design and construction services (Part G: Section 2.6 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: General Capital Investment Plan

Attachment(s)

Map

[15-13523 Map Philemon Avenue and Dave McKinney Avenue Extensions Infrastructure Reimburseme](#)

13. Amend the Interlocal Agreement with the Water and Sewer Authority of Cabarrus County

Action:

Adopt a resolution amending the Water and Sewer Interlocal Agreement with the Water and Sewer Authority of Cabarrus County to implement and jointly fund the Rocky River Regional Wastewater Treatment Expansion Study.

Staff Resource(s):

David Czerr, Charlotte Water

Ron Hargrove, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- This amendment will modify the existing Water and Sewer Agreement with the Water and Sewer Authority of Cabarrus County (WSACC) to jointly fund the Rocky River Regional Wastewater Treatment Plant (RRWWTP) Expansion Study.
- The study is designed to evaluate the plant expansion needs for the RRWWTP, located in Cabarrus County, to accommodate increasing flows from Charlotte Water.
- The interlocal agreement with WSACC enables Charlotte Water to collect, convey, and treat wastewater at the RRWWTP.
- Flow contributions from Charlotte Water are expected to increase as a result of both population growth in Mecklenburg county and an increase in flow diversion from Mecklenburg to Cabarrus County.
- On December 9, 2019, Council approved to modify the agreement to jointly fund a project that will bypass the Back Creek Pumping Station near University City Boulevard (Council District 4) and divert flows away from the Mallard Creek Wastewater Treatment Plant, which is approaching its current permitted treatment capacity limits, to the RRWWTP.

Attachment(s)

Resolution

Map

[Resolution-Amendment to the Interlocal Agreement](#)

[Rocky River Regional WWTP Map](#)

14. Appropriate Private Developer Funds

Action:

- A. Approve developer agreements with Apex Southpark SPE, LLC; Park Charlotte Declarant, LLC; Rodgers Builders Inc; C4 Cstore Holdings II, LLC; and Lennar Carolinas, LLC for traffic signal modifications, and**
- B. Adopt a budget ordinance appropriating \$153,855 in private developer funds for traffic signal installations and improvements.**

Staff Resource(s):

Liz Babson, Transportation
Charles Abel, Transportation

Explanation

- Private developer agreements and appropriations are needed when a developer is required through the city rezoning process to make traffic signal improvements.
- Funding contributions from private developers must be appropriated prior to the city's initiation of work.
- The \$153,855 in private developer funds is for road modifications, traffic signals, traffic signal modifications and/or upgrades, and other related work associated with the developers' projects. The funding is restricted to the projects noted below:
 - Apex Southpark SPE, LLC contributed \$56,005 for signal modifications at Colony Road and Sharon Road (Council District 6).
 - Park Charlotte Declarant, LLC contributed \$10,000 to install a traffic signal at Park Road and Mockingbird Lane (Council District 6).
 - Rodgers Builders Inc contributed \$67,850 for a rectangular rapid flashing beacon at Charlottetowne Avenue and 5th Street (Council District 1).
 - C4 Cstore Holdings II, LLC contributed \$10,000 for signal modifications at Mount Holly Road and Mount Holly-Huntersville Road (Council District 2).
 - Lennar Carolinas, LLC contributed \$10,000 for a pedestrian hybrid beacon at Hamilton Road and Smith Boyd Road (Council District 3).
- These developer contributions are based on cost estimates prepared by the Charlotte Department of Transportation (CDOT).
- Any funding contributed by the developer(s) for a signal project that is unused by the city will be refunded back to the developer(s) after project completion.
- CDOT will install and operate these signals as part of the existing signal systems in the area.

Fiscal Note

Funding: Private Developer Contributions

Attachment(s)

Map
Budget Ordinance

[Traffic Signal Improvements Map](#)

[BO Developer Appropriations 7.13.2020](#)

15. Resolution to Close an Alleyway off West Hill Street

Action:

Adopt a resolution and close an alleyway off West Hill 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 alleyway to be closed is located in Council District 2.
- A public hearing for this resolution was held on June 22, 2020. No comments from the public were received.

Petitioner

Foundry Uptown, LLC

Attachment(s)

Map

Resolution

[West Hill St Crosby Alley Abandonment Map](#)

[West Hill Resolution to Close](#)

16. Decision on the Butler House Historic Landmark Designation

Action:

Adopt an ordinance with an effective date of July 13, 2020, designating the property known as the "Butler House" (parcel identification number 07910501) as a historic landmark.

Staff Resource(s):

Taiwo Jaiyeoba, City Manager's Office

Dave Pettine, Planning, Design, and Development

Explanation

- The city has received a recommendation from the Charlotte-Mecklenburg Historic Landmarks Commission to designate the Butler House as a local historic landmark.
- One June 22, 2020, a public hearing was conducted on the Historic Landmark Designation for the property known as the Butler House. No public comments were received.
- The Butler House is located within the City of Charlotte in Council District 1.
- Designation of this property could significantly contribute to its long-term preservation.
- The Butler House is listed under parcel identification number 07910501, and the recommended designation would include the interior and the exterior of the house and 0.223 acres of land.
- The property is zoned R-5 and is located at 240 Sylvania Avenue.
- The property is owned by E-Fix Housing Solutions LLC.
- If designated the property would be eligible for a 50 percent property tax deferral, and the current appraised value of the property is \$458,500.

Attachment(s)

Information sheet

Ordinance

Designation Report

Record of the vote of the HLC

Summary of department review

State Historic Preservation Office comment letter

[Butler House Information Sheet](#)

[Butler House Ordinance](#)

[Butler-House-Designation-Report 2.1](#)

[Butler House HLC Vote](#)

[Butler House Summary of department review](#)

[Butler House SHPO Comment Letter](#)

17. Decision on the Derita High School Gymnasium Historic Landmark Designation

Action:

Adopt an ordinance with an effective date of July 13, 2020, designating the property known as the "Derita High School Gymnasium" (parcel identification number 04704312) as a historic landmark.

Staff Resource(s):

Taiwo Jaiyeoba, City Manager's Office
Dave Pettine, Planning, Design, and Development

Explanation

- The city has received a recommendation from the Charlotte-Mecklenburg Historic Landmarks Commission to designate the Derita High School Gymnasium as a local historic landmark.
- On June 22, 2020, a public hearing was conducted on the Historic Landmark Designation for the property known as the Derita High School Gymnasium. No public comments were received.
- The Derita High School Gymnasium is located within the City of Charlotte in Council District 2.
- Designation of this property could significantly contribute to its long-term preservation.
- The Derita High School Gymnasium is listed under parcel identification number 04704312, and the recommended designation would include the exterior of the gymnasium and 0.973 acres of land.
- The property is zoned R-3 and is located at 6115 Ruple Road.
- The property is owned by the Charlotte-Mecklenburg Board of Education.
- The property is exempt from property taxes.

Attachment(s)

Information sheet
Ordinance
Designation Report
Record of the vote of the HLC
Summary of department review
State Historic Preservation Office comment letter

[Derita Information Sheet](#)

[Derita Ordinance](#)

[Derita Designation Report](#)

[Derita HLC Vote](#)

[Derita Summary of department review](#)

[Derita SHPO Comment Letter](#)

18. Decision on the Ford Motor Company Assembly Plant Historic Landmark Designation

Action:

Adopt an ordinance with an effective date of July 13, 2020, designating the property known as the "Ford Motor Company Assembly Plant" (parcel identification number 07903105) as a historic landmark.

Staff Resource(s):

Taiwo Jaiyeoba, City Manager's Office

Dave Pettine, Planning, Design, and Development

Explanation

- The city has received a recommendation from the Charlotte-Mecklenburg Historic Landmarks Commission to designate the Ford Motor Company Assembly Plant as a local historic landmark.
- On June 22, 2020, a public hearing was conducted on the Historic Landmark Designation for the property known as the Ford Motor Company Assembly Plant. One person spoke in favor of the designation.
- The Ford Motor Company Assembly Plant is located within the City of Charlotte in Council District 2.
- Designation of this property could significantly contribute to its long-term preservation.
- The Ford Motor Company Assembly Plant is listed under parcel identification number 07903105, and the recommended designation would include the interior and the exterior of the assembly building, the interior and exterior of the boiler house, the water tower, and 9.4 acres of land.
- The property is zoned UMUD-0 and is located at 1824 Statesville Avenue.
- The property is owned by the Newcamp Landowner, LP.
- If designated, the designated portion of the property would be eligible for a 50 percent property tax deferral, and the current appraised value of the portion of the property recommended for designation is approximately \$4,240,000.

Attachment(s)

Information sheet

Ordinance

EXHIBIT A

Designation Report

Record of the vote of the HLC

Summary of department review

State Historic Preservation Office comment letter

[Ford Information Sheet](#)

[Ford Ordinance](#)

[Ford Ord Designation Map EXHIBIT A](#)

[Ford Designation Report](#)

[Ford HLC Vote](#)

[Ford Summary of department review](#)

[Ford SHPO Comment Letter](#)

19. Decision on the Nevin School Historic Landmark Designation

Action:

Adopt an ordinance with an effective date of July 13, 2020, designating the property known as the "Nevin School" (parcel identification numbers 04528106 and 04528111) as a historic landmark.

Staff Resource(s):

Taiwo Jaiyeoba, City Manager's Office
Dave Pettine, Planning, Design, and Development

Explanation

- The city has received a recommendation from the Charlotte-Mecklenburg Historic Landmarks Commission to designate the Nevin School as a local historic landmark.
- One June 22, 2020, a public hearing was conducted to consider Historic Landmark Designation for the property known as the Nevin School. No public comments were received.
- The Nevin School is located within the City of Charlotte in Council District 2.
- Designation of this property could significantly contribute to its long-term preservation.
- The Nevin School is listed under parcel identification numbers 04528106 and 04528111, and the recommended designation would include the exteriors of the 1923 school building, the 1940 auditorium, and 0.75 acres of land.
- The property is zoned INST(CD) and is located at 3523 Nevin Road.
- The property is owned by the Nevins Inc.
- The property is exempt from property taxes.

Attachment(s)

Information sheet
Ordinance
EXHIBIT A
Designation Report
Record of the vote of the HLC
Summary of department review
State Historic Preservation Office comment letter

[Nevin Information Sheet](#)

[Nevin Ordinance](#)

[Nevin Ord EXHIBIT A](#)

[Nevin Designation Report](#)

[Nevin HLC Vote](#)

[Nevin Summary of department review](#)

[Nevin SHPO Comment Letter](#)

CONSENT

20. Construct Oneida Road Sidewalk and Culvert Replacement Project

Action:

Approve a contract in the amount of \$1,372,112.53 to the lowest responsive bidder NJR Group, Inc. for the Oneida Road Sidewalk and Culvert Replacement project.

Staff Resource(s):

Phil Reiger, General Services
Veronica Wallace, General Services
Matt Gustis, General Services

Explanation

- This project will install concrete sidewalk and accessible curb ramps along Oneida Road from Graham Street to Garvis Drive in Council District 4.
- The project will also include the replacement of a storm drainage culvert near the intersection of Oneida Road and Osage Circle.
- On May 11, 2020, the city issued an Invitation to Bid; 10 bids were received.
- NJR Group, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by third quarter 2021.

Charlotte Business INclusion

Established MBE Goal: 7.00%

Committed MBE Goal: 12.21%

NJR Group, Inc. exceeded the established MBE subcontracting goal and has committed 12.21% (\$167,509) of the total contract amount to the following MBE certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- R.R.C. Concrete Inc (MBE, SBE) (\$134,794) (concrete)
- Martin Landscaping Co. (MBE, SBE) (\$32,715) (erosion control)

Established SBE Goal: 19.00%

Committed SBE Goal: 26.07%

NJR Group, Inc. exceeded the established SBE subcontracting goal and has committed 26.07% (\$357,665) of the total contract amount to the following SBE certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- B&N Grading, Inc. (SBE) (\$188,381) (asphalt, utilities)
- R.R.C. Concrete Inc (MBE, SBE) (\$134,794) (concrete)
- Martin Landscaping Co. (MBE, SBE) (\$32,715) (erosion control)
- Ground Effects, Inc. (SBE) (\$1,775) (thermo)

Fiscal Note

Funding: Transportation Capital Investment Plan and Storm Water Capital Investment Plan

Attachment(s)

Map

[Map Construct Oneida Road Sidewalk and Culvert Replacement Project.pdf](#)

21. Construct Pedestrian Safety Fiscal Year 2021 Project

Action:

Approve a contract in the amount of \$2,240,529.50 to the lowest responsive bidder Nassiri Development, LLC for the Pedestrian Safety Fiscal Year 2021 Project.

Staff Resource(s):

Phil Reiger, General Services
Veronica Wallace, General Services
Becky Chambers, General Services

Explanation

- This contract is part of an ongoing program to provide pedestrian safety improvements including accessible ramps, sidewalks, refuge islands, intersection improvements, pedestrian hybrid beacons, pavement markings, and traffic signals throughout Charlotte.
- On May 18, 2020, the city issued an Invitation to Bid; six bids were received.
- Nassiri Development, LLC was selected as the lowest responsive, responsible bidder.
- The contract is anticipated to be complete by fourth quarter 2022.

Charlotte Business INclusion

Nassiri Development, LLC is a city certified WBE and SBE.

Established MBE Goal: 8.00%

Committed MBE Goal: 9.00%

Nassiri Development, LLC has identified MBEs on its project team, and for each work order issued, committed 9.00% of the total contract amount to the following certified firms:

- Mid-Atlantic Erosion Control, Inc. (MBE, SBE) (erosion control)
- R.R.C. Concrete, Inc (MBE, SBE) (concrete, sidewalks)
- Spikes-Out Tree Care LLC (MBE, SBE) (tree trimming)
- Streeter Trucking Company, Inc. (MBE, SBE) (hauling)

Established SBE Goal: 17.00%

Committed SBE Goal: 18.00%

Nassiri Development, LLC has identified SBEs on its project team, and for each work order issued, committed 18.00% of the total contract amount to the following certified firms:

- AMP Utility Distribution Services, LLC (WBE, SBE) (utility supplies)
- Clear Creek of Salisbury, Inc. (SBE) (concrete, sidewalks)
- Mid-Atlantic Erosion Control, Inc. (MBE, SBE) (erosion control)
- R.R.C. Concrete, Inc (MBE, SBE) (concrete, sidewalks)
- Spikes-Out Tree Care LLC (MBE, SBE) (tree trimming)
- Streeter Trucking Company, Inc. (MBE, SBE) (hauling)
- Striping Concepts, LLC (SBE) (markings, striping)
- Trull Contracting, LLC (WBE, SBE) (asphalt paving)

Fiscal Note

Funding: Transportation Capital Investment Program

Attachment(s)

Map

[Map_Construct Pedestrian Safety Fiscal Year 2021 Project.pdf](#)

22. Collective Storm Drainage Improvement Project Series E

Action:

Approve a contract in the amount of \$1,784,200 to the lowest responsive bidder Zoladz Construction Co., Inc. for the Collective Storm Drainage Improvement Project Series E.

Staff Resource(s):

Phil Reiger, General Services
Mike Davis, General Services
Susan Tolan, General Services

Explanation

- This contract is part of an ongoing program to provide repairs and/or improvements to storm drainage systems.
- This contract will address failing storm drainage systems in the following locations:
 - 15611 Sullivans Ridge Drive located in Council District 7,
 - 3529 Selwyn Farms Lane located in Council District 1,
 - 6600 CSX Way located in Council District 3,
 - 2332 Harwood Hills Lane located in Council District 2,
 - 9139 Eventine Court located in Council District 2,
 - 7204 War Emblem Court located in Council District 2,
 - 9325 Lake Spring Avenue located in Council District 2,
 - 2304 Hope Valley Lane located in Council District 4,
 - 6401 Covecreek Drive located in Council District 1, and
 - 7704 Grapetree Court located in Council District 5.
- Work will also include grading, drainage, sidewalks, and curb and gutter.
- On May 4, 2020, the city issued an Invitation to Bid; five bids were received.
- Zoladz 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: 7.00%

Committed MBE Goal: 9.31%

Zoladz Construction Co., Inc. met the established MBE subcontracting goal and has committed 9.31% (\$166,156) of the total contract amount to the following MBE certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Diamond Trucking of NC Inc (MBE, SBE) (\$103,156) (hauling)
- R.R.C. Concrete Inc. (MBE, SBE) (\$63,000) (concrete)

Established SBE Goal: 18.00%

Committed SBE Goal: 18.00%

Zoladz Construction Co., Inc. met the established SBE subcontracting goal and has committed 18.00% (\$321,156) of the total contract amount to the following SBE certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- On Time Construction, Inc. (WBE, SBE) (\$155,000) (masonry)
- Diamond Trucking of NC Inc (MBE, SBE) (\$103,156) (hauling)
- R.R.C. Concrete Inc. (MBE, SBE) (\$63,000) (concrete)

Fiscal Note

Funding: Storm Water Capital Investment Plan

Attachment(s)

Map

[Map Collective Storm Drainage Improvement Project Series E.pdf](#)

23. Collective Storm Drainage Improvement Projects Series F

Action:

Approve a contract in the amount of \$1,635,700 to the lowest responsive bidder Zoladz Construction Co., Inc. for Collective Storm Drainage Improvement Projects Series F.

Staff Resource(s):

Phil Reiger, General Services
Mike Davis, General Services
Susan Tolan, General Services

Explanation

- This contract is part of an ongoing program to provide repairs and/or improvements to storm drainage systems.
- This contract will address failing storm drainage systems in the following locations:
 - 7100 Whitside Lane located in Council District 3,
 - 2725 Tanglewood Lane located in Council District 6,
 - 2122 Emerywood Drive located in Council District 6,
 - 3842 Rhodes Avenue located in Council District 6,
 - 6521 Seton House Lane located in Council District 7, and
 - 3901 Braxton Drive located in Council District 6.
- Work will also include grading, drainage, sidewalks, and curb and gutter.
- On May 4, 2020, the city issued an Invitation to Bid; five bids were received.
- Zoladz 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: 6.00%

Committed MBE Goal: 6.00%

Zoladz Construction Co., Inc. met the established MBE subcontracting goal and has committed 6.00% (\$98,112) of the total contract amount to the following MBE certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- R.R.C. Concrete Inc. (MBE, SBE) (\$44,000) (concrete)
- Diamond Trucking of NC Inc (MBE, SBE) (\$54,112) (hauling)

Established SBE Goal: 16.00%

Committed SBE Goal: 16.00%

Zoladz Construction Co., Inc. met the established SBE subcontracting goal and has committed 16.00% (\$261,632) of the total contract amount to the following SBE certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Maybury Fencing Inc (WBE, SBE) (\$36,370) (fence)
- R.R.C. Concrete Inc. (MBE, SBE) (\$44,000) (concrete)
- Diamond Trucking of NC Inc (MBE, SBE) (\$54,112) (hauling)
- Whitesell Trucking, Inc. (SBE) (\$60,200) (clearing)
- On Time Construction, Inc. (WBE, SBE) (\$66,950) (masonry)

Fiscal Note

Funding: Storm Water Capital Investment Plan

Attachment(s)

Map

[Map Collective Storm Drainage Improvement Projects Series F.pdf](#)

24. Charlotte Water Lab Supplies and Equipment

Action:

- A. Approve the purchase of laboratory equipment and supplies, by the sole source exemption,
- B. Approve a contract with Biotage LLC, for the purchase of laboratory equipment and supplies 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):

David Czerr, Charlotte Water
Jackie Jarrell, Charlotte Water
Myra Thompson, Charlotte Water

Sole Source Exemption

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

Explanation

- Charlotte Water Laboratory Services' regulatory certification requires staff to use a specific set of proprietary testing supplies from Biotage LLC, to fulfill some of the analytical responsibilities.
- The equipment and supplies obtained under this contract will be used in the monitoring of oil and grease, polychlorinated biphenyl (PCB), and pesticides concentrations to protect the city's sanitary sewer system and the environment.
- Total contract expenditures over the five-year term are estimated to be \$450,000.

Charlotte Business INclusion

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

Fiscal Note

Funding: Charlotte Water Operating Budget and Capital Investment Plan

25. Clems Branch Pump Station Project

Action:

Approve a guaranteed maximum price of \$5,259,200 to State Utility Contractors, Inc. for Design-Build construction services for the Clems Branch Pump Station project.

Staff Resource(s):

David Czerr, Charlotte Water
Ron Hargrove, Charlotte Water
Carl Wilson, Charlotte Water

Explanation

- State Utility Contractors, Inc. has developed a guaranteed maximum price (GMP) for construction of the Clems Branch Pump Station.
- This project will replace the existing pump station, located near the South Carolina state border in Council District 7, as the existing pump station does not have the capacity to serve the present growth in the basin.
- In May 2020, the city contracted with State Utility Contractors, Inc. for Design-Build design services. Based on the design, a GMP for construction services was developed.
- The project is anticipated to be complete by fourth quarter 2020.

Charlotte Business INclusion

The city negotiates participation for Design-Build contracts after the firm is selected and scopes of work are defined for design and construction services (Part G: Section 2.4 of the Charlotte Business INclusion Policy). State Utility Contractors, Inc. has committed \$535,230 or approximately 10.18% of the total contract for Design-Build construction services to the following certified firms:

- Smart Electric Company, Inc. (WBE) (\$283,226) (electrical)
- Oliver & Son Trucking & Paving, LLC (SBE) (\$167,446) (paving, hauling)
- Maybury Fencing, Inc. (WBE, SBE) (\$62,960) (fencing)
- DLS Landscape (SBE) (\$21,598) (landscaping)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Map

[Clem's PS GMP RCA Map.docx](#)

26. Large Water Meter Installation and Replacement

Action:

- A. **Reject the low-bid submitted by Classic City Mechanical, Inc. for large water meter installation and replacement,**
- B. **Approve a unit price contract to the lowest responsive, responsible bidder Vanguard Utility Service, Inc. for large water meter installation and replacement for an initial term of two years, and**
- C. **Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

David Czerr, Charlotte Water
Jackie Jarrell, Charlotte Water
Steve Miller, Charlotte Water

Explanation

- The contract will install approximately 200 3-inch through 12-inch Ultrasonic water meters per year to replace existing mechanical compound meters that are not compatible with Charlotte Water's current and future automated reading systems or are no longer supported by the manufacturer.
- On April 27, 2020, the city issued an Invitation to Bid; five bids were received.
- Vanguard Utility Service, Inc. was selected as the lowest responsive, responsible bidder.
- Annual expenditures are estimated to be \$600,000.
- The low-bid of \$490,275.50 submitted by Classic City Mechanical, Inc. was found not to be responsible for failing to meet the established qualification requirements.

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.

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

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

27. Regional Biosolids Conveyance Design Services

Action:

Approve a contract for up to \$1,966,300 with CDM Smith Inc. for Regional Biosolids Conveyance Design Services.

Staff Resource(s):

David Czerr, Charlotte Water
Ron Hargrove, Charlotte Water
Carl Wilson, Charlotte Water

Explanation

- This contract is for design of 11,000 linear feet of pipeline from the proposed Stowe Regional Water Resource Recovery Facility (RWRRF) to the Paw Creek outfall.
- The pipeline being designed is part of the first phase of consolidating biosolids treatment at the McAlpine Creek Wastewater Treatment Plant (WWTP), located in the Town of Pineville (adjacent to Council District 7).
- The pipeline will convey biosolids to the McAlpine Creek WWTP for treatment. Planned future phases include conveyance from the Irwin Creek WWTP and extension of the pipeline from Stowe RWRRF to the McAlpine Creek WWTP.
- On October 22, 2018, Council approved the initial contract for the preliminary engineering.
- The construction of the first phase pipeline is estimated to be presented to Council for approval second quarter 2022.

Charlotte Business INclusion

The city negotiates subcontracting participation after the firm is selected for this services contract (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). CDM Smith Inc. has committed \$272,790 or approximately 13.87% of the total contract amount to the following certified firm(s):

- Stewart Engineering, Inc. (MBE) (\$167,870) (surveying, subsurface utility engineering)
- Pipe Pros, LLC (SBE) (\$75,855) (cctv inspections and cleaning)
- Southern Engineering and Testing, P.C. (SBE) (\$29,065) (geotechnical, soil borings)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Map

[RCA Map](#)

28. Sugar Creek Wastewater Treatment Plant Maintenance Building

Action:

Approve a contract in the amount of \$1,426,200 to the lowest responsive bidder MV Momentum Construction, LLC for the Sugar Creek Wastewater Treatment Plant Maintenance Building project.

Staff Resource(s):

David Czerr, Charlotte Water

Ron Hargrove, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- This contract will provide for the demolition of the existing structure and construction of a new 3,040 square foot pre-engineered metal maintenance building at the Sugar Creek Wastewater Treatment Plant, located off Tyvola and Park Roads in south Charlotte (Council District 6).
- The current maintenance building located along Little Sugar Creek is at the end of its useful life and has experienced flooding during heavy rain events. The new building will be constructed on higher grounds at the plant.
- On November 8, 2019, the city issued an Invitation to Bid (ITB); no bids were received.
- On December 5, 2019, the ITB was re-issued; four bids were received.
- MV Momentum Construction, LLC was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by third quarter 2021.

Charlotte Business INclusion

MV Momentum Construction, LLC, is a city certified WBE.

Established MSBE Goal: 10.00%

Committed MSBE Goal: 28.18%

MV Momentum Construction, LLC exceeded the established subcontracting goal and has committed \$401,864 or approximately 28.18% of the total contract amount to the following certified firm (Part B: Section 3 of the Charlotte Business INclusion Policy):

- All Systems Restored HVAC & Electrical, LLC (MBE, SBE) (\$401,864) (electrical, hvac)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Map

[Sugar Creek WWTP Map](#)

29. Upper McAlpine Creek Sanitary Sewer Interceptor Construction

Action:

Approve a guaranteed maximum price of \$17,078,883.69 to Crowder Constructors Inc. dba Crowder Construction Company for Design-Build construction services for the Upper McAlpine Creek Sanitary Sewer Interceptor project.

Staff Resource(s):

David Czerr, Charlotte Water

Ron Hargrove, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- This contract will provide 13,000 feet of 30-inch sanitary sewer pipe, extending from near Lawyer's Road to near the Albemarle Road/Wilgrove-Mint Hill Road intersection (Council District 5).
- The project is needed to address existing sanitary sewer capacity limitations and accommodate future flows.
- Crowder Constructors Inc. dba Crowder Construction Company has developed a guaranteed maximum price (GMP) for construction of the Upper McAlpine Creek Sanitary Sewer Interceptor.
- On December 17, 2018, Council approved a contract with Crowder Constructors Inc. dba Crowder Construction Company for Design-Build design services. Based on the design, a GMP for construction services was developed.
- The project is expected to be complete by first quarter 2023.

Charlotte Business INCLUSION

The city negotiates participation for Design-Build contracts after the firm is selected and scopes of work are defined for design and construction services (Part G: Section 2.4 of the Charlotte Business INCLUSION Policy). Crowder Constructors Inc. dba Crowder Construction Company has committed \$3,010,520 or approximately 17.63% of the total contract for Design-Build construction services to the following certified firms:

- AMP Utility Distribution Services, LLC (WBE, SBE) (\$881,360) (pipe material supply)
- Express Logistics Services, Inc. (MBE, SBE) (\$551,000) (hauling stone)
- Fuller & Co. Construction, LLC (SBE) (\$493,800) (construction tunneling)
- Capstone Civil Engineering, Inc. (MBE, SBE) (\$364,000) (cctv inspections)
- R.E. Sifford Utility, Inc. (MBE, SBE) (\$309,015) (sewer spot repairs)
- Sanders Constructors, Inc. (SBE) (\$135,000) (clearing and grubbing)
- Lil Associates II, Inc. (MBE, SBE) (\$78,000) (minority and small business consulting)
- Mid-Atlantic Erosion Control, Inc. (MBE, SBE) (\$66,579) (erosion control, silt fence, tree protection)
- Martin Landscaping Company, Inc. (MBE, SBE) (\$55,766) (erosion control, seeding)
- R. A. Piccalo, Inc. DBA PicTec, Inc. (SBE) (\$39,000) (project scheduling services)
- Yellow Duck Marketing (WBE, SBE) (\$37,000) (project communications)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Map

[Upper McAlpine Creek Sanitary Sewer Interceptor Design-Build Services - Map](#)

30. Water, Wastewater, and Lift Station Treatment Chemicals

Action:

- A. **Approve unit price contracts for the purchase of water, wastewater, and lift station treatment chemicals for an initial term of one year to the following:**
- Premier Magnesia, LLC,
 - JCI Jones Chemicals, Inc.,
 - EWT Holdings III Corp. dba Evoqua Water Technologies LLC,
- B. **Approve the purchase of magnesium hydroxide, by the sole source exemption,**
- C. **Approve a contract with Premier Magnesia, LLC for the purchase of magnesium hydroxide for an initial term of one year, and**
- D. **Authorize the City Manager to renew the contracts for up to one, one-year term with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

David Czerr, Charlotte Water
Ron Hargrove, Charlotte Water

Sole Source Exemption

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

Explanation

- Charlotte Water uses a variety of chemicals in the water and wastewater treatment process, and each chemical plays an essential role to ensure the treated water is safe for customers and the environment and to eliminate odor and corrosion in the wastewater collection system.

Action A:

- On January 20, 2020, the city issued an Invitation to Bid (ITB) for chlorine gas; two bids were received.
- On June 1, 2020, the city issued an ITB for calcium nitrate and ferrous chloride; two bids were received.
- The companies selected were the lowest responsive, responsible bidders.
- Annual expenditures are estimated to be \$1,226,600.

Actions B and C:

- Premier Magnesia, LLC is the only source of supply for the required magnesium hydroxide.
- Annual expenditures are estimated to be \$2,800,800.

Charlotte Business INclusion

Action A:

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.

These contracts meet the provisions of (a) - No subcontracting opportunities, and

Action B and C:

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

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

31. Blue Line Extension Origin-Destination Study

Action:

- A. Approve a contract with ETC Institute for the Blue Line Extension Origin-Destination Study for \$602,800.04, and**
- B. Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

John Lewis, CATS

Kelly Goforth, CATS

Explanation

- The Blue Line Extension (BLE) Origin-Destination Study will include a survey of all CATS bus and rail routes in the Fall 2020, which will cover all Council Districts.
- The scope of services includes the development of the survey instrument, sampling plan, training of surveyors, pilot survey, full on-board survey, data analysis, and a final report.
- As a part of BLE Full Funding Grant Agreement, a Before and After Study is required by the Federal Transit Administration. This study will include a comparison of service and ridership "Before" the project was constructed to service and ridership "After" the project opened. The "Before" survey was completed in 2013, and the BLE opened in March 2018. This current study will include the "After" survey.
- On March 27, 2020, the city issued a Request for Proposals (RFP); two responses were received.
- ETC Institute best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- While the scope of services includes a survey, this portion will not be completed until CATS has fully restored service.

Disadvantage Business Enterprise

Established DBE Goal: 11.70%

Committed DBE Goal: 11.70%

Prime exceeded the established subcontracting goal and has committed 11.70% (\$70,528) of the total contract amount to the following certified firm(s):

- ANIK International (DBE) (\$70,528) (Staffing Services)

Fiscal Note

Funding: CATS Capital Investment Plan

32. CATS Bus Particulate Filters and Catalysts

Action:

- A. Approve unit price contracts for the purchase of particulate filters and catalyst bus engine parts-for an initial term of three years to the following:**
- Michael White Associates,
 - TLG Charlotte, 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):

John Lewis, CATS

Allen Smith, III, CATS

Explanation

- These contracts will provide engine filters and catalysts for Charlotte Area Transit System's bus fleet. Filters and catalyst bus engine parts will be purchased on an as-need basis under the contract terms.
- On February 28, 2020, the city issued an Invitation to Bid; six bids were received.
- Michael White Associates and TLG Charlotte were selected as the lowest responsive, responsible bidders.
- Annual expenditures are estimated to be \$905,000 per year.

Disadvantaged Business Enterprise

No goals shall be established on contracts where: (a) there are no subcontracting opportunities identified for the contract; or (b) there are no DBEs certified to perform the scopes of work that the city regards as realistic opportunities for subcontracting.

These contracts meet the provision (a) - No subcontracting opportunities

Fiscal Note

Funding: CATS Operating Budget

33. CATS Bus Preventative Maintenance Filters

Action:

- A. Approve a unit price contract with TLG Charlotte for the purchase of bus preventative maintenance filters for an initial term of three years, and**
- B. Authorize the City Manager to renew the contract 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):

John Lewis, CATS

Allen Smith, III, CATS

Explanation

- This contract will provide bus preventative maintenance filters, including air, oil, and fuel filters, for the on-going maintenance of the Charlotte Area Transit System's large bus fleet and Special Transportation Services fleet.
- On February 28, 2020, the city issued an Invitation to Bid; three bids were received.
- TLG Charlotte was selected as the lowest responsive, responsible bidder.
- Annual expenditures are estimated to be \$175,000.

Disadvantaged Business Enterprise

No goals shall be established on contracts where: (a) there are no subcontracting opportunities identified for the contract; or (b) there are no DBEs certified to perform the scopes of work that the city regards as realistic opportunities for subcontracting.

These contracts meet the provision of (a) - No subcontracting opportunities

Fiscal Note

Funding: CATS Operating Budget

34. CATS Ultra-Low Sulfur Diesel Fuel

Action:

- A. Approve unit price contracts for the purchase of Ultra-Low Sulfur Diesel fuel for an initial term of three years to the following:**
- **PAPCO Inc.,**
 - **Lykins Energy, 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):

John Lewis, CATS

Allen Smith, III, CATS

Explanation

- The Charlotte Area Transit System manages fuel purchases using both fixed-price forward and variable index-price methods, in order to ensure a consistent supply of fuel for bus operations and to reduce price volatility. These methodologies are standard practice in an industry where prices are volatile.
- On April 28, 2020, the city issued an Invitation to Bid for both fixed-price and variable index-price fuel supply contracts; 11 bids were received.
- PAPCO Inc. was selected as the lowest responsive, responsible bidder for the fixed-price contract.
- Lykins Energy was selected as the lowest responsive, responsible bidder for the variable index-price contract.
- The annual expenditure for diesel fuel through both contracts is estimated to be \$6,500,000 (\$5,000,000 fixed-price; \$1,500,000 variable index-price), subject to available needs.

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.

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

Fiscal Note

Funding: CATS Operating Budget

35. Dell Network Storage Products and Solutions

Action:

- A. **Approve a contract with Dell EMC for a term of up to five years to authorize purchases of Dell Flex on Demand Data Domain products and services,**
- B. **Authorize the City Manager to approve price adjustments and amend the contract consistent with the purpose for which the contract was approved, and**
- C. **Authorize the City Manager to purchase such additional storage products, services, hardware, maintenance, and support as required to maintain the electronic data storage solution for as long as the city uses the solution.**

Staff Resource(s):

Reenie Askew, Innovation and Technology
Brad Dunkle, Innovation and Technology

Explanation

- The city requires electronic data storage to provide the full range of technology systems and services to city users. The data storage solution used by the city must be robust and highly reliable due to the critical nature of many of the services supported.
- The Flex on Demand storage product, currently used by the city, allows the city to have on-site data storage equipment at multiple city facilities, while paying the company only for the percentage of the equipment capacity that the city actually uses.
- With the Flex on Demand product offering, Dell EMC is responsible for providing upgraded data storage equipment and software over the course of the contract, which helps address timely and cost-effective replacements and upgrades for aging equipment.
- Waiver of a competitive solicitation process for services may be granted on a limited basis when deemed appropriate and in the city's best interest. A waiver has been approved for these services based on continuity of service, limiting disruption to the city's production environment, and impact of transitioning to an alternative solution.
- Annual expenditures are estimated to be \$600,000.

Charlotte Business INclusion

Per Charlotte Business INclusion Policy: Part 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.

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

Fiscal Note

Funding: Various Departments' Operating Budgets

36. Resolution of Intent to Abandon a Portion of West 25th Street

Action:

- A. Adopt a Resolution of Intent to abandon a portion of West 25th Street, and**
- B. Set a Public Hearing for August 10, 2020.**

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 status and attaches it to the adjacent property.
- The road is located in Council District 1.

Petitioners

Todd Jackovich

Attachment(s)

Map

Resolution

[W 25th St Abandonment Map](#)

[Resolution of Intent](#)

37. Resolution of Intent to Abandon an Alleyway between 23rd Street and 24th Street

Action:

- A. Adopt a Resolution of Intent to abandon an alleyway between 23rd Street and 24th Street, and**
- B. Set a Public Hearing for August 10, 2020.**

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 status and attaches it to the adjacent property.
- The alleyway is located in Council District 1.

Petitioners

Alliance Realty Partners, LLC and Sumter Packaging Corporation

Attachment(s)

Map

Resolution

[Alleyway between 23rd & 24th Abandonment Map](#)

[23rd Street Resolution of Intent](#)

38. Resolution of Intent to Abandon an Alleyway off Hawkins Street between West Worthington Avenue and West Boulevard

Action:

- A. Adopt a Resolution of Intent to abandon an alleyway off Hawkins Street between West Worthington Avenue and West Boulevard, and**
- B. Set a Public Hearing for August 10, 2020.**

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 status and attaches it to the adjacent property.
- The alleyway is located in Council District 3.

Petitioners

Commercial Development Holdings, LLC

Attachment(s)

Map

Resolution

[Hawkins Street Alleyway Abandonment Map](#)

[Hawkins St Resolution of Intent](#)

PROPERTY TRANSACTIONS

39. Property Transactions - I-85 North Bridge, Parcel #1

Action: Approve the following Condemnation: I-85 North Bridge, Parcel #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 #1

Program: I-85 North Bridge

Owner(s): DXC Technology Services LLC

Property Address: 9014 Research Drive

Total Parcel Area: 353,250 sq. ft. (8.109 ac.)

Property to be acquired by Fee: 3,835 sq. ft. (0.088 ac.) in Fee Simple

Property to be acquired by Easements: 1,587 sq. ft. (0.036 ac.) in Storm Drainage Easement, plus 9,402 sq. ft. (0.216 ac.) in Sidewalk and Utility Easement, plus 2,880 sq. ft. (0.066 ac.) in Waterline Easement, plus 8,516 sq. ft. (0.196 ac.) in Temporary Construction Easement, plus 2,402 sq. ft. (0.055 ac.) in Utility Easement, plus 7,629 sq. ft. (.175 ac.) in Retaining Wall Easement.

Structures/Improvements to be impacted: Fence and irrigation system

Landscaping to be impacted: Trees and various plantings

Zoned: RE-2

Use: Laboratory / Research

Tax Code: 047-141-15

<http://polaris3g.mecklenburqcountync.gov/#mat=212509&pid=04714115&qisid=04714115>

Appraised Value: \$119,900

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

City's Response to Property Owner's Concerns: The city informed the property owner's representative that they could obtain their own appraisal to justify a counteroffer.

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

Council District: 4

40. Property Transactions - I-85 North Bridge, Parcel #5

Action: Approve the following Condemnation: I-85 North Bridge, Parcel #5

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 #5

Program: I-85 North Bridge

Owner(s): Oasis Temple AAONMS

Property Address: 604 Doug Mayes Place

Total Parcel Area: 566,500 sq. ft. (13.005 ac.)

Property to be acquired by Fee: 25,151 sq. ft. (0.577 ac.) in Fee Simple

Property to be acquired by Easements: 1,453 sq. ft. (0.033 ac.) in Storm Drainage Easement, plus 5,361 sq. ft. (0.123 ac.) in Sidewalk and Utility Easement, plus 2,466 sq. ft. (0.057 ac.) in Waterline Easement, plus 22,359 sq. ft. (0.513 ac.) in Temporary Construction Easement, plus 5,667 sq. ft. (0.13 ac.) in Utility Easement, plus 1,455 sq. ft. (0.033 ac.) in Retaining Wall Easement.

Structures/Improvements to be impacted: Sign, street lights, irrigation, parking spaces

Landscaping to be impacted: Trees and various plantings

Zoned: B-1S(CD)

Tax Code: 047-321-04

Appraised Value: \$429,000

<http://polaris3g.mecklenburqcountync.gov/#mat=411446&pid=04732104&gisid=04732104>

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

City's Response to Property Owner's Concerns: The city informed property owner they could obtain their own appraisal in order to justify a counteroffer.

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

Council District: 4

41. Property Transactions - Lakeview-Reames Intersection Improvements, Parcel #39.1

Action: Approve the following Condemnation: Lakeview-Reames Intersection Improvements, Parcel #39.1

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: Lakeview-Reames Intersection Improvements, Parcel #39.1

Owner(s): Dorothy E Blackmon

Property Address: 5216 Lakeview Road

Total Parcel Area: 33,777 sq. ft. (0.775 ac.)

Property to be acquired by Fee: 399 sq. ft. (0.009 ac.) in Fee Simple

Property to be acquired by Easements: 106 sq. ft. (0.002 ac.) in Sidewalk and Utility Easement, plus 2,449 sq. ft. (0.056 ac.) in Temporary Construction Easement, plus 241 sq. ft. (0.006 ac.) in Utility Easement

Structures/Improvements to be impacted: Brick Mailbox

Landscaping to be impacted: Trees and various plantings

Zoned: R-3

Use: Single-family Residential

Tax Code: 037-166-07

<http://polaris3g.mecklenburgcountync.gov/#mat=145900&pid=03716607&gisid=03716607>

Appraised Value: \$10,275

Property Owner's Concerns: None

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

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

Council District: 2

42. Property Transactions - Mallard Creek Reuse Line Extension to UNCC, Parcel #2

Action: Approve the following Acquisition: Mallard Creek Reuse Line Extension to UNCC, Parcel #2

Project: Mallard Creek Reuse Line Extension to UNCC, Parcel #2

Program: Mallard Creek Reuse Line Extension to UNCC

Owner(s): 200 Pavilion LLC

Property Address: 200 Pavilion Boulevard

Total Parcel Area: 108,840 sq. ft. (2.499 ac.)

Property to be acquired by Easements: 16,775 sq. ft. (0.385 ac.) in Sanitary Sewer Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: N/A

Zoned: CC

Use: Commercial

Tax Code: 051-032-07

<http://polaris3g.mecklenburgcountync.gov/#mat=376459&pid=05103207&gisid=05103207>

Purchase Price: \$60,000

Council District: 4

43. Property Transactions - McCullough Drive Streetscape, Parcel #17

Action: Approve the following Condemnation: McCullough Drive Streetscape, Parcel #17

Project: McCullough Drive Streetscape, Parcel #17

Program: McCullough Drive Streetscape

Owner(s): Harris Realty Investments LLC

Property Address: 8302 University Executive Park Drive

Total Parcel Area: 104,348 sq. ft. (2.40 ac.)

Property to be acquired by Easements: 3,782 sq. ft. (0.087 ac.) Utility Easement, 3,090 sq. ft. (0.071 ac.) Sidewalk Utility Easement, 105 sq. ft. (0.002 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees, bushes, mulch and various plantings

Zoned: TOD-CC

Use: Transit Oriented Development - Community Center

Tax Code: 047-211-14

<http://polaris3g.mecklenburgcountync.gov/#mat=202097&pid=04721114&gisid=04721114>

Appraised Value: \$47,325

Property Owner's Concerns: None

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

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

Council District: 4

44. Property Transactions - McCullough Drive Streetscape, Parcel #18

Action: Approve the following Condemnation: McCullough Drive Streetscape, Parcel #18

Project: McCullough Drive Streetscape, Parcel #18

Program: McCullough Drive Streetscape

Owner(s): ATAPCO UEP Inc

Property Address: 8220 University Executive Park Drive

Total Parcel Area: 147,526 sq. ft. (3.40 ac.)

Property to be acquired by Fee: 230 sq. ft. (0.005 ac.) in Fee Simple

Property to be acquired by Easements: 6,676 sq. ft. (0.153 ac.) Sidewalk Utility Easement, 3,684 sq. ft. (0.085 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Sign

Landscaping to be impacted: Trees and various plantings

Zoned: TOD-CC

Use: Transit Oriented Development - Community Center

Tax Code: 047-453-01

<http://polaris3g.mecklenburgcountync.gov/#mat=386492&pid=04745301&gisid=04745301>

Appraised Value: \$76,275

Property Owner's Concerns: None

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

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

Council District: 4

45. Property Transactions - Providence Road Sidewalk Improvement (Greentree Drive - Knob Oak Lane), Parcel #19

Action: Approve the following Acquisition: Providence Road Sidewalk Improvement (Greentree Drive - Knob Oak Lane), Parcel #19

Project: Providence Road Sidewalk Improvement (Greentree Drive - Knob Oak Lane), Parcel #19

Program: Providence Road Sidewalk Improvement (Greentree Drive - Knob Oak Lane)

Owner(s): Brandon Forbes and Leila L Forbes

Property Address: 3726 Providence Road

Total Parcel Area: 20,932 sq. ft. (0.48 ac.)

Property to be acquired by Fee: 1,704 sq. ft. (0.039 ac.) in Fee Simple

Property to be acquired by Easements: 2,222 sq. ft. (0.051 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: R-8MF (CD)

Use: Single-family Residential

Tax Code: 183-091-03

<http://polaris3g.mecklenburqcountync.gov/#mat=115186&pid=18309103&gisid=18309103>

Purchased Price: \$45,525

Council District: 6

46. Property Transactions - Quail Hollow at Heathstead Pedestrian Crossing, Parcel #2.1

Action: Approve the following Condemnation: Quail Hollow at Heathstead Pedestrian Crossing, Parcel #2.1

Project: Quail Hollow at Heathstead Pedestrian Crossing, Parcel #2.1

Owner(s): TH Property Owner 6 LP

Property Address: 4521 Hamptonridge Drive

Total Parcel Area: 1,442,334 sq. ft. (33.111 ac.)

Property to be acquired by Easements: 225 sq. ft. (0.005 ac.) in Sidewalk and Utility Easement, plus 78 sq. ft. (0.002 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-15MF (CD)

Use: Multi-family

Tax Code: 209-541-01

<http://polaris3g.mecklenburgcountync.gov/#mat=303059&pid=20954101&gisid=20954101>

Appraised Value: \$425

Property Owner's Concerns: None

City's Response to Property Owner's Concerns: The city is continuing to negotiate the terms of the agreements.

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

Council District: 6

Adjournment

REFERENCES

47. 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: Alternative Construction Agreements

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 2.6: Infrastructure Reimbursement Agreement means a contract with a private developer or property owner approved by the City under Section 2-2 of Charlotte City Code for the design and construction of municipal infrastructure that is included in the city's capital improvement plan and serves the developer or property owner. Infrastructure Reimbursement Agreements may involve, without limitation, water mains, sanitary sewer lines, lift stations, storm water lines, streets, curb and gutter, sidewalks, traffic control devices and other associated facilities.

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.

48. 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.

49. 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.