

City of Charlotte

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



Meeting Agenda

Monday, October 12, 2020

Electronic Regular Meeting Hosted from Room 267

City Council Business Meeting

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

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

Call to Order

Introductions

Invocation

Pledge of Allegiance

ACTION REVIEW

1. Mayor and Council Consent Item Questions and Answers

Staff Resource(s):

Marie Harris, Strategy and Budget

Time: 5 minutes

Synopsis

Mayor and Council may ask questions about Consent agenda items.

2. Action Review Agenda Overview

Staff Resource(s):

Marcus Jones, City Manager

3. SAFE Charlotte Initiatives

Staff Resource(s):

Marcus Jones, City Manager's Office

Time: 10 minutes - Presentation; 20 minutes - Discussion

Explanation

- Provide an overview of current Safe Charlotte initiatives.

[SAFE Charlotte Initiatives](#)

4. LYNX Silver Line Public Meetings Report Out

Staff Resource(s):

John Lewis, CATS

Time: 10 minutes - Presentation; 20 minutes - Discussion

Explanation

- Provide an overview of the LYNX Silver Line Public Meetings.

[LYNX Silver Line Public Meetings Report Out](#)

5. City Council Meeting Calendar Discussion

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Time: 10 minutes - Discussion

Explanation

- Discussion on the remaining 2020 City Council Meeting Calendar.

6. Closed Session (as necessary)

CONSENT

- 7. Consent agenda items 18 through 45 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

8. Charlotte Fire Prevention Month Proclamation

Action:

Mayor Lyles will read a proclamation recognizing October 2020 as Charlotte Fire Prevention Month.

9. Domestic Violence Awareness Month and Domestic Violence Survivors' Day Proclamation

Action:

Mayor Lyles will read a proclamation recognizing October 2020 and October 15 as Domestic Violence Awareness Month and Domestic Violence Survivors' Day, respectively.

[Domestic Violence Awareness Month and Survivors' Day Proclamation](#)

10. Indigenous Peoples' Day Proclamation

Action:

Mayor Lyles will read a proclamation recognizing October 12, 2020, as Indigenous Peoples' Day.

[Indigenous Peoples' Day Proclamation](#)

PUBLIC HEARING

11. Public Hearing on a Resolution to Close a Portion of North Myers Street

Action:

Conduct a public hearing to close a portion of North Myers Street.

Staff Resource(s):

Liz Babson, Transportation

Casey Mashburn, Transportation

Explanation

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The 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 3.
- 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 October 13, 2020, at 11:59 p.m. Any additional comments received will be provided to Council.

Petitioner

Trustees of Little Rock AME Zion Church

Right-of-Way to be Abandoned

A portion of North Myers Street.

Reason

Per the petition submitted by Commercial Development Holdings, LLC, closing of this portion of North Myers Street will eliminate the dead-end portion of the street and will allow this area to be used for affordable housing redevelopment. 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)

Trustees of Little Rock AME Zion Church - 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

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

12. Public Hearing on I-485 and Arrowood Road Area Voluntary Annexation

Action:

Conduct a public hearing on the I-485 and Arrowood Road Area voluntary annexation petition.

Staff Resource(s):

Taiwo Jaiyeoba, City Manager's Office

Holly Cramer, Planning, Design, and Development

Explanation

- Public hearings to obtain community input are required prior to City Council action on annexation requests.
- A petition has been received from the owner of this 236.2-acre property.
- The property is owned by Karma Real Estate, LLC.
- The property is zoned I-1(CD) light industrial conditional and MUDD-O mixed-used development optional.
- The petitioned area consists of two parcels, parcel identification number 201-051-06 and parcel identification number 201-051-08.
- This property is located within Charlotte's extraterritorial jurisdiction and shares boundaries with current city limits.
- The intent of the annexation is to enable the mixed-use development of residential, commercial, and industrial uses. The residential uses include 270 multi-family units. Commercial uses include a total of 33,000 square feet of retail and non-retail establishments. The proposed industrial uses would be 2,000,000 square feet.
- 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 October 13, 2020, at 11:59 p.m. Any additional comments received will be provided to Council.
- On November 9, 2020, City Council will be asked to adopt an annexation ordinance to extend the corporate limits to include these properties and assign them to the adjacent City Council District 3.

Consistency with City Council Policies

- The annexation is consistent with the voluntary annexation policy approved by City Council on March 24, 2003:
 - Is consistent with the policy to not adversely affect the city's ability to undertake future annexations;
 - Is consistent with the policy to not have undue negative impact on city finances or services; and
 - Is consistent with the policy to not create unincorporated areas that will be encompassed by new city limits.

Attachment(s)

Map (GIS)

Map (Survey)

[I-485 and Arrowood Road Area Annexation Map \(GIS\)](#)

[I-485 and Arrowood Road Area Annexation Map \(Survey\)](#)

13. Public Hearing on Northlake Centre Parkway Northeast Area Voluntary Annexation

Action:

Conduct a public hearing on the Northlake Centre Parkway Northeast Area voluntary annexation petition.

Staff Resource(s):

Taiwo Jaiyeoba, City Manager's Office

Holly Cramer, Planning, Design, and Development

Explanation

- Public hearings to obtain community input are required prior to City Council action on annexation requests.
- A petition has been received from the owner of this 15.545-acre property.
- The property is owned by DD Northlake 14.55, LLC.
- The property is zoned UR-2(CD) urban residential conditional district.
- The petitioned area consists of one parcel, parcel identification number 025-081-26.
- The property is located within Charlotte's extraterritorial jurisdiction and shares a boundary with current city limits.
- The intent of the annexation is to enable the development of 300 multi-family residential dwelling units.
- 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 October 13, 2020, at 11:59 p.m. Any additional comments received will be provided to Council.
- On November 9, 2020, City Council will be asked to adopt an annexation ordinance to extend the corporate limits to include these properties and assign them to the adjacent City Council District 2.

Consistency with City Council Policies

- The annexation is consistent with the voluntary annexation policy approved by City Council on March 24, 2003:
 - Is consistent with the policy to not adversely affect the city's ability to undertake future annexations;
 - Is consistent with the policy to not have undue negative impact on city finances or services; and
 - Is consistent with the policy to not create unincorporated areas that will be encompassed by new city limits.

Attachment(s)

Map (GIS)

Map (Survey)

[Northlake Centre Parkway NE Area Annexation Map \(GIS\)](#)

[Northlake Centre Parkway NE Area Annexation \(Survey\)](#)

POLICY

14. City Manager's Report

BUSINESS**15. Grant for Single-Family Affordable Housing Rehabilitation and Preservation****Action:**

- A. Accept a grant in the amount of \$1,333,333 from the Lowe's Foundation for the Safe Home Rehabilitation Program, and**
- B. Adopt a budget ordinance appropriating \$1,333,333 from the Lowe's Foundation in the Neighborhood Development Grants Fund.**

Staff Resource(s):

Pamela Wideman, Housing and Neighborhood Services

Explanation

- The city has been awarded a \$1,333,333 grant from the Lowe's Foundation to help rehabilitate and preserve naturally occurring single-family affordable housing along the Beatties Ford Road Corridor.
- This grant will complement the city's investments in this area as part of the Corridors of Opportunity program by providing additional resources to the city's existing Safe Home Rehabilitation Program (Program) to help improve community quality of life, avoid additional loss of affordable single-family housing stock, and ultimately avoid displacement of low-income residents.
- The Program will provide grants to eligible homeowners for home repairs that:
 - Bring the home into compliance with the city's minimum housing code;
 - Mitigate exposure to lead based paint hazards;
 - Provide energy efficiency and water saving retrofits; and
 - Assist in minimizing displacement of residents.
- The grant does not require a local match.

Fiscal Note

Funding: Lowe's Foundation Grant

Attachment(s)

Budget Ordinance

[Lowe's Foundation Budget Ordinance](#)

16. Appropriate Funds for the CATS COVID-19 Response

Action:

- A. **Approve a contract in the amount of \$1,276,638 with Gillig for Bus Operator Protective Barriers for an initial term of one year,**
- B. **Authorize the City Manager to execute any necessary contracts and agreements related to Coronavirus Aid, Relief, and Economic Security Act funding allocated to the Charlotte Area Transit System through the Federal Transit Administration, and**
- C. **Adopt a budget ordinance appropriating \$55,295,092 from the CARES Act in the CATS COVID Stimulus Fund.**

Staff Resource(s):

John Lewis, CATS

Allen Smith, III, CATS

Jennifer Fehribach, CATS

Background:

Action A and B:

- For the protection and safety of CATS Operators during the COVID-19 pandemic, CATS will need to install protective barriers on its entire bus fleet.
- Additional agreements for cleaning services, furniture modification, community outreach, operating, and capital costs are expected throughout the pandemic to ensure safety in operations.

Action C:

- On June 8, 2020, the City Manager presented the Proposed FY2021 Budget to City Council and included a brief overview of the federal support the City of Charlotte has or would receive from the Coronavirus Aid, Relief, and Economic Security (CARES) Act as a result of COVID-19, including the CARES Act funding designated for CATS.
- The CARES Act allocated \$25 billion to transit agencies which can be used for operating and capital support and does not expire. Of the \$56.9 million provided to CATS, \$1.6 million was previously appropriated.
- This action will appropriate the remainder of the CATS allocation.

Disadvantaged Business Enterprise (DBE)

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 provisions of (a) - No subcontracting opportunities.

Fiscal Note

Funding: CATS COVID Stimulus Fund

Attachment(s)

Budget Ordinance

[CATS CARES Budget Ordinance](#)

17. U.S. Department of Justice FY 2020 Edward Byrne Memorial Justice Assistance Grant

Action:

Authorize the Mayor to accept a four-year, FY 2020 Edward Byrne Memorial Justice Assistance Grant in the amount of \$544,607 from the U.S. Department of Justice.

Staff Resource(s):

Johnny Jennings, Police

Coerte Voorhees, Police

Tonya Scott, Police

Explanation

- The Charlotte-Mecklenburg Police Department often applies for grants to fund programs and expenses that support the approved operating budget.
- Each year, the city applies for and receives the Edward Byrne Memorial Justice Assistance Grant.
- According to grant parameters, the city must accept the grant award by November 3, 2020, to receive the funding.
- The grant will fund overtime for neighborhood patrols, Crime Laboratory Division staff, and the Police Cadet program.
- The City of Charlotte has been awarded \$544,607 in funding.
- The grant is for a four-year term from October 1, 2019, to September 30, 2023.
- No matching contribution from the city is required.

Fiscal Note

Funding: General Grants Fund

CONSENT

18. Construct Margaret Wallace Road Sidewalk

Action:

Approve a contract in the amount of \$981,975.50 to the lowest responsive bidder Husky Construction Corp. for the Margaret Wallace Road (Campbell Creek - Old Gate Drive) Sidewalk project.

Staff Resource(s):

Phil Reiger, General Services
Jennifer Smith, General Services
Allison Brickey, General Services

Explanation

- This project will construct approximately 0.5 miles of new sidewalk along the south side of Margaret Wallace Road from Campbell Creek to Old Gate Drive in Council District 5.
- Work includes the construction of sidewalk, curb and gutter, driveways, pedestrian refuge island, retaining walls, pedestrian bridge, asphalt paving, and storm drainage.
- On July 1, 2020, the city issued an Invitation to Bid; five bids were received.
- Husky Construction Corp. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by second quarter 2021.

Charlotte Business INclusion

Husky Construction Corp. is a certified SBE.

Established MBE Goal: 7.00%

Committed MBE Goal: 7.03%

MBE Participation to Date: 7.03%

Husky Construction Corp. exceeded the established MBE subcontracting goal, and has committed 7.03% (\$69,000) 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) (\$69,000) (forming, pouring)

Established SBE Goal: 17.00%

Committed SBE Goal: 4.94%

SBE Participation to Date: 21.97%

Husky Construction Corp. failed to meet the established subcontracting goal, but has earned the required Good Faith Efforts (Part C: Section 5 of the Charlotte Business INclusion Policy). Husky Construction Corp. has committed 4.94% (\$48,500) of the total contract amount to the following SBE certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Streeter Trucking Company, Inc. (MBE, SBE) (\$25,000) (hauling)
- Ram Pavement Services, Inc. (SBE) (\$10,000) (asphalt, materials, milling)
- Cochrane Steel, Inc. (SBE) (\$8,500) (rebar)
- AMP Utility Distribution Services, LLC (SBE) (\$5,000) (material)

Subsequent to Bid Opening, Husky Construction Corp. has committed an additional 17.03% (\$167,225) of the total contract amount to the following SBE certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Streeter Trucking Company, Inc. (MBE, SBE) (\$40,000) (hauling)
- Maybury Fencing Inc. (SBE) (\$38,000) (safety rail)
- R.R.C. Concrete Inc. (MBE, SBE) (\$19,000) (curb & gutter, abutments)
- Ram Pavement Services, Inc. (SBE) (\$18,000) (asphalt, materials, milling, thermo)
- Cochrane Steel, Inc. (SBE) (\$16,100) (rebar)
- GDC, Inc. (MBE, SBE) (\$5,300) (traffic control)
- Lopez Rebar LLC (SBE) (\$10,200) (tie rebar)
- Mor Construction, LLC (SBE) (\$13,125) (modular retaining wall)

- AMP Utility Distribution Services, LLC (SBE) (\$7,500) (material)

Fiscal Note

Funding: General Capital Investment Plan

Attachment(s)

Map

[Map Construct Margaret Wallace Road Sidewalk.pdf](#)

19. Demolition and Environmental Services

Action:

Approve a unit price contract for demolition and environmental services for a term of five years with the following companies:

- Contaminant Control Inc.;
- Double D Construction Services, Inc.;
- Hepaco, LLC;
- Jones Grading & Fencing, Inc. (MBE, SBE);
- W.C. Black and Sons, Inc. (SBE); and
- D.H. Griffin Wrecking Co., Inc.

Staff Resource(s):

Phil Reiger, General Services

David Wolfe, General Services

Steve Gucciardi, General Services

Explanation

- These firms will provide demolition and environmental services for city-owned properties and capital investment plan projects including transportation, utility, storm water, and economic development projects.
- There are frequent needs to demolish structures to enable project construction and protect the health and safety of residents.
- These contracts will provide demolition and related services for federal-, state-, and locally-funded projects including but not limited to:
 - Securing structures,
 - Asbestos, lead paint, and mold abatement,
 - Contaminated soil removal,
 - Utility coordination and/or relocation,
 - Demolition, clearing, and grading of specified structures and related improvements,
 - Underground storage tank removal,
 - Well abandonment, and
 - Tree removal.
- On June 18, 2020, the city issued a Request for Proposals (RFP); 10 responses were received.
- The companies selected best meet the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$600,000.

Charlotte Business INclusion

Jones Grading & Fencing, Inc. is a city certified MBE and SBE. W.C. Black and Sons, Inc. is a certified SBE.

The city negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). On these contracts, the Prime Consultants have each committed 5.00% of the total contract amount to the following certified firms:

Contaminant Control Inc.

- All Points Trucking (WBE, SBE) (hauling)

Double D Construction Services, Inc.

- Affordable Source Trucking (MBE, SBE) (hauling)
- Diamond Trucking (MBE, SBE) (hauling)
- JWJ Consulting (MBE, SBE) (hauling)
- Lawnscape (MBE) (air monitoring)
- National Recovery (MBE, SBE) (erosion control)
- New Beginning Landscaping (MBE, SBE) (erosion control)

- Trifecta Services (MBE) (erosion control)
- WBC Trucking (MBE, SBE) (septic tank systems)
- Zitro Solutions (MBE) (well abandonment)

Hepaco, LLC

- All Points Trucking (WBE, SBE) (transportation)

Jones Grading & Fencing, Inc.

- WGK, Inc. (MBE, SBE) (hauling)

W.C. Black and Sons, Inc.

- Silverback Brothers LLC (MBE, SBE) (hauling)
- JWJ Consulting (MBE, SBE) (air monitoring, environmental testing)

D.H. Griffin Wrecking Co., Inc.

- Access Services (MBE, SBE) (temp labor)
- Mid Atlantic Erosion (MBE, SBE) (erosion control)
- Mor-Construction (SBE) (miscellaneous labor)
- Mugo Gravel & Grading (SBE) (hauling)

Fiscal Note

Funding: General Capital Investment Plan

20. Stream and Wetland Project Site Identification and Prioritization

Action:

- A. **Approve a unit price contract with Wildlands Engineering, Inc. for planning services for Stream and Wetland Project Site Prioritization for an initial term of five 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):

Angela Charles, Charlotte Water
Mike Davis, Storm Water Services
Marc Recktenwald, Storm Water Services

Explanation

- Stream and wetland restoration and preservation projects provide mitigation credits to offset stream or wetland impacts for municipal projects including airport expansions, transportation improvements, and neighborhood improvement projects.
- This contract will evaluate potential stream and wetland improvement and preservation sites and stormwater control measure retrofit opportunities within the City of Charlotte.
- Services will contribute to the city's Clean Water Act requirement to improve impaired surface waters and develop projects for the city's umbrella mitigation bank and post construction storm water ordinance in-lieu fee program.
- Specific tasks include, but are not limited to:
 - Development of watershed plans to identify and address issues and opportunities,
 - Desktop analysis and use of online tools to identify, characterize, and map potential project sites,
 - Ranking and prioritization of potential project sites,
 - On-site assessment activities,
 - Development of site restoration feasibility analyses, conceptual designs, and cost estimates, and
 - Public outreach activities.
- On August 23, 2019, the city issued a Request for Qualifications (RFQ); 35 responses were received.
- Wildlands Engineering, Inc. is the best qualified firm to meet the city's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- Annual expenditures are estimated to be \$360,000.

Charlotte Business INClusion

The city negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INClusion Policy). Wildlands Engineering, Inc. has committed 10.00% of the total contract amount to the following certified firms:

- Habitat Assessment & Restoration Professionals, Inc. (WBE, SBE) (wetland evaluation)
- Gavel & Dorn Engineering, PLLC (SBE) (modeling)

Fiscal Note

Funding: Storm Water Capital Investment Plan

21. Franklin Water Treatment Plant Fire Alarm System Replacement

Action:

Approve a contract in the amount of \$2,787,666 to the lowest responsive bidder The Harper Corporation - General Contractors for the Franklin Water Treatment Plant Fire Alarm System Replacement project.

Staff Resource(s):

Angela Charles, Charlotte Water
Ron Hargrove, Charlotte Water
Carl Wilson, Charlotte Water

Explanation

- This contract will provide for fire alarm system replacement at various Franklin Water Treatment Plant facilities (Council District 2).
- On June 30, 2020, the city issued an Invitation to Bid (ITB); one bid was received.
 - G.S. 143-132 prohibits municipalities from awarding construction contracts over \$500,000 without receiving at least three competitive bids from the initial advertisement of the contract. The city may subsequently award the contract even if re-advertisements result in fewer than three competitive bids.
- On July 28, 2020, the ITB was re-issued; one bid was received.
- The Harper Corporation - General Contractors was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by fourth quarter 2021.

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

22. Laboratory Microbiology Supplies

Action:

- A. **Approve the purchase of laboratory microbiology supplies, by the sole source exemption,**
- B. **Approve a contract with IDEXX Distribution, Inc. for the purchase of laboratory microbiology 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):

Angela Charles, 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 and compatibility are the overriding considerations.
- 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 exemption.

Explanation

- This contract provides supplies which are required to retain the laboratory's regulatory agency certifications that ensure compliance with state and federal mandated water quality standards.
- The laboratory conducts approximately 200,000 water quality tests per year to protect public health and the environment.
- Staff uses a specific set of complex, proprietary, analytical testing equipment and materials from IDEXX Distribution, Inc. to fulfill these responsibilities.
- Annual expenditures are estimated to be \$135,000.

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

23. McAlpine Creek Wastewater Treatment Plant Grit System Upgrades Change Order

Action:

Approve change order #2 for \$620,723.99 to The Harper Corporation - General Contractors for the McAlpine Creek Wastewater Treatment Plant Grit System Upgrades project.

Staff Resource(s):

Angela Charles, Charlotte Water

Ron Hargrove, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- This change order will provide an improved grit removal system for the McAlpine Creek Wastewater Treatment Plant, located in the Town of Pineville (adjacent to Council District 7).
- The grit removal system is a critical component of the wastewater treatment process.
- The upgrades provided in this change order will reduce maintenance costs and prolong the life of associated treatment equipment, thus improving the reliability of overall plant operations and discharge permit compliance.
- On November 25, 2019, City Council approved the construction contract for this project in the amount of \$4,960,000
- On June 9, 2020, change order #1 was approved, which included administrative changes involving no additional time or money.
- The total value of the contract, including change order #2, is \$5,580,723.99.
- The project is anticipated to be complete by the third quarter of 2021.

Charlotte Business INCLUSION

Per Charlotte Business INCLUSION Policy: Part B: Section 3 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

24. Water and Sanitary Sewer Service Installations

Action:

Approve a contract in the amount of \$6,421,019 to the lowest responsive bidder State Utility Contractors, Inc. for the Water and Sanitary Sewer Service Installations project.

Staff Resource(s):

Angela Charles, Charlotte Water

Jackie Jarrell, Charlotte Water

Keri Cantrell, Charlotte Water

Explanation

- This contract is for water and sanitary sewer service installations including connection to the existing public main, which extends a small diameter line to the property and includes a water meter box or sanitary sewer clean out.
- Customers pay connection fees for the installation service based on costs incurred by Charlotte Water in these contracts.
- The work covered by this contract will provide approximately 800 total service connections annually.
- On August 13, 2020, the city issued an Invitation to Bid (ITB); one bid was received.
 - G.S. 143-132 prohibits municipalities from awarding construction contracts over \$500,000 without receiving at least three competitive bids from the initial advertisement of the contract. The city may subsequently award the contract even if re-advertisements result in fewer than three competitive bids.
- On September 10, 2020, the ITB was re-issued; one bid was received.
- State Utility Contractors, Inc. was selected as the lowest responsive, responsible bidder.

Charlotte Business INClusion

Per Charlotte Business INClusion Policy: Part B: Section 3 The city shall not establish Subcontracting Goals for Contracts where: (a) there are not subcontracting opportunities identified for the Contract; or (b) there are no MWBEs or SBEs certified to perform the scopes of work that the city regards as realistic opportunities for subcontracting.

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

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

25. Water Service Line Copper Tubing

Action:

- A. Approve a unit price contract to the lowest responsive bidder Morsco Supply, LLC for the purchase of water service line copper tubing for a term of three years, and**
- B. Authorize the City Manager to renew the contract for up to two additional, 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

Ron Hargrove, Charlotte Water

Explanation

- This contract will provide copper tubing used for installation and repair of water service lines. Inventory is purchased on an as needed basis and is priced per linear foot.
- On July 17, 2020, the city issued an Invitation to Bid; two bids were received.
- Morsco Supply, LLC was selected as the lowest responsive, responsible bidder.
- Possible price adjustments will be reviewed on a bi-annual basis due to the highly volatile nature of the copper market.
- Annual expenditures are estimated to be \$300,000.

Charlotte Business INClusion

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

This contract meets the provision of (b) - No MWBEs or SBEs to perform the scope of work.

Fiscal Note

Funding: Charlotte Water Operating Budget

26. CATS Detroit Bus Engine Parts

Action:

- A. **Approve a unit price contract with Clarke Power Services for the purchase of Original Equipment Manufacturer Detroit bus engine parts for an initial term of three years in the amount of \$1,290,000.**
- 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):

John Lewis, CATS

Jennifer Fehribach, CATS

Explanation

- CATS Bus Operations Division uses proprietary Original Equipment Manufacturer Detroit bus engine parts in the daily maintenance and repair of the CATS bus fleet.
- The Original Equipment Manufacturer bus engine parts meet the required specification standards to keep the buses in the proper operating condition and to maintain the bus engine warranties.
- Bus engine parts will be ordered on an as-needed basis. The contract amount is based on prior usage and required inventory stock levels.
- On June 24, 2020, the city issued an Invitation to Bid; three bids were received.
- Clarke Power Services was selected as the lowest responsive, responsible bidder.
- Annual expenditures are estimated to be \$430,000.

Disadvantaged Business Enterprise (DBE)

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 provisions of (a) - No subcontracting opportunities.

Fiscal Note

Funding: CATS Operating Budget

27. Hitachi Rail Signaling and Transportation Systems Parts and Repair Services

Action:

- A. **Approve the purchase of parts and repair services for CATS Light Rail Vehicles and Wayside Equipment, by the sole source exemption, and**
- B. **Approve a contract for up to \$1,750,000 with Hitachi Rail STS for the purchase of parts and repair services for a 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):

John Lewis, CATS
Allen Smith, CATS

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

- Hitachi Rail STS is the Original Equipment Manufacturer of the LYNX Light Rail Vehicle (LRV) train control and signaling systems.
- The parts and services that are being purchased under this contract are for replacement parts and inventory stock spares required to maintain the LRVs, tracks signaling system, grade crossings, and train control.
- Annual expenditures are estimated to be \$350,000.

Disadvantaged Business Enterprise (DBE)

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 provisions of (a) - No subcontracting opportunities.

Fiscal Note

CATS Operating Budget

28. Assumption of Purchase and Sale Agreement - 5745 Central Avenue

Action:

- A. Accept the assignment from C4 Investments, LLC of its rights and obligations under that certain Purchase and Sale Agreement entered into by and between C4 Investments, LLC and Wilora Lake Partners, L.P. (the "Agreement") for property located at 5745 Central Avenue and having Mecklenburg County Parcel Identification Number 103-041-08 (the "Property"), and**
- B. Approve the purchase of the Property in an amount not to exceed \$2,870,000, and authorize the City Manager, or his designee, to execute all instruments necessary to Purchase the property in conformity herewith.**

Staff Resource(s):

Tracy Dodson, City Manager's Office

Explanation

- Located in Council District 5, the Property (5745 Central Avenue) has been a key component of the city's vision of the Eastland Mall redevelopment to create a more transformative and catalytic redevelopment.
- Land acquisition supports the following City Council initiatives:
 - Significantly enhances the impact of the Eastland Mall redevelopment;
 - City Council's focus on Corridors of Opportunity; and
 - Improves the viability of the adjacent neighborhood and commercial districts.
- Working independently, C4 Investments, LLC secured the Agreement for purchase of the Property, which is comprised of 7.96 acres of contiguous property adjacent to the city-owned site of the former Eastland Mall.
- C4 Investments, LLC's Agreement includes the following general terms:
 - Purchase price of \$2,500,000;
 - Contract may be assigned to a third party; and
 - Purchase of the property is "as is".
- C4 Investments, LLC has offered to assign the purchase contract to the city and Wilora Lake Partners, LP has indicated its consent to said assignment.
 - The city will incur additional costs to cover contract related expenses such as contract extensions and other payments.
- C4 Investments, LLC has completed site due diligence.
- Property was appraised by the city for \$2,870,000.
- City funds for this acquisition are existing Capital Investment Plan allocations targeted to support the redevelopment of the Eastland Mall property.

Fiscal Note

Funding: General Capital Investment Plan

Attachment(s)

Map

[RCA - Location Map](#)

29. Refund of Property Taxes

Action:

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$83,333.10.

Staff Resource(s):

Kelly Flannery, Finance

Explanation

- Mecklenburg County notified and provided the City the list of Property Tax refunds due to clerical or assessment error.

Attachment(s)

Taxpayers and Refunds Requested
Resolution Property Tax Refunds

[List of Taxpayers.pdf](#)

[Resolution.pdf](#)

30. Meeting Minutes

Action:

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

- **September 08, 2020 Strategy Session, and**
- **September 14, 2020 Business Meeting.**

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

PROPERTY TRANSACTIONS

31. In Rem Remedy: 1721 Beatties Ford Road

For In Rem Remedy, the public purpose and policy are outlined here.

Public Purpose:

- Eliminate a blighting influence;
- Reduce the proportion of substandard housing;
- Increase tax value of property by making land available for potential infill housing development; and
- Support public safety initiatives.

Policy:

- Housing and Neighborhood Development and Community Safety

The In Rem Remedy items were initiated from 3 categories:

1. Public Safety - Police and/or Fire Departments
2. Complaint - petition by citizens, tenant complaint, or public agency referral
3. Field Observation - concentrated code enforcement program

The In Rem Remedy item is listed below by category identifying the street address and neighborhood.

Public Safety: 1721 Beatties Ford Road (Council District 2)

Action:

Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1721 Beatties Ford Road (Neighborhood Profile Area 85).

Attachment(s)

In Rem Packet for 1721 Beatties Ford Road

[1721 Beatties Ford Rd](#)

32. In Rem Remedy: 4810 Lamont Drive

For In Rem Remedy, the public purpose and policy are outlined here.

Public Purpose:

- Eliminate a blighting influence;
- Reduce the proportion of substandard housing;
- Increase tax value of property by making land available for potential infill housing development; and
- Support public safety initiatives.

Policy:

- Housing and Neighborhood Development and Community Safety

The In Rem Remedy items were initiated from 3 categories:

1. Public Safety - Police and/or Fire Departments
2. Complaint - petition by citizens, tenant complaint, or public agency referral
3. Field Observation - concentrated code enforcement program

The In Rem Remedy item is listed below by category identifying the street address and neighborhood.

Complaint: 4810 Lamont Drive (Council District 6)

Action:

Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 4810 Lamont Drive (Neighborhood Profile Area 393).

Attachment(s)

In Rem Packet for 4810 Lamont Drive

[4810 Lamont Dr](#)

33. In Rem Remedy: 8335 Old Dowd Road

For In Rem Remedy, the public purpose and policy are outlined here.

Public Purpose:

- Eliminate a blighting influence;
- Reduce the proportion of substandard housing;
- Increase tax value of property by making land available for potential infill housing development; and
- Support public safety initiatives.

Policy:

- Housing and Neighborhood Development and Community Safety

The In Rem Remedy items were initiated from 3 categories:

1. Public Safety - Police and/or Fire Departments
2. Complaint - petition by citizens, tenant complaint, or public agency referral
3. Field Observation - concentrated code enforcement program

The In Rem Remedy item is listed below by category identifying the street address and neighborhood.

Public Safety: 8335 Old Dowd Road (Council District N/A; in the city's extraterritorial jurisdiction (ETJ))

Action:

Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 8335 Old Dowd Road (Neighborhood Profile Area 83).

Attachment(s)

In Rem Packet for 8335 Old Dowd Road

[8335 Old Dowd Rd](#)

34. Property Transactions - Idlewild/Monroe Intersection - Phase I, Parcel #18

Action: Approve the following Acquisition: Idlewild/Monroe Intersection - Phase I, 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: Idlewild/Monroe Intersection - Phase I, Parcel #18

Program: Idlewild/Monroe Intersection - Phase I

Owner(s): VW Rebound 2 LLC

Property Address: 4006 Connection Point Boulevard

Total Parcel Area: 95,678 sq. ft. (2.20 ac.)

Property to be acquired by Easements: 206 sq. ft. (0.004 ac) Temporary Construction Easement, 29 sq. ft. (0.000 ac.) Utility Easement, 1,048 sq. ft. (0.024 ac.) Sidewalk Utility Easement, 1,048 sq. ft. (0.024 ac.) Sanitary Sewer and Waterline Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Various plantings

Zoned: MUDD-0

Use: Mixed Use Development

Tax Code: 163-032-57

<https://polaris3g.mecklenburgcountync.gov/#mat=587871&pid=16303257&qisid=16303257>

Purchased Price: \$10,925

Council District: 5

35. Property Transactions - Morris Field Bridge Replacement, Parcel #2

Action: Approve the following Acquisition: Morris Field Bridge Replacement, Parcel #2

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: Morris Field Bridge Replacement, Parcel #2

Program: Morris Field Bridge Replacement

Owner(s): RLF II East LLC

Property Address: 4001 Morris Field Drive

Total Parcel Area: 620,634 sq. ft. (14.24 ac.)

Property to be acquired by Easements: 3,048 sq. ft. (0.07 ac.) Utility Easement, 538 sq. ft. (0.012 ac.) Storm Drainage Easement, 2,941 sq. ft. (0.068 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Irrigation system

Landscaping to be impacted: Various plantings

Zoned: I-2

Use: Industrial

Tax Code: 117-111-12

<https://polaris3g.mecklenburgcountync.gov/#mat=119801&pid=11711112&qisid=11711112>

Purchased Price: \$10,500

Council District: 3

36. Property Transactions - Pineville Matthews Road/Alexander Road Sidewalk, Parcel #16

Action: Approve the following Condemnation: Pineville Matthews Road/Alexander Road Sidewalk, Parcel #16

Project: Pineville Matthews Road/Alexander Road Sidewalk, Parcel #16

Program: Pineville Matthews Road/Alexander Road Sidewalk

Owner(s): JPO Deerfield LP

Property Address: 7833 Deerfield Manor Drive

Total Parcel Area: 28,261 sq. ft. (0.64 ac.)

Property to be acquired by Easements: 36 sq. ft. (0.001 ac.) Sidewalk Utility Easement, 131 sq. ft. (0.003 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-3

Use: Single-family Residential

Tax Code: 213-044-13

<https://polaris3g.mecklenburgcountync.gov/#mat=549611&pid=21304413&qisid=21304413>

Appraised Value: \$350

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

City's Response to Property Owner's Concerns: The city informed the property owner they could obtain their own appraisal 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: 7

37. Property Transactions - Providence Road Sidewalk Improvement (Greentree Drive - Knob Oak Lane), Parcel #8

Action: Approve the following Acquisition: Providence Road Sidewalk Improvement (Greentree Drive - Knob Oak Lane), Parcel #8

Project: Providence Road Sidewalk Improvement (Greentree Drive - Knob Oak Lane), Parcel #8

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

Owner(s): Richard M Coe Jr and Susan B Coe

Property Address: 1601 Rutledge Avenue

Total Parcel Area: 29,556 sq. ft. (0.68 ac.)

Property to be acquired by Easements: 986 sq. ft. (0.023 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Various landscaping

Zoned: R-3

Use: Single-family Residential

Tax Code: 183-041-52

<https://polaris3g.mecklenburgcountync.gov/#mat=49830&pid=18304152&qisid=18304152>

Purchased Price: \$11,275

Council District: 6

38. Property Transactions - Providence Road Sidewalk Improvement (Greentree Drive - Knob Oak Lane), Parcel #14

Action: Approve the following Condemnation: Providence Road Sidewalk Improvement (Greentree Drive - Knob Oak Lane), Parcel #14

Project: Providence Road Sidewalk Improvement (Greentree Drive - Knob Oak Lane), Parcel #14

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

Owner(s): Anna Valdman

Property Address: 1600 Cavendish Court

Total Parcel Area: 24,191 sq. ft. (0.56 ac.)

Property to be acquired by Fee: 3,025 sq. ft. (0.069 ac.) Fee Simple

Property to be acquired by Easements: 2,561 sq. ft. (0.059 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Irrigation and low voltage light

Landscaping to be impacted: Trees and various plantings

Zoned: R-3

Use: Single-family Residential

Tax Code: 183-081-11

<https://polaris3g.mecklenburgcountync.gov/#mat=49497&pid=18308111&qisid=18308111>

Appraised Value: \$64,125

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

City's Response to Property Owner's Concerns: The city informed the property owner they could obtain their own appraisal 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: 6

39. Property Transactions - Providence Road Sidewalk Improvement (Greentree Drive - Knob Oak Lane), Parcel #18

Action: Approve the following Condemnation: Providence Road Sidewalk Improvement (Greentree Drive - Knob Oak Lane), Parcel #18

Project: Providence Road Sidewalk Improvement (Greentree Drive - Knob Oak Lane), Parcel #18

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

Owner(s): Toby W Peltier

Property Address: 3718 Providence Road

Total Parcel Area: 18,642 sq. ft. (0.43 ac.)

Property to be acquired by Fee: 1,379 sq. ft. (0.031 ac.) Fee Simple

Property to be acquired by Easements: 1,849 sq. ft. (0.042 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-3

Use: Single-family Residential

Tax Code: 183-091-02

<https://polaris3g.mecklenburgcountync.gov/#mat=114861&pid=18309102&qsid=18309102>

Appraised Value: \$33,625

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: 6

40. Property Transactions - Providence Road Sidewalk Improvement (Greentree Drive - Knob Oak Lane), Parcel #20

Action: Approve the following Condemnation: Providence Road Sidewalk Improvement (Greentree Drive - Knob Oak Lane), Parcel #20

Project: Providence Road Sidewalk Improvement (Greentree Drive - Knob Oak Lane), Parcel #20

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

Owner(s): Damon Decristoforo and Veronica P Decristoforo

Property Address: 3800 Providence Road

Total Parcel Area: 27,332 sq. ft. (0.63 ac.)

Property to be acquired by Easements: 2,388 sq. ft. (0.055 ac.) Sidewalk Utility Easement, 1,751 sq. ft. (0.04 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-3

Use: Single-family Residential

Tax Code: 183-095-05

<https://polaris3g.mecklenburgcountync.gov/#mat=115839&pid=18309505&qsid=18309505>

Appraised Value: \$15,700

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

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

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

41. Property Transactions - Stevens Creek Tank Phase II, Parcel #14

Action: Approve the following Acquisition: Stevens Creek Tank Phase II, Parcel #14

Project: Stevens Creek Tank Phase II, Parcel #14

Program: Stevens Creek Tank Phase II

Owner(s): Paris Family LLC

Property Address: 6000 Joli Cheval Lane

Total Parcel Area: 1,315,626 sq. ft. (30.20 ac.)

Property to be acquired by Easements: 31,257 sq. ft. (0.718 ac.) Sanitary Sewer Easement, 45,188 sq. ft. (1.037 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R

Use: Single-family Residential

Tax Code: 195-071-24

<https://polaris3g.mecklenburgcountync.gov/#mat=451392&pid=19507124&qisid=19507124>

Purchased Price: \$39,075

Council District: This project is outside city limits, adjacent to Council Districts 5 and 6.

42. Property Transactions - Stevens Creek Tank Phase II, Parcel #16, 19, and 20

Action: Approve the following Acquisition: Stevens Creek Tank Phase II, Parcel #16, 19, and 20

Project: Stevens Creek Tank Phase II, Parcel #16, 19, and 20

Program: Stevens Creek Tank Phase II

Owner(s): Cheval Property Owners Association Inc

Property Address: 0 Joli Cheval Lane, 11903 Stoney Meadow Drive

Total Parcel Area: 234,561 sq. ft. (5.39 ac.)

Property to be acquired by Easements: 17,895 sq. ft. (0.411 ac.) Sanitary Sewer Easement, 25,835 sq. ft. (0.593 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R

Use: Single-family Residential

Tax Code: 195-073-98, 195-051-88, 195-073-95

<https://polaris3g.mecklenburgcountync.gov/#pid=19507398&qisid=19507398>

<https://polaris3g.mecklenburgcountync.gov/#mat=532642&pid=19505188&qisid=19505188>

<https://polaris3g.mecklenburgcountync.gov/#pid=19507395&qisid=19507395>

Purchased Price: \$23,075

Council District: This project is outside city limits, adjacent to Council Districts 5 and 6.

43. Property Transactions - Stevens Creek Tank Phase II, Parcel #18

Action: Approve the following Acquisition: Stevens Creek Tank Phase II, Parcel #18

Project: Stevens Creek Tank Phase II, Parcel #18

Program: Stevens Creek Tank Phase II

Owner(s): Stevens Creek Associates LLC

Property Address: 2417 Bain Farm Road

Total Parcel Area: 1,603,008 sq. ft. (36.80 ac.)

Property to be acquired by Easements: 30,707 sq. ft. (0.705 ac.) Sanitary Sewer Easement, 46,077 sq. ft. (1.058 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R

Use: Single-family Residential

Tax Code: 195-051-31

<https://polaris3g.mecklenburgcountync.gov/#mat=83166&pid=19505131&gisid=19505131>

Purchased Price: \$28,125

Council District: This project is outside city limits, adjacent to Council Districts 5 and 6.

44. Property Transactions - Tryon Street - 36th Street Streetscape, Parcel #8

Action: Approve the following Acquisition: Tryon Street - 36th Street Streetscape, Parcel #8

Project: Tryon Street - 36th Street Streetscape, Parcel #8

Program: Tryon Street - 36th Street Streetscape

Owner(s): Noda Project #1 LLC

Property Address: 136 East 36th Street

Total Parcel Area: 53,306 sq. ft. (1.22 ac.)

Property to be acquired by Easements: 43 sq. ft. (0.001 ac.) Utility Easement, 1,979 sq. ft. (0.045 ac.) Sidewalk Utility Easement, 2,840 sq. ft. (0.065 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: B-2

Use: Business

Tax Code: 083-031-39

<https://polaris3g.mecklenburgcountync.gov/#mat=608688&pid=08303139&qisid=08303139>

Purchased Price: \$15,096

Council District: 1

45. Property Transactions - Tryon Street - 36th Street Streetscape, Parcel #12

Action: Approve the following Acquisition: Tryon Street - 36th Street Streetscape, Parcel #12

Project: Tryon Street - 36th Street Streetscape, Parcel #12

Program: Tryon Street - 36th Street Streetscape

Owner(s): Mustafa Al-Asfar and Khalid Al-Asfar

Property Address: 3101 North Tryon Street

Total Parcel Area: 22,426 sq. ft. (0.51 ac.)

Property to be acquired by Easements: 158 sq. ft. (0.004 ac.) Storm Drainage Easement, 196 sq. ft. (0.004 ac.) Sidewalk Utility Easement, 1,497 sq. ft. (0.034 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: I-2

Use: Industrial

Tax Code: 085-023-03

<https://polaris3g.mecklenburgcountync.gov/#mat=572585&pid=08502303&qisid=08502303>

Purchased Price: \$21,000

Council District: 1

ADJOURMENT

REFERENCES

46. Reference - Charlotte Business INclusion Policy

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

Part A: Administration and Enforcement

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Part B: Construction and Commodities Contracts

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

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

Part C: Service Contracts

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

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

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

Part D: Post Contract Award Requirements

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

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

Part F: Financial Partners

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

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

Part G: Alternative Construction Agreements

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

47. 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.

48. 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.