

City of Charlotte

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



Meeting Agenda

Monday, February 24, 2020

Council Chambers

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. ACTION REVIEW, CHARLOTTE-MECKLENBURG GOVERNMENT CENTER, ROOM 267

1. Mayor and Council Consent Item Questions

Staff Resource(s):

Marie Harris, Strategy and Budget

Time: 5 minutes

Synopsis

Mayor and Council may ask questions about Consent agenda items.

2. Agenda Overview

Staff Resource(s):

Marcus Jones, City Manager

3. 2020 Legislative Agenda

Staff Resource(s):

Dana Fenton, City Manager's Office

Time: 10 minutes - Presentation; 20 minutes - Discussion

Explanation

- Provide an overview of the 2020 State and Federal Legislative Agendas.

[2020-02-24 federal state agendas \(002\)](#)

4. Sustainability and Resiliency Update

Staff Resource(s):

Victoria Johnson, City Manager's Office

Sarah Hazel, City Manager's Office

Time: 10 minutes - Presentation; 15 minutes - Discussion

Explanation

- Provide an update on sustainable and resilient City of Charlotte initiatives including the Strategic Energy Action Plan and Circular Charlotte.

[Sustainability and Resiliency Update Presentation](#)

5. Storm Water Pollution Control Ordinance (Defferred)

Staff Resource(s):

Phil Reiger, General Services

Mike Davis, General Services

Time: 10 minutes - Presentation; 15 minutes - Discussion

Explanation

- Review proposed revisions to the Storm Water Pollution Control Ordinance

6. Answers to Mayor and Council Consent Item Questions

Staff Resource(s):

Marie Harris, Strategy and Budget

Time: 5 minutes

Synopsis

Staff responses to questions from the beginning of the Business Meeting.

7. Closed Session (as necessary)

**6:30 P.M. CITY COUNCIL BUSINESS MEETING,
CHARLOTTE-MECKLENBURG GOVERNMENT CENTER,
CHAMBER**

Call to Order

Introductions

Invocation

Pledge of Allegiance

PUBLIC FORUM

8. Public Forum

9. Consent agenda items 41 through 72 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

10. Central Intercollegiate Athletic Association Week Proclamation

Action:

Mayor Lyles will read a proclamation recognizing February 25-29, 2020 as Central Intercollegiate Athletic Association Week.

PUBLIC HEARING

11. Public Hearing and Decision on Mallard Creek Area Voluntary Annexation

Action:

- A. Hold a public hearing for Mallard Creek Area voluntary annexation, and**
- B. Adopt an annexation ordinance with an effective date of February 24, 2020, to extend the corporate limits to include these properties and assign them to the adjacent City Council District 4.**

Staff Resource(s):

Taiwo Jaiyeoba, City Manager's Office
Katrina Young, Planning, Design, and Development

Explanation

- Public hearings to obtain community input are required prior to City Council taking action on annexation requests.
- A petition has been received from the owner of this 25.952-acre property.
- The property is owned by CF Master Limited Partnership.
- The property is zoned (UR-2 CD) urban residential conditional district.
- Petitioned area consists of three parcels, Parcel Identification Numbers 02910104, 02910105, and 02910180.
- The property is located within Charlotte's extraterritorial jurisdiction and abuts a major highway that shares a boundary with current city limits.
- Intent of the annexation is to enable the development of 250 single family residential units.

Consistency with City Council Policies

- The annexation is consistent with 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;
 - Is consistent in that the annexation will not result in a situation where unincorporated areas will be encompassed by new city limits.

Attachment(s)

Map
Annexation Ordinance

[Mallard Creek Annexation Map](#)

[Ordinance - Mallard Creek Area](#)

12. Public Hearing and Decision on The Towns at Mallard Mill Voluntary Annexation

Action:

- A. Hold a public hearing for The Towns at Mallard Mills voluntary annexation, and
- B. Adopt an annexation ordinance with an effective date of February 24, 2020, to extend the corporate limits to include these properties and assign them to the adjacent City Council District 4.

Staff Resource(s):

Taiwo Jaiyeoba, City Manager's Office

Katrina Young, Planning, Design, and Development

Explanation

- Public hearings to obtain community input are required prior to City Council taking action on annexation requests.
- A petition has been received from the owner of this 17.177-acre property.
- The property is owned by Phyllis Stewart, Terry Phillips, and Deborah Phillips.
- The property is zoned (UR-2 CD) urban residential conditional district and (R-3) single family residential district.
- Petitioned area consists of four parcels, Parcel Identification Numbers 02919113 (portion of), 02919114, 02919115, and 02919105.
- The property is located within Charlotte's extraterritorial jurisdiction and shares boundaries with current city limits.
- Intent of the annexation is to enable the development of 180 single family attached residential townhomes.

Consistency with City Council Policies

The annexation is consistent with 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 in that the annexation will not result in a situation where unincorporated areas will be encompassed by new city limits.

Attachment(s)

Map

Annexation Ordinance

[The Towns at Mallard Mills](#)

[Ordinance - The Towns at Mallard Mills](#)

POLICY

13. City Manager's Report

14. 2020 Federal and State Legislative Agendas

Action:

Approve the Intergovernmental Relations Committee recommendation to approve the 2020 Federal and State Legislative Agendas.

Committee Chairs:

Tariq Bokhari, Intergovernmental Relations
Braxton Winston, Intergovernmental Relations

Staff Resource(s):

Dana Fenton, City Manager's Office

Explanation

- On February 3, 2020, Intergovernmental Relations Committee Co-Chairs briefed the Mayor and City Council on the proposed 2020 State and Federal Legislative Agendas.
- The proposed 2020 Federal Legislative Agenda addresses issues relating to affordable housing, comprehensive immigration reform, transportation and infrastructure, and urban area security initiative funding.
- The proposed 2020 State Legislative Agenda addresses issues relating to affordable housing, local control, minimum housing standards, and search and rescue team funding.

Intergovernmental Relations Committee Action

- On January 27, 2020, the Intergovernmental Relations Committee voted unanimously (Bokhari, Winston, Egleston, Mitchell, Newton) to recommend the issues in the 2020 Federal Legislative Agenda.
- The affordable housing, minimum housing standards, and search and rescue team funding issues in the 2020 State Legislative Agenda to the City Council.
- On the local control issue, the Committee voted 3 - 2 (Winston, Mitchell, Newton - Yes; Bokhari, Egleston - No) to recommend this issue in the 2020 State Legislative Agenda to the City Council.

Next Steps

- The approved 2020 Federal Legislative Agenda will be presented to the Mecklenburg Congressional Delegation on March 11, 2020.
- The approved 2020 State Legislative Agenda will be presented to the Mecklenburg State Delegation on April 14, 2020.

Attachment(s)

Proposed 2020 Federal Legislative Agenda

Proposed 2020 State Legislative Agenda

[2020-02-17 Committee Proposed State Agenda](#)

[2020-02-17 Committee Proposed Federal Agenda](#)

15. Amend City Code of Ordinances Chapter 3 - Animals

Action:

Approve an amendment to the Animals Ordinance.

Staff Resource(s):

Patrick Baker, City Attorney's Office

Kerr Putney, Police

Tonya Arrington, Police

Current Ordinance

- One stated purpose of the City of Charlotte Code of Ordinances Chapter 3 - Animals chapter is "the protection of animals from abuse or conditions harmful to their well-being."
- The section on Exotic or Wild Animals has not been updated since 1985. The current provisions include:
 - Defining exotic and wild animals,
 - Specifying restraint requirements, and
 - Establishing who can possess these types of animals.
- To address recent concerns over the treatment of circus animals, adding provisions for the protection of wild and exotic animals used in performances is proposed.

Proposed Changes

- The proposed amendment is for the following changes:
 - Update Section 3-3 - Definitions to add the definitions of bullhooks, electric prods, and whips.
 - Update Section 3-73 - Exotic or Wild Animals to add subsection (f):
 - *Handling*. The handling of exotic or wild animals exempted from subsection (a) of this section by subsection (b) of this section must meet the regulations promulgated by the state wildlife commission, the minimum standards under the Animal Welfare Act and all applicable rules promulgated by the United States Department of Agriculture. In addition to meeting these minimum standards, no permanent or transient animal exhibition or circus shall induce or encourage animals to perform through the use of chemical, mechanical, electrical, or manual devices in a manner that is likely to cause physical injury or suffering. Further, the use of bullhooks, electric prods, whips or other devices to handle, train, or otherwise interact with elephants, felines and primates when they are on display, performing or being trained is prohibited. All equipment used on a performing animal shall fit properly and be in good working condition. An animal control officer shall be authorized to inspect the premises at any time on demand.
- The proposed effective date of this amendment is January 1, 2021.

Attachment(s)

Chapter 3 Animals Ordinance - Redline

[Chapter 3 ANIMALS redline Feb 24 2020](#)

16. Amend Chapter 8 - Fire Prevention and Protection Ordinance

Action:

Approve an amendment to the Fire Prevention and Protection Ordinance.

Staff Resource(s):

Reginald Johnson, Fire
Patrick Baker, City Attorney's Office
Anna Schleunes, City Attorney's Office

Current Ordinance

- City Council established Chapter 8 - Fire Prevention and Protection Ordinance (Ordinance) in 1985. The Ordinance has not been updated since its establishment.
- As Fire updates its Strategic Plan, it would like to bring the Ordinance's content and language up-to-date and in alignment with the 2018 North Carolina Fire Code adopted by the North Carolina Building Code Council with an effective date of January 1, 2019.

Proposed Changes

- The proposed amendment is for the following changes:
 - Remove Section 8.1 - Fire department's mission,
 - Update Sections 8.5 and 8.36 - Issuance of notice of violations by fire inspectors and Permit application; fee schedule, respectively, and
 - Remove Section 8.9 - Fraternity and sorority houses from the Ordinance.
- Removal of the Mission Statement from the Ordinance allows Fire to incorporate a revised and up-to-date mission statement in its updated Strategic Plan and allows for future flexibility to further revise the mission as new demands and focuses emerge over time.
- Fraternity and sorority houses no longer need to be included in the Ordinance as these locations are now addressed in Chapter 9, Section 903.2.8 and Section 907.2.9 of the North Carolina State Fire Code.
- The proposed amendment also updates the Ordinance language in Section 8.5 and Section 8.36 to reflect the 2018 North Carolina State Fire Code and North Carolina Building Code.
- A copy of the 2018 North Carolina State Fire Code can be found in the City Attorney's Office.
- The proposed effective date of this amendment is February 24, 2020.

Attachment(s)

Fire Prevention and Protection Ordinance - Redline

[Fire Ordinance Redline](#)

BUSINESS

17. Appropriate Private Developer Funds

Action:

- A. Approve developer agreements with Berewick Venture, LLC; QuikTrip Corporation; Matthews Multi-Family Investments, LLC; Scaleybark Partners, LLC; Lidl US Operations, LLC; and Profile Homes - McDowell Crossing, LLC for traffic signal installations, and**
- B. Adopt a budget ordinance appropriating \$485,075.25 in private developer funds for traffic signal installations and improvements.**

Staff Resource(s):

Liz Babson, Transportation
Debbie Smith, 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 \$485,075.25 in private developer funding is for 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:
 - Berewick Venture, LLC contributed \$158,700 for signal modifications at the intersection of Shopton Road and Dixie River Road and Shopton Road and New Fashion Way in Council District 3.
 - QuikTrip Corporation contributed \$60,950 for signal modification at Bellhaven Boulevard and Mt. Holly-Huntersville Road in Council District 2.
 - Matthews Multi-Family Investments, LLC contributed \$27,600 for signal modification at Monroe Road and Galleria Boulevard in Council District 6.
 - Scaleybark Partners, LLC contributed \$128,340 for signal modifications at South Boulevard and Whitton Street in Council District 1.
 - Lidl US Operations, LLC contributed \$43,998 for signal modifications at Moss Road and South Tryon Street in Council District 3.
 - Profile Homes - McDowell Crossing, LLC contributed \$65,487.25 for a signal modification at the intersection of South Tryon Street and Beam Road in 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 system.

Fiscal Note

Funding: Private Developer Contributions

Attachment(s)

Map
Budget Ordinance

[Traffic Signal Improvements 012820 Map](#)

[BO Developer Appropriations 2.24.2020](#)

18. NC 27 Route Change Request

Action:

- A. **Adopt a Resolution endorsing rerouting a portion of NC 27 along 7th Street, McDowell Street, and Morehead Street to I-277, between the Freedom Drive access ramp and Independence Boulevard, and support the North Carolina Department of Transportation's amendment to the official United States and North Carolina highway system maps accordingly, and**
- B. **Approve a Municipal Agreement to reimburse the North Carolina Department of Transportation up to \$40,000 for rerouting signage.**

Staff Resource(s):

Liz Babson, Transportation
Debbie Smith, Transportation
Bryan Tarlton, Transportation

Explanation

- NC Route 27 is a North Carolina primary highway that runs through southern and central North Carolina, including Uptown Charlotte along 7th Street, McDowell Street, and Morehead Street in Council Districts 1, 2, and 3.
- Rerouting this portion of NC 27 would align the route to the John Belk Freeway (I-277), which would allow for more streamlined travel through the city and may alleviate some traffic from Uptown surface streets.
- The change would transfer maintenance of the segments of 7th and McDowell streets from the North Carolina Department of Transportation (NCDOT) to the Charlotte Department of Transportation and would allow for:
 - Streamlined permitting and management of the public right-of-way in Uptown, and
 - Greater design flexibility and accelerated project delivery of the Uptown Cycle Track Phase II project, which is planned along the affected portion of McDowell Street.
- The city will reimburse NCDOT for the overhead and ground-mounted street signs indicating the new route alignment.

Fiscal Note

Funding: General Capital Investment Plan

Attachment(s)

Map
Resolution

[NC27 Reroute Map](#)

[Resolution NC 27 Route Change Request](#)

19. Duke Energy Green Source Advantage Program

Action:

- A. Authorize the City Manager to negotiate and execute a service agreement for solar energy generation with Duke Energy Carolinas LLC and Olin Creek Farm Solar, LLC, and their respective subsidiaries and affiliates for the city's participation in Duke Energy's Green Source Advantage Program, and**
- B. Authorize the City Manager to amend the agreement consistent with the purpose for which the agreement was approved.**

Staff Resource(s):

Phil Reiger, General Services

Sarah Hazel, City Manager's Office

Explanation

- Duke Energy's Green Source Advantage (GSA) program is a renewable energy program that enables large customers located in North Carolina to support the development of utility-scale renewable energy while meeting their sustainability goals and lowering carbon emissions.
- The GSA program offers the flexibility of selecting and negotiating all price terms directly with a solar developer. Participation in the GSA program required the city to have a selection process to select its solar developer.
- On June 7, 2019, the city issued a Request for Proposals (RFP); six responses were received.
- Carolina Solar Energy, LLC and Ecoplexus Inc. (now doing business as Olin Creek Farm Solar, LLC) submitted a joint proposal that best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to the RFP requirements.
- Olin Creek Farm Solar, LLC will construct and operate the solar energy project in Iredell County.
- Under the service agreement, the city will purchase renewable energy certificates generated by the solar energy project for the next 20 years.
- Based on city modeling, the city will pay an annual electric bill premium in years 1-10 and receive annual electric bill credits in years 11-20. Over the course of 20 years, the city is projected to save \$2.0 million in electricity expenditures.
- Participation in the GSA program would move the city to 24 percent attainment of the city's 2030 Zero-Carbon Buildings Strategic Energy Action Plan goal and places the City of Charlotte as the leader in North Carolina for municipal utility-scale renewable energy procurement.
- To give a sense of scale, the solar energy project will produce enough zero carbon electricity that equates to powering 10,000 homes annually.

Background

- The city applied to the GSA program on October 1, 2019, and was notified by Duke Energy on October 3, 2019, of its acceptance into the program.
- The city provided an overview of the GSA program to Council at the October 28, 2019, Business Meeting.

Fiscal Note

Funding: Various Departments' Operating Budgets

20. Grant for Solar-Powered Electric Vehicle Charging Stations

Action:

- A. **Authorize the City Manager to accept a grant in the amended amount of \$245,147 from the North Carolina Clean Energy Technology Center for the purchase of electric vehicle charging stations,**
- B. **Approve a contract with Envision Solar International Inc. for the purchase of mobile solar-powered electric vehicle charging stations,**
- C. **Approve the purchase of mobile solar-powered electric vehicle charging stations by the sole source exemption, and**
- D. **Adopt a budget ordinance appropriating \$245,147 from the North Carolina Clean Energy Technology Center for electrical vehicle charging stations.**

Staff Resource(s):

Phil Reiger, General Services
David Wolfe, General Services
Sarah Hazel, City Manager's Office

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 purchases made under the sole source exemption.

Explanation

- On June 24, 2019, City Council authorized the City Manager to accept a grant from the North Carolina Clean Energy Technology Center (NCCETC) in the amount of \$178,795 to support the purchase of three solar-powered, transportable, electric vehicle (EV) charging stations.
- The city would like to purchase a fourth charging station through additional funds provided by the NCCETC.
- The four EV chargers will be housed at Fire Headquarters at 500 Dalton Avenue, located in Council District 2, and can be moved to different locations around the city.
- The chargers support the city's growing fleet of electric vehicles and provide free and accessible charging stations to the public.
- These chargers support the Strategic Energy Action Plan and American Cities Climate Challenge goals of utilizing renewable energy, supporting electric vehicles, and incorporating equity into sustainability decisions.
- The total purchase cost is \$345,511 with \$245,147 coming from the NCCETC grant and the city's local match of \$100,364. The local match is available within current appropriations.

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: NC Clean Fuel Advanced Technology Grant and General Capital Investment Plan

Attachment(s)

Map
Budget Ordinance

[Grant for Solar-Powered Electric Vehicle Charging Stations - Location Map.pdf](#)

[CFAT Budget Ordinance](#)

21. Interlocal Agreement for the Lakewood Water Quality Improvement Project

Action:

Adopt a resolution approving an Interlocal Agreement between the City of Charlotte and Mecklenburg County for a reimbursement of up to \$2,500,000 to the County for construction costs of the Lakewood Water Quality Improvement Project.

Staff Resource(s):

Phil Reiger, General Services

Mike Davis, General Services

Matthew Gustis, General Services

Explanation

- The city and county both intend to make improvements to properties bordering Stewart Creek through the Lakewood Water Quality Improvement Project and the Stewart Creek Greenway and Stream Rehabilitation Project.
- It is in the parties' mutual interest to make the improvements concurrently by developing plans and coordinating construction activities as one combined project.
- The Interlocal Agreement outlines project construction, cost-sharing, reimbursement, easements, and maintenance responsibilities.
- The combined project is located along a portion of Stewart Creek Tributary #2 that runs from Lakewood Avenue to Yellowstone Drive in Council District 2.
- The city's portion of the project will include construction of a 1.5-acre wetland which will provide stormwater runoff improvement for 60 acres of developed land and approximately 450 feet of stream enhancement.
- The project area drains directly into the Stewart Creek Tributary, which is designated as impaired, according to Clean Water Act standards.
- The total estimated construction cost for the combined project is \$4,500,000, with the city's portion totaling up to \$2,500,000.
- Mecklenburg County Board of County Commissioners will vote on the Interlocal Agreement at their March 4, 2020 meeting.
- Construction is expected to be complete by fourth quarter 2021.

Charlotte Business INclusion

This is an Interlocal Agreement contract and is exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Storm Water Capital Investment Plan

Attachment(s)

Map

Resolution

Interlocal Agreement

[Location Map - Interlocal Agreement for the Lakewood Water Quality Improvement Project](#)

[Final Lakewood Interlocal Funding and Combined Project Agreement](#)

[Lakewood Resolution for ILA 2-12-2020](#)

22. Land Acquisition for Tree Canopy Preservation Program

Action:

- A. **Approve the purchase of an approximately 0.135-acre parcel (parcel identification number 125-233-16) located at 409 Eli Street for a purchase price of \$320,000,**
- B. **Approve the additional expenditure of up to \$900,000 over 12 months for land acquisitions, and**
- C. **Authorize the City Manager to negotiate and execute any documents necessary to complete these transactions.**

Staff Resource(s):

Phil Reiger, General Services
Tony Korolos, General Services
Tim Porter, General Services

Explanation

- In 2011, City Council adopted a goal of 50 percent tree canopy coverage by the year 2050. The Tree Canopy Preservation Program (TCPP) supports the goal through acquisition and protection of properties that are already forested or provide planting opportunities.
- The city's Tree Ordinance allows developers to pay into the Tree Ordinance Mitigation Fund (Fund), administered by the city, in lieu of saving trees on site. The city uses these funds for property acquisition and expenditures associated with ongoing tree preservation and maintenance.
- The program has gained national recognition and received local awards. It has been adopted as an innovative model in other cities, including Atlanta, Georgia.
- TCPP has acquired 311 acres to date and protected three times greater tree canopy than developers would have been required to under the on-site tree save option.
- TCPP supports focus areas and initiatives outlined in Council's Urban Forest Master Plan, adopted September 25, 2017.
- Future plans for TCPP include increased preservation in more urban areas and development of an arboretum trail with educational signage and programming.
- All acquisitions through the program are voluntary.

Action A

- Staff identified the 0.135-acre parcel (parcel identification number 125-233-16) located in Council District 1 as a good candidate for the TCPP and its expansion into more urban areas due to location and partnership opportunities with other city projects.
- The purchase price has been negotiated with the property owners based on appraised value and list price.
- Through the mandatory referral process, the Charlotte-Mecklenburg Planning Commission recommended approval for the city to purchase the land on January 21, 2020.

Action B

- Target acquisition areas for preservation and trail connectivity are located in close proximity to development sites where fund payments were collected.
- As properties are identified in more urban, rapidly developing areas where payments in lieu of tree save have been collected, the ability to proceed with acquisitions quickly is crucial to the program's continued success. Advance approval of expenditures for acquisitions will expedite the process of purchasing property and allow staff to respond to the timeframes needed by property owners, particularly residential owners.
- Staff will identify properties within the target acquisition areas based on location, forest quality or replanting opportunities, conservation value and/or arboretum trail connectivity, and partnership opportunities.

- Staff will negotiate purchase prices with the property owners based on appraised values and any relevant list prices.
- All acquisitions will be presented to the Joint Use Task Force and Planning Commission, as required by state law.

Fiscal Note

Funding: Tree Ordinance Mitigation Fund

Attachment(s)

Map - Land Acquisition for Tree Canopy Preservation Program

Map - Property Acquisition Target Area

[Land Acquisition for Tree Canopy Preservation Program - Location Map.pdf](#)

[Property Acquisition Target Area](#)

23. Lease of City-Owned Property at Statesville Avenue Landfill to Envision Charlotte

Action:

Adopt a resolution approving a three-year lease agreement with one three-year extension option between the City of Charlotte and Envision Charlotte, a nonprofit organization, for the use of a property located at 3600 Northerly Road (parcel identification number 077-181-01).

Staff Resource(s):

Phil Reiger, General Services
David Wolfe, General Services
Tony Korolos, General Services

Explanation

- The city will lease approximately 20 acres at the closed Statesville Avenue Landfill property to Envision Charlotte. Envision Charlotte will implement a wood waste up-cycling program that supports the city's Circular Economy efforts.
- Larger wood waste (trunks and large limbs) are typically disposed at landfills and private dumps. This program will develop activities related to wood waste processing and disposal.
- Program benefits include:
 - Diversifying the Charlotte economy,
 - Creating economic development opportunities for small businesses, and
 - Contributing to regional reductions in carbon emissions.
- Some terms of the lease agreement include:
 - A three-year term, with one, three-year renewal option,
 - Annual rental payments of One Dollar (\$1.00),
 - The city may choose to direct a portion of all wood debris generated by the city's in-house tree operations to the Northerly Road Landfill, and shall only be charged tipping fees for disposal of this wood debris when the total value of the accumulated tipping fees exceeds \$34,000,
 - City receives 15 percent of any revenues generated at the property, and
 - Tenant pays for all utilities and internal maintenance.

Background

- Envision Charlotte is a 501(c)(3), public-private-plus collaborative that leads Charlotte's progress as a global Smart City through innovations that strengthen economic competitiveness, environmental sustainability, and positive community impacts.
- The mission of Envision Charlotte is to make Charlotte's urban core a living laboratory to foster innovation and first-of-their-kind programs that can be measured, scaled, and replicated beyond the urban core and into other communities.

Fiscal Note

Funding: Any revenues generated will be deposited to the General Fund.

Attachment(s)

Map
Resolution

[Map - City-Owned Property at Statesville Avenue Landfill.pdf](#)

[Resolution](#)

24. Transfer of City-Owned Property on Johnston Oehler Road

Action:

Adopt a resolution approving the transfer of property on Johnston Oehler Road (parcel identification number 029-303-49) consisting of 1.2 acres of vacant land to Charter Properties, Inc., for the development of affordable housing.

Staff Resource(s):

Pamela Wideman, Housing and Neighborhood Services
Phil Reiger, General Services
Jennifer Smith, General Services
Tony Korolos, General Services

Explanation

- Charter Properties, Inc., a Charlotte-based developer, desires to obtain 1.2 acres of vacant land on Johnston Oehler Road (Council District 4) to assemble it with approximately 40 acres of land to assist in providing access to a proposed multi-family residential development.
- The development will provide 10 percent of the total units to senior households earning at or below 80 percent of the area median income. The affordable units will have a minimum 20-year long-term deed restriction.
- The property was previously acquired by the city for the Johnston Oehler Farm-to-Market road infrastructure improvement project. The project is complete and the parcel is no longer needed, allowing the city to use this land as leverage to expand affordable housing.
- The city parcel will be used to provide necessary access to a street where the housing development will be located, by connecting to Johnston Oehler Road via a round-a-bout on the eastern side of the development site. The city will retain the right-of-way area for the round-a-bout, and the developer will construct a private street.
- A July 8, 2019, appraisal of the property established a fair market value of \$165,000.
- This transaction includes the following terms:
 - Due diligence period of 240 days, and
 - Closing to occur within 60 days from the end of the due diligence period.
- As part of the mandatory referral process, the Planning Commission reviewed the transaction on July 16, 2019, and voted to recommend the transaction with no additional comments.
- This transaction is consistent with the Council-adopted Guidelines for Evaluation and Disposition of City-Owned Land for Affordable Housing and the City-Owned Real Estate and Facilities Policy.

Background

- On August 27, 2018, City Council adopted the Housing Charlotte Framework, which recommends leveraging city-owned land as a strategy for expanding the supply of affordable, high-quality rental housing.

Attachment(s)

Resolution
Map

[Johnston Oehler Resolution](#)

[Transfer of City-Owned Property on Johnston Oehler Road - Location Map](#)

25. Donation of Laboratory Equipment to the University of North Carolina at Charlotte

Action:

Adopt a resolution to approve the donation of one retired organic sample preparation and cleanup system to the University of North Carolina at Charlotte for research and educational use.

Staff Resource(s):

David Czerr, Charlotte Water

Jackie Jarrell, Charlotte Water

Myra Zabec-Thompson, Charlotte Water

Explanation

- North Carolina General Statute 160A-280 allows for the donations of personal property to other governmental units, allows city property, including supplies, materials, and equipment deemed to be surplus, obsolete, or unused to be donated to entities that carry out a public purpose.
- This approval will allow Charlotte Water to donate an organic sample preparation and cleanup system to the University of North Carolina at Charlotte (UNCC), which has been made obsolete by regulatory changes and is no longer useful to the city.
- UNCC would accept the donated equipment "as is," without warranty and would utilize the equipment for research and education.
- At the time of donation, UNCC would take sole responsibility for maintaining and operating the equipment.
- The estimated depreciated value of the donated equipment is \$25,000.

Attachment(s)

Resolution

[Resolution-Donation of Laboratory Equipment to the University of North Carolina at Charlotte](#)

26. LYNX Blue Line Extension Civil A Closeout Agreement

Action:

Approve contract amendment #6 for \$1,097,510.24 to Balfour Beatty Infrastructure, Inc./Blythe Development Company, Joint Venture for civil construction in Segment A of the LYNX Blue Line Extension.

Staff Resource(s):

John Lewis, CATS

Jill Brim, CATS

Explanation

- On January 27, 2014, City Council approved a contract with Balfour Beatty Infrastructure, Inc. / Blythe Development Company, Joint Venture (BBJV) to complete construction of the Blue Line Extension (BLE) in the railroad right-of-way from 7th Street to Old Concord Road located in Council District 1(Segment A).
- The City and BBJV previously settled all claims through February 1, 2017, as part of contract amendment #3, which was approved by City Council on March 27, 2017.
- In July 2019, BBJV submitted approximately \$9.0 million in additional claims for schedule delay, inefficiencies, extended field operations, overhead costs, and other direct impacts.
- Contract amendment #6 will settle all BBJV claims for \$4,950,000. This settlement requires a contract amendment in the amount of \$1,097,510.24.
- The amendment will revise the contract completion date from January 31, 2018 to July 30, 2019.
- The new total value of the contract, including this amendment, will be \$132,004,544.37.
- This amount is within the current BLE project budget, which is funded with 50 percent federal, 25.8 percent state, and 24.2 percent local funds.

Disadvantaged Business Enterprise (DBE) Opportunity

All additional work involved in this Amendment will be performed by the existing Prime Contractors and their existing subcontractors.

The original DBE committed goal on this contract is 17.50%.

Fiscal Note

Funding: CATS Capital Investment Plan

27. Bond Issuance Approval for Evoke Living at Westerly Hills Apartments

Action:

Adopt a resolution granting INLIVIAN's (formerly known as the Charlotte Housing Authority) request to issue multi-family housing revenue bonds, in an amount not to exceed \$18,100,000, to finance the development of an affordable housing development known as Evoke Living at Westerly Hills Apartments.

Staff Resource(s):

Pamela Wideman, Housing and Neighborhood Services

Explanation

- This action will not obligate the city financially or impact the Capital Investment Plan and is requested to satisfy Section 147(f) of the Internal Revenue Service Code of 1986, which requires the issuance of housing bonds be approved by the local governmental unit with jurisdiction over the area where the development is located.
- INLIVIAN (formerly the Charlotte Housing Authority) is requesting that City Council adopt a resolution authorizing the issuance of multi-family housing revenue bonds for the Evoke Living at Westerly Hills development, a 156-unit new construction affordable housing development, to be developed, owned, and operated by Westerly Hills Housing, LLC, an affiliate of Horizon Development Properties, Inc. (HDP) and Crosland Southeast.
- The development will be located at 2503 Westerly Hills Drive in Council District 3 and will serve households earning up to 80 percent of the Area Median Income.
- The INLIVIAN bonds, which are not to exceed \$18,100,000, will be used to finance land acquisition and construction of the development.
- The bonds are part of the developer's financing plan that includes a \$2,000,000 Housing Trust Fund allocation approved by City Council on July 22, 2019.

Background

- HDP, a nonprofit development company, is a wholly-owned subsidiary of INLIVIAN.
- HDP and Crosland Southeast applied for Housing Trust Fund support from the city, together with Charlotte Housing Opportunity Investment Fund support from Local Initiatives Support Corporation (LISC), and four percent low income housing tax credits and a housing bond allocation capacity from the North Carolina Housing Finance Agency, to finance the land acquisition and construction of the development.
- The North Carolina Housing Finance Agency approved the application pursuant to its Qualified Allocation Plan and awarded the requested four percent tax credits and bond allocation capacity totaling \$18,100,000 for the development. Tax credit and bond allocations are subject to federal income limits and set-aside rules, and include deed restrictions.
- INLIVIAN, as a public housing authority, is duly authorized to issue housing bonds to finance developments that serve persons of low and moderate income, including developments in which it has an indirect interest through a wholly-owned subsidiary.

Attachment(s)

City of Charlotte Resolution

Charlotte Housing Authority (now known as INLIVIAN) Resolution for Evoke Living at Westerly Hills

[City Resolution Evoke Westerly Hills](#)

[CHA Resolution Westerly Hills](#)

28. Bond Issuance Approval for Northcross Townhomes

Action:

Adopt a resolution granting INLIVIAN's (formerly known as the Charlotte Housing Authority) request to issue multi-family housing revenue bonds, in an amount not to exceed \$13,500,000, to finance the acquisition and rehabilitation of an affordable housing development known as Northcross Townhomes.

Staff Resource(s):

Pamela Wideman, Housing and Neighborhood Services

Explanation

- This action will not obligate the city financially or impact the Capital Investment Plan, and is requested to satisfy Section 147(f) of the Internal Revenue Service Code of 1986 which requires the issuance of housing bonds be approved by the local governmental unit with jurisdiction over the area where the development is located.
- INLIVIAN (formerly the Charlotte Housing Authority) is requesting that City Council adopt a resolution authorizing the issuance of multi-family housing revenue bonds for Northcross Townhomes, an existing 99-unit affordable housing development to be owned and operated by Northcross Preservation, L.P.
- The development is located at 1835 Griers Grove Road in Council District 2 and will serve households earning up to 60 percent of the Area Median Income.
- The INLIVIAN bonds, which are not to exceed \$13,500,000, will be used to finance the acquisition and rehabilitation of the development.
- There is no Housing Trust Fund or other city financial support affiliated with this development.

Background

- The developer applied for four percent low income housing tax credits and a housing bond allocation capacity from the North Carolina Housing Finance Agency to finance the acquisition and rehabilitation of the development.
- The North Carolina Housing Finance Agency approved the application pursuant to its Qualified Allocation Plan and awarded the requested four percent tax credits and bond allocation capacity totaling \$13,500,000 for the development. Tax credit and bond allocations are subject to federal income limits and set-aside rules and include deed restrictions.
- INLIVIAN agreed to assist in financing the acquisition and rehabilitation of the development by issuing the bonds; INLIVIAN has no further interest in the development beyond acting as the bond issuer.
- INLIVIAN, as a public housing authority, is duly authorized to issue housing bonds to finance developments that serve persons of low and moderate income, including developments in which it does not have a direct interest.

Attachment(s)

City of Charlotte Resolution

Charlotte Housing Authority (now known as INLIVIAN) Resolution for Northcross Townhomes

[City Resolution_CHA - Northcross Townhomes_02.24.20](#)

[Inlivian_CHA_Resolution_Northcross](#)

29. Bond Issuance Approval for Springbrook Apartment Homes

Action:

Adopt a resolution granting INLIVIAN's (formerly known as the Charlotte Housing Authority) request to issue multi-family housing revenue bonds in an amount not to exceed \$28,500,000 to finance the development of an affordable housing development known as Springbrook Apartment Homes.

Staff Resource(s):

Pamela Wideman, Housing and Neighborhood Services

Explanation

- This action will not obligate the city financially or impact the Capital Investment Plan, and is requested to satisfy Section 147(f) of the Internal Revenue Service Code of 1986, which requires the issuance of housing bonds be approved by the local governmental unit with jurisdiction over the area where the development is located.
- INLIVIAN (formerly the Charlotte Housing Authority) is requesting that City Council adopt a resolution authorizing the issuance of multi-family housing revenue bonds for Springbrook Apartment Homes, a 198-unit new construction affordable housing development, to be developed, owned, and operated by Pedcor Investments.
- The development will be located at 2299 Scott Futrell Drive in Council District 3 and will serve households earning up to 60 percent of the Area Median Income.
- The INLIVIAN bonds, which are not to exceed \$28,500,000, will be used to finance land acquisition and construction of the development.
- There is no Housing Trust Fund or other city financial support affiliated with this development.

Background

- Pedcor Investments applied for four percent low income housing tax credits and a housing bond allocation capacity from the North Carolina Housing Finance Agency to finance the land acquisition and construction of the development.
- The North Carolina Housing Finance Agency approved the application pursuant to its Qualified Allocation Plan, and awarded the requested four percent tax credits and bond allocation capacity totaling \$28,500,000 for the development. Tax credit and bond allocations are subject to federal income limits and set-aside rules, and include deed restrictions.
- INLIVIAN agreed to assist in financing the development by issuing the bonds; INLIVIAN has no further interest in the development beyond acting as the bond issuer.
- INLIVIAN, as a public housing authority, is duly authorized to issue housing bonds to finance developments that serve persons of low to moderate income, including developments in which it does not have a direct interest.

Attachment(s)

City of Charlotte Resolution

Charlotte Housing Authority (now known as INLIVIAN) Resolution for Springbrook Apartments

[CityResolution_CHA - Springbrook](#)

[CHA Resolution_Springbrook - Amended Inducement](#)

30. Appointments to the Charlotte Business Inclusion Advisory Committee

Action:

Vote on blue ballots and return to the Clerk at dinner.

Staff Resource(s):

Stephanie Kelly, City Clerk

Explanation

- One appointment for a two-year term for an At-Large representative beginning March 1, 2020, and ending February 28, 2022.
 - Charity Kimmel, nominated by Council members Bokhari, Driggs, Egleston, and Eiselt.
 - Vernetta Mitchell, nominated by Council members Graham, Johnson, Newton, Watlington, and Winston.

Attachment(s)

Charlotte Business Inclusion Advisory Committee Applicants

31. Appointments to the Charlotte International Cabinet

Action:

Vote on blue ballots and return to the Clerk at dinner.

Staff Resource(s):

Stephanie Kelly, City Clerk

Explanation

- One appointment for a partial term for an At-Large representative beginning upon appointment and ending June 30, 2021.
 - Juan Euvin, nominated by Council members Bokhari and Egleston.
 - Elyas Mohammed, nominated by Council members Johnson and Winston.

Attachment(s)

Charlotte International Cabinet Applicants

32. Appointments to the Charlotte Tree Advisory Commission

Action:

Vote on blue ballots and return to the Clerk at dinner.

Staff Resource(s):

Stephanie Kelly, City Clerk

Explanation

- One appointment for a partial term beginning upon appointment and ending December 13, 2020.
- One appointment for a partial term beginning upon appointment and ending December 13, 2021.
- One appointment for a three-year term beginning December 12, 2019, and ending December 13, 2022.
 - Sara Gagne, nominated by Council members Ajmera, Egleston, and Newton.
 - Sarah Hart, nominated by Council members Ajmera, Bokhari, Driggs, and Newton.
 - Stephen Johnston, nominated by Council members and Bokhari and Driggs.
 - Guy McBride, nominated by Council members Ajmera, Egleston, and Newton.
 - Chris Steude, nominated by Council members Bokhari and Driggs.

Attachment(s)

Charlotte Tree Advisory Commission Applicants

33. Appointments to the Citizens Review Board

Action:

Vote on blue ballots and return to the Clerk at dinner.

Staff Resource(s):

Stephanie Kelly, City Clerk

Explanation

- One appointment for a partial term beginning upon appointment and ending July 31, 2020, and then continuing for a full three-year term beginning August 1, 2020, and ending July 31, 2023.
 - La Becky Roe, nominated by Council members Bokhari, Graham, Johnson, Newton, and Watlington.
 - Brigit Taylor, nominated by Council members Driggs, Egleston, and Eiselt.
 - Faith Watson, nominated by Council members Ajmera, Driggs, and Egleston.

Attachment(s)

Citizens Review Board Applicants

34. Appointments to the Community Relations Committee

Action:

Vote on blue ballots and return to the Clerk at dinner.

Staff Resource(s):

Stephanie Kelly, City Clerk

Explanation

- Two appointments for partial terms beginning upon appointment and ending June 30, 2022.
 - Michael Baker, nominated by Council members Johnson and Watlington.
 - Lucy Brown, nominated by Council members Ajmera and Newton.
 - Monifa Drayton, nominated by Council members Ajmera, Graham, Johnson, Newton, and Watlington.
 - Renee Johnson, nominated by Council members Bokhari and Winston.
 - Stephanie Tyson, nominated by Council members Driggs and Graham.

Attachment(s)

Community Relations Committee Applicants

35. Appointments to the Domestic Violence Advisory Board

Action:

Vote on blue ballots and return to the Clerk at dinner.

Staff Resource(s):

Stephanie Kelly, City Clerk

Explanation

- One appointment for a partial term beginning upon appointment and ending September 21, 2021.
- One appointment for a partial term beginning upon appointment and ending September 21, 2022.
 - Bishop Anderson, nominated by Council members Ajmera and Newton.
 - Stefania Arteaga, nominated by Council members Ajmera and Newton.

Attachment(s)

Domestic Violence Advisory Board Applicants

36. Appointments to the Housing Appeals Board

Action:

Vote on blue ballots and return to the Clerk at dinner.

Staff Resource(s):

Stephanie Kelly, City Clerk

Explanation

- One appointment for a partial term for an At-Large representative beginning upon appointment and ending December 31, 2021.
 - Michael Bridges, nominated by Council members Graham and Johnson.
 - Clarence Gadapati, nominated by Council members Ajmera and Newton.
- One appointment for a three-year term for a City within a City Tenant member beginning January 1, 2020, and ending December 31, 2023.
 - Regina Tisdale, nominated by Council members Ajemera, Driggs, Egleston, Graham, and Newton.

Attachment(s)

Housing Appeals Board Applicants

37. Appointments to Keep Charlotte Beautiful

Action:

Vote on blue ballots and return to the Clerk at dinner.

Staff Resource(s):

Stephanie Kelly, City Clerk

Explanation

- Two appointments for partial terms beginning upon appointment and ending June 30, 2021.
 - Charlie Lunan, nominated by Council members Driggs, Graham, and Winston.
 - Lily Taylor, nominated by Council members Ajmera and Newton.
 - Ediberto Torres, nominated by Council members Ajmera, Driggs, Graham, Newton, and Winston.

Attachment(s)

Keep Charlotte Beautiful Applicants

38. Appointments to Neighborhood Matching Grants Fund

Action:

Vote on blue ballots and return to the Clerk at dinner.

Staff Resource(s):

Stephanie Kelly, City Clerk

Explanation

- One appointment for a partial term for a Non-Profit Sector representative beginning upon appointment and ending April 15, 2020, and then continuing for a two-year term beginning April 16, 2020, and ending April 15, 2022.
 - Randella Davis Foster, nominated by Council members Ajmera and Driggs.

Attachment(s)

Neighborhood Matching Grants Fund Applicants

39. Appointments to Transit Services Advisory Committee

Action:

Vote on blue ballots and return to the Clerk at dinner.

Staff Resource(s):

Stephanie Kelly, City Clerk

Explanation

- One appointment for a three-year term in the Local/Express Service Passenger category beginning February 1, 2020, and ending January 31, 2023.
 - Noah Gabriel Cartagena, nominated by Council members Ajmera, Driggs, Eiselt, and Johnson.
- One appointment for a three-year term in the Express Service Passenger category beginning February 1, 2020, and ending January 31, 2023.
 - Daniel Macrae, nominated by Council members Ajmera, Driggs, and Johnson.

Attachment(s)

Transit Services Advisory Committee Applicants

40. Mayor and City Council Topics

The City Council members may share information and raise topics for discussion.

CONSENT

41. Resolution of Intent to Abandon a Portion of the Alleyway between Waverly Avenue, Pierce Street, and Kenilworth Avenue

Action:

- A. **Adopt a Resolution of Intent to abandon a portion of the alleyway between Waverly Avenue, Pierce Street, and Kenilworth Avenue, and**

- B. **Set a Public Hearing for March 23, 2020.**

Staff Resource(s):

Liz Babson, Transportation
Debbie Smith, 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 between Waverly Avenue, Pierce Street, and Kenilworth Avenue is located in Council District 1.

Petitioners

SunCap Property Group

Attachment(s)

Map
Resolution

[Waverly Pierce Kenilworth Abandonment Map](#)

[Resolution of Intent- Waverly, Pierce, Kenilworth](#)

42. Resolution of Intent to Abandon a Portion of Wallace Road

Action:

- A. **Adopt a Resolution of Intent to abandon a portion of Wallace Road, and**
- B. **Set a Public Hearing for March 23, 2020.**

Staff Resource(s):

Liz Babson, Transportation
Debbie Smith, 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 the public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from the public right-of-way and attaches it to the adjacent property.
- The portion of right-of-way known as Wallace Road is located in Council District 5.

Petitioners

RENC, LLC

Attachment(s)

Map
Resolution

[Wallace Rd - Portion Abandonment Map Revised](#)

[Resolution of Intent - Wallace Road](#)

43. Building Commissioning Services

Action:

- A. Approve a unit price contract for building commissioning services with the following companies for an initial term of three years:**
- System WorCx, PLLC,
 - RMF Engineering, Inc.,
 - Griffith Engineering, Inc.,
 - Affiliated Engineering, Inc.,
 - McCracken & Lopez, P.A.,
 - HEA Engineers LLP, and
- B. Authorize the City Manager to renew the contracts for up to two, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

Phil Reiger, General Services
Jennifer Smith, General Services
William Haas, General Services

Explanation

- Building commissioning is a third-party, independent service performed that helps ensure that mechanical, electrical, and plumbing systems are installed correctly and operating at optimum efficiency reducing energy consumption and increasing occupant comfort.
- Commissioning services will be provided on new and existing city buildings on an as-needed basis.
- The use of a commissioning agent is required by the city's Policy for Sustainable City Facilities and a pre-requisite for Leadership in Energy and Environmental Design certification.
- On August 19, 2019, the city issued a Request for Qualifications (RFQ); 19 responses were received.
- The firms selected are the best qualified to meet the city's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- Total annual expenditures are estimated to be \$850,000.

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 not subcontracting opportunities identified for the Contract; or (b) there are no SBEs or MWBEs 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: General Capital Investment Plan and Charlotte Water Capital Investment Plan

44. Citywide Safety Shoes Cooperative Purchasing Contracts

Action:

- A. Approve the purchase of safety shoes from cooperative contracts,
- B. Approve a unit price contract with Cintas for the purchase of safety shoes for a term of one year under OMNIA Partners Contract R-BB-19002,
- C. Approve a unit price contract with W. W. Grainger for the purchase of safety shoes for a term of one year under OMNIA Partners Contract 192163, and
- D. Authorize the City Manager to extend the contracts for additional one-year terms as long as the cooperative contracts are in effect, at prices and terms that are the same or more favorable than those offered under the cooperative contracts.

Staff Resource(s):

Phil Reiger, General Services

Kay Elmore, General Services

Explanation

- City employees in various departments are required to wear safety shoes to comply with regulations established by the Occupational Safety and Health Administration and city safety guidelines.
- G.S. 143-129(e)(3) allows local governments to purchase from formally organized cooperative purchasing contracts.
- A cooperative purchasing agreement results from the consolidation and competitive solicitation of multiple public agency requirements. By aggregating common needs, all agencies are able to leverage economies of scale, such as volume discounts, improved terms and conditions, reduced administrative costs, and access to professional and technical expertise that can be utilized on a local, regional, and national level.
- Total annual expenditures are estimated to be \$300,000.

Charlotte Business INclusion

These are cooperative purchasing contracts and are exempt (Part A: Appendix 27 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Various Departments' Operating Budgets

45. Roadway Construction Services Fiscal Year 2020 C and D

Action:

- A. Approve a contract in the amount of \$1,889,305 to the lowest responsive bidder Blythe Development Co. for the Specialized Roadway Construction Services Fiscal Year 2020-C project, and**
- B. Approve a contract in the amount of \$1,697,498 to the lowest responsive bidder United Construction Company, Inc. for the Specialized Roadway Construction Services Fiscal Year 2020-D project.**

Staff Resource(s):

Phil Reiger, General Services
Jennifer Smith, General Services
Becky Chambers, General Services

Explanation

- These contracts will be used to construct various transportation infrastructure projects throughout the city. Work includes concrete sidewalk and accessible ramps, milling, asphalt paving, and pavement markings.
- Approximately 15 projects may be constructed within the contract term of 18 months. The number of projects may vary depending on the nature and extent of the construction.

Action A

- On December 10, 2019, the city issued an Invitation to Bid; five bids were received.
- Blythe Development Co. was selected as the lowest responsive, responsible bidder.

Action B

- On December 10, 2019, the city issued an Invitation to Bid; five bids were received.
- United Construction Company, Inc. was selected as the lowest responsive, responsible bidder.

Charlotte Business INclusion

Action A

Established SBE Goal: 20.00%

Committed SBE Goal: 20.00%

Blythe Development Co. has identified SBEs on its project team, and for each work order issued, committed 20.00% of the total contract amount to the following certified firms:

- Elite Environmental Services, Inc. (SBE) (erosion control)
- Express Logistics Services, Inc. (SBE, MBE) (hauling)
- On Time Construction, Inc. (SBE) (masonry drainage structure)
- R.R.C. Concrete Inc. (SBE, MBE) (concrete)
- Spikes-Out Tree Care LLC (SBE, MBE) (tree removal)
- Striping Concepts, LLC (SBE) (pavement markings)

Established MBE Goal: 9.00%

Committed MBE Goal: 9.00%

Blythe Development Co. 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:

- Express Logistics Services, Inc. (SBE, MBE) (hauling)
- R.R.C. Concrete Inc. (SBE, MBE) (concrete)
- Spikes-Out Tree Care LLC (SBE, MBE) (tree removal)

Action B

Established SBE Goal: 20.00%

Committed SBE Goal: 20.07%

United Construction Company, Inc. has identified SBEs on its project team, and for each work order issued, committed 20.07% of the total contract amount to the following certified firms:

- AMP Utility Distribution Services, LLC (SBE) (material)
- Carolina Cajun Concrete, Inc. (SBE) (concrete, pipe)
- Piceno Concrete LLC (SBE) (concrete)
- Streeter Trucking Company, Inc. (SBE, MBE) (hauling)

Established MBE Goal: 9.00%

Committed MBE Goal: 9.04%

United Construction Company, Inc. has identified MBEs on its project team, and for each work order issued, committed 9.04% of the total contract amount to the following certified firms:

- Streeter Trucking Company, Inc. (SBE, MBE) (hauling)

Fiscal Note

Funding: General Capital Investment Plan

46. Heating, Ventilation, and Air Conditioning Parts and Equipment

Action:

- A. Approve unit price contracts for the purchase of heating, ventilation, and air conditioning parts and equipment for the term of three years to the following:**
- Hawkins HVAC Distributors, Inc.,
 - Johnstone Supply Charlotte, and
- B. Authorize the City Manager to renew the contracts for up to two, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

Phil Reiger, General Services

Kay Elmore, General Services

Explanation

- The city purchases equipment based on service, repair, or replacement needs. General Services and Aviation will use these contracts for the maintenance of heating, ventilation, and air conditioning systems.
- On October 7, 2019, the city issued an Invitation to Bid; five bids were received.
- Hawkins HVAC Distributors, Inc. and Johnstone Supply Charlotte were selected as the lowest responsive, responsible bidders.
- Total annual expenditures are estimated to be \$400,000.

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 not subcontracting opportunities identified for the Contract; or (b) there are no SBEs or MWBEs certified to perform the scopes of work that the city needs as realistic opportunities for subcontracting.

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

Fiscal Note

Funding: Various Departments' Operating Budgets

47. Planning Services for Valleybrook Storm Drainage Improvement Project

Action:

Authorize the City Manager to negotiate and execute a contract in the amount up to \$750,000 with ESP Associates, Inc. for planning services for the Valleybrook Storm Drainage Improvement Project.

Staff Resource(s):

Phil Reiger, General Services

Mike Davis, General Services

Matthew Gustis, General Services

Explanation

- The Valleybrook Storm Drainage Improvement Project is bordered by Folger Drive to the north, McAlpine Creek to the south, Sardis Road to the east, and Providence Square Drive to the west, in Council District 6.
- This project will evaluate infrastructure and street flooding requests to determine needed improvements to the existing drainage system.
- Specific tasks associated with the planning services include, but are not limited to:
 - Site assessment activities,
 - Hydrologic and hydraulic analyses,
 - Determination of alternatives to address the applicable drainage issues,
 - Recommendation of a preferred solution,
 - Evaluation of downstream impacts, and
 - Public outreach activities.
- On August 23, 2019, the city issued a Request for Qualifications (RFQ); 35 responses were received.
- ESP Associates, Inc. is the firm best qualified to meet the city's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.

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). ESP Associates, Inc. has committed 10.00% of the total contract amount to the following certified firm(s):

- Westcott Structures, PA (SBE) (structural engineering)
- Habitat Assessment and Rehabilitation Professionals (SBE) (environmental consulting)
- RoadMasters Traffic Control, LLC (SBE) (traffic control services)
- Stewart Engineering, Inc. (MBE) (surveying services)

Fiscal Note

Funding: Storm Water Capital Investment Plan

Attachment(s)

Map

[Planning Services for Valleybrook Storm Drainage Improvement Project - Location Map.pdf](#)

48. Charlotte Water Miscellaneous Engineering Services

Action:

A. Approve unit price contracts with the following companies for engineering services for a term of three years:

- AME Consulting Engineers, PC, (SBE)
- Black & Veatch International Company,
- Brown & Caldwell, Inc.,
- CDM Smith, Inc.,
- CriTek Engineering Group, P.C., (MBE) (SBE)
- Gavel & Dorn Engineering, PLLC, (SBE)
- Hazen & Sawyer, P.C.,
- HDR Engineering, Inc. of the Carolinas,
- Highfill Infrastructure Engineering, P.C.,
- Jacobs Engineering Group, Inc.,
- Mechanical Contractors, Inc.,
- Southeastern Consulting Engineers, Inc., (SBE)
- Stantec Consulting Services, Inc.,
- Sturgill Engineering, PA,
- Terracon Consultants, Inc., and

B. Authorize the City Manager 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
Carl Wilson, Charlotte Water

Explanation

- These contracts will provide specialized technical assistance from outside engineering firms to support maintenance and upgrades at water and wastewater treatment plants as well as the collection and distribution systems.
- These on-call professional engineering services contracts will provide services such as planning, design, and construction management for facility and pipeline projects.
- On November 19, 2019, the city issued a Request for Qualifications (RFQ); 29 proposals were received from interested service providers.
- The companies selected are the best qualified firms 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 for all contracts combined are estimated to be \$6,300,000.

Charlotte Business INclusion

CriTek Engineering Group, P.C. is a city certified MBE and SBE.
Gavel & Dorn Engineering, PLLC, AME Consulting Engineers, PC and Southeastern Consulting Engineers, Inc. are city certified SBEs.

The city negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1 (h) of the Charlotte Business INclusion Policy). Each of the firms listed have identified certified firms to be utilized as the project evolves:

AME Consulting Engineers, PC (SBE)

- LTArchitecture PLLC (SBE, MBE) (architectural services)

Black & Veatch International Company

- Avioimage Mapping Services, Inc. (SBE) (aerial photography)
- Capstone Civil Engineering, Inc. (SBE, MBE) (geotechnical and material testing services)
- CITI, LLC (MBE) (instrumentation)
- Habitat Assessment and Restoration Professionals (SBE, WBE) (environmental permitting services)
- Gavel & Dorn Engineering, PLLC (SBE) (civil engineering services)
- McDow Consulting LLC (MBE) (diversity coordination)
- RDL Private Utility Locating, LLC (SBE, MBE) (utility locates)
- Richa Graphics (SBE, MBE) (reprographics)
- Southeastern Consulting Engineers, Inc. (SBE) (electrical engineering services)
- Stewart Engineering, Inc. (MBE) (surveying and geotechnical services)
- TKG, PLLC (SBE, WBE) (construction and project management and inspection services)

Brown & Caldwell, Inc.

- Capstone Civil Engineering, Inc. (SBE, MBE) (geotechnical services)
- Gavel & Dorn Engineering, PLLC (SBE) (SESS and flow monitoring services)
- Habitat Assessment and Restoration Professionals (SBE, WBE) (wetlands and environmental fieldwork)
- LDSI, Inc. (SBE) (surveying)
- Richa Graphics (SBE, MBE) (reproduction services)
- Southeastern Consulting Engineers, Inc. (SBE) (electrical engineering services)
- TKG, PLLC (SBE, WBE) (engineering and architectural services)

CDM Smith, Inc.

- AME Consulting Engineers, PC (SBE) (engineering services)
- CES Group Engineers, LLP (SBE, WBE) (surveying)
- CriTek Engineering Group, PC (SBE, MBE) (engineering services)
- Froehling & Robertson, Inc. (MBE) (geotechnical services)
- Richa Graphics (SBE, MBE) (printing and reproduction services)
- Southeastern Consulting Engineers, Inc. (SBE) (electrical engineering services)
- Southern Engineering and Testing, PC (SBE) (geotechnical services)
- Stewart Engineering, Inc. (MBE) (surveying)
- Sweetwater Utility Exploration, LLC (SBE) (underground utility locating services)

CriTek Engineering Group, P.C. (SBE, MBE)

- Avioimage Mapping Services, Inc. (SBE) (aerial mapping)
- Capstone Civil Engineering, Inc. (SBE, MBE) (geotechnical services)
- CES Group Engineers, LLP (SBE, WBE) (surveying services)

Gavel & Dorn Engineering, PLLC (SBE)

- A.L.R. Architecture (SBE) (architectural services)
- Landtec Surveying, Inc. (SBE) (surveying services)

Hazen & Sawyer, P.C.

- Avioimage Mapping Services, Inc. (SBE) (aerial mapping)
- CES Group Engineers, LLP (SBE, WBE) (surveying services)
- Froehling & Robertson, Inc. (MBE) (geotechnical and material testing services)
- Gulf Coast, LLC (SBE) (real estate acquisition services)
- Mid-Carolina Reprographics (SBE, WBE) (document reproduction services)
- Southeastern Consulting Engineers, Inc. (SBE) (electrical engineering services)
- SEPI Engineering & Construction, Inc. (WBE) (traffic control and permitting services)
- Sweetwater Utility Exploration, LLC (SBE) (subsurface utility locates)

HDR Engineering, Inc. of the Carolinas

- Capstone Civil Engineering, Inc. (SBE, MBE) (geotechnical services)

- CES Group Engineers, LLP (SBE, WBE) (surveying services)
- CITI, LLC (MBE) (systems integration)
- CriTek Engineering Group, PC (SBE, MBE) (cost estimating, resident project representative, and data management services)
- Gavel & Dorn Engineering, PLLC (SBE) (resident project representative)
- Joel E. Wood & Associates, PLLC (SBE) (geotechnical services)
- PicTec, Inc. (SBE) (scheduling)
- Richa Graphics (SBE, MBE) (printing services)
- Rohadfox Construction Control Services (MBE) (project support and data management)
- SAMR, PLLC (MBE) (project support and data management)
- Yellow Duck Marketing, LLC (SBE, WBE) (public relations communication)

Highfill Infrastructure Engineering, P.C.

- CITI, LLC (MBE) (instrumentation)
- CriTek Engineering Group, PC (SBE, MBE) (engineering and construction support)
- Gavel & Dorn Engineering, PLLC (SBE) (engineering and construction inspection support)
- SAMR, PLLC (MBE) (mechanical engineering)
- SEPI Engineering & Construction, Inc. (WBE) (surveying and environmental permitting)
- Southeastern Consulting Engineers, Inc. (SBE) (electrical engineering services)

Jacobs Engineering Group, Inc.

- Capstone Civil Engineering, Inc. (SBE, MBE) (geotechnical support and construction management services)
- Rohadfox Construction Control Services (MBE) (construction management services)
- The Survey Company, Inc. (SBE) (surveying)

Mechanical Contractors, Inc.

- Manning Design and Engineering Group, PLLC (SBE) (electrical engineering services)
- Richa Graphics (SBE, MBE) (document printing services)

Southeastern Consulting Engineers, Inc. (SBE)

- Capstone Civil Engineering, Inc. (SBE, MBE) (subsurface geotechnical services)
- Dunbar Geomatics Group, PLLC (SBE) (surveying)
- Maloney & Associates dba Maloney Engineering (SBE) (mechanical engineering)

Stantec Consulting Services, Inc.

- Avioimage Mapping Services, Inc. (SBE) (aerial photography)
- Capstone Civil Engineering, Inc. (SBE, MBE) (geotechnical services)
- Gavel & Dorn Engineering, PLLC (SBE) (flow metering)
- TKG, PLLC (SBE, WBE) (water and wastewater engineering services)

Sturgill Engineering, PA.

- Richa Graphics (SBE, MBE) (signage, printing, and reproduction services)
- Smart Electric Company, Inc. (WBE) (field data collection)

Terracon Consultants, Inc.

- Patriot Drilling, LLC (WBE) (drilling, chemical, and soil sampling)
- Probe Utility Locating, LLC (SBE, WBE) (utility locating)
- Heric Solutions, LLC (SBE) (environmental consulting)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

49. Charlotte Water Uniforms

Action:

- A. **Approve a unit price contract to the lowest responsive bidder BrandRPM for the purchase of uniforms for the initial term of two years, and**

- B. **Authorize the City Manager to renew the contract for up to three, 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
Ron Hargrove, Charlotte Water
Scott Clark, Charlotte Water

Explanation

- This contract will provide uniforms to Charlotte Water employees who come into contact with the public in the course of their daily job activities, or as a component of personal protective equipment.
- On October 30, 2019, the city issued an Invitation to Bid; five bids were received.
- BrandRPM was selected as the lowest responsive, responsible bidder.
- Estimated annual expenditures are \$315,000.

Charlotte Business INClusion

BrandRPM is a city certified MBE.

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 SBEs or MWBES 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 Operating Budget

50. Dairy Branch Tributary-Freedom Park Segment Sanitary Sewer Construction

Action:

Approve a guaranteed maximum price of \$16,382,162.20 to B.R.S., Inc. for Design-Build construction services for the Dairy Branch Tributary-Freedom Park Sanitary Sewer Improvement project.

Staff Resource(s):

David Czerr, Charlotte Water

Ron Hargrove, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- B.R.S., Inc. has developed a guaranteed maximum price (GMP) for construction of the Dairy Branch Tributary-Freedom Park Segment sanitary sewer line. The construction will upsize the existing 15 -inch sanitary sewer line with approximately 4,000 feet of 36-inch sanitary sewer and will require three tunnel crossings of Cumberland Avenue, Kenilworth/Scott Avenue, and Park Road (Council District 1).
- On December 12, 2018, Council approved a contract with B.R.S., Inc. for Design-Build design services. Based on the design, a GMP for construction services was developed.
- This project segment is anticipated to be complete by the third quarter of 2021.

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 2.7 of the Charlotte Business INCLUSION Policy). B.R.S., Inc. has committed \$1,016,500 or approximately 6.20% of the total contract for construction services to the following certified firm:

- Jim Bob's Grading & Paving, Inc. (SBE) (\$364,000) (asphalt paving and pavement markings)
- Habitat Assessment and Restoration Program, Inc. (SBE, WBE) (\$164,000) (environmental assessment and stream bank restoration)
- Sanders Constructors, Inc. (SBE) (\$135,000) (clearing, grubbing, and tree removal)
- MTS Trucking, Inc. (SBE, MBE) (\$116,000) (hauling)
- Maybury Fencing (SBE, WBE) (\$100,000) (fencing)
- CES Group Engineers, LLP (SBE, WBE) (\$42,500) (surveying)
- Pride Communications, Inc. (SBE) (\$40,000) (advertising, marketing, and public relations)
- PandTL, Inc. (SBE) (\$25,000) (silt fence, seeding, and mulching)
- Gavel & Dorn Engineering, PLLC (SBE) (\$20,000) (material testing)
- JB Long Photography (SBE) (\$10,000) (pre-construction video and photography)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Map

[Dairy Freedom Section RCA Map](#)

51. McAlpine Creek Wastewater Treatment Plant Reliability and Process Improvements Construction

Action:

Approve a guaranteed maximum price of \$6,544,653 to Garney Companies, Inc. for Design-Build construction services for the McAlpine Creek Wastewater Treatment Plant Reliability and Process Improvements project.

Staff Resource(s):

David Czerr, Charlotte Water

Ron Hargrove, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- This project will rehabilitate or replace critical components of the wastewater treatment process systems at the McAlpine Creek Wastewater Treatment Plant, located in the Town of Pineville (adjacent to Council District 7), to ensure reliable discharge permit compliance.
- As part of the overall project, Garney Companies, Inc. has developed a guaranteed maximum price (GMP) for electrical improvements to power the blower facilities.
- This project was designed to be constructed in phases over a span of up to five years. The first phase contract was approved by City Council on February 26, 2018, with subsequent phase approvals on May 14, 2018, January 14, 2019, May 13, 2019, and September 29, 2019.
- This request for approval of a GMP with Garney Companies, Inc. is the final one for the project. The project is anticipated to be complete by the first quarter of 2023.

Charlotte Business INclusion

Overall Project: \$146,197,490

Established MWSBE Goal: 10.00% (\$14,619,749)

Committed MWSBE Goal: 13.44% (\$19,647,391)

For this phase of Design-Build construction services:

The city negotiates subcontracting participation for Design-Build contracts after scopes of work are defined for construction services (Part G: Section 2.7 of the Charlotte Business INclusion Policy).

Garney Companies, Inc. has committed \$6,544,653 or 100% of the total contract for construction services to the following certified firms:

- East Coast Construction Services LLC (WBE) (\$6,238,925) (electrical)
- CITI, LLC (MBE) (\$305,728) (instrumentation)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Map

[Map-McAlpine Creek Wastewater Treatment Plant Reliability and Process Improvements Construction](#)

52. Upper Taggart Creek Outfall Replacement

Action:

- A. Approve a contract in the amount of \$16,766,865.36 to the lowest responsive bidder Park Construction of NC, Inc. for construction of the Upper Taggart Creek Outfall Replacement project, and**
- B. Approve contract amendment #2 for \$1,185,000 to WSP USA, Inc. for construction administration services for the Upper Taggart Creek Outfall Replacement project.**

Staff Resource(s):

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

Explanation

- This project includes the replacement of approximately 10,000 linear feet of gravity sanitary sewer ranging in sizes from eight-inch to 36-inch serving the customers located near Billy Graham Parkway and West Boulevard (Council District 3). This project will include a deep excavation (40 to 50 feet deep) and tunneling methods to install a 36-inch sanitary sewer.

Action A

- On December 6, 2019, the city issued an Invitation to Bid; five bids were received.
- Park Construction of NC, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by the second quarter of 2022.

Action B

- On June 27, 2016, Council approved a professional engineering services contract with WSP USA, Inc. (formerly Parsons Brinckerhoff Inc.) to provide design and construction services for the project.
- This contract amendment will add construction phase administration services.
- The new total value of the contract is \$2,010,527.

Charlotte Business INclusion

Action A

Established MSBE Goal: 8.00%

Committed MSBE Goal: 8.00%

Park Construction of NC, Inc. met the established subcontracting goal and has committed 8.00% (\$1,341,376) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- AMP Utility Distribution Services, LLC (SBE, WBE) (\$1,078,700) (material supplier)
- Buffkin Trucking Inc. (SBE, MBE) (\$150,630) (hauling)
- Martin Landscaping Company, Inc. (SBE, MBE) (\$62,676) (seeding, live staking, and erosion control matting)
- Erosion Defence LLC (SBE) (\$49,370) (silt fencing)

Action B

The city negotiates subcontracting participation after the firm is awarded this services contract (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). WSP USA, Inc. has committed \$179,835 or approximately 15.18% of the total contract amount to the following certified firms:

- Stewart Engineering (MBE) (\$179,835) (construction surveying and materials testing)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Map

[RCA Map - Upper Taggart Creek Outfall Replacement](#)

53. Wastewater Lift Station Improvements Phase 2

Action:

Approve a contract in the amount of \$7,106,459.50 to the lowest responsive bidder State Utility Contractors, Inc. for Wastewater Lift Station Improvements Phase 2.

Staff Resource(s):

David Czerr, Charlotte Water

Ron Hargrove, Charlotte Water

Carl Wilson, Charlotte Water

Explanation:

- This contract provides for safety and reliability improvements for 13 lift stations located within Mecklenburg County, including electrical upgrades and flow meter installations.
- On November 22, 2019, 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 January 16, 2020, the ITB was re-issued; one bid was received.
- State Utility Contractors, Inc. was selected as the lowest responsive, responsible bidder.
- Phase 1 of this project was completed in December 2019 and provided for similar rehabilitation of 11 lift stations. Phase 2 is anticipated to be complete by the fourth quarter of 2022.

Charlotte Business INClusion

Established MSBE Goal: 10.00%

Committed MSBE Goal: 12.35%

State Utility Contractors, Inc. met the established subcontracting goal and has committed 12.35% (\$877,555) 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 (SBE, MBE) (\$877,555) (electrical)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

54. Corporate Hangar License and Ground Lease

Action:

- A. **Approve a 10-year license with Davinci Jets for a corporate hangar at Charlotte Douglas International Airport,**
- B. **Authorize the City Manager to extend the license for up to two additional, five-year extension terms,**
- C. **Approve a 10-year ground lease with Davinci Jets for the construction of a parking lot at Charlotte Douglas International Airport, and**
- D. **Authorize the City Manager to extend the ground lease for up to two additional, five-year extension terms.**

Staff Resource(s):

Brent Cagle, Aviation
Haley Gentry, Aviation

Explanation

- Aviation has agreed to license a corporate hangar located at 5207 Morris Field Drive to Davinci Jets (Davinci).
- The hangar consists of 5,799 square feet of office space and 25,698 square feet of hangar space.
- The annual rent is \$373,431.58 and the 10-year license value is \$3,734,315.80.
- Rents for the facility will be adjusted periodically per the terms and conditions of the license to keep pace with market conditions.
- To support Davinci's operations at the corporate hangar, Aviation has also agreed to lease Davinci 0.13 acres to construct a parking lot addition of approximately 12 spaces to the existing vehicular parking lot.
- The annual ground rent is \$1,950 and the 10-year lease value is \$19,500.
- Rents for the ground lease will be adjusted periodically per the terms and conditions of the lease to keep pace with market conditions.
- This activity is occurring on airport property located in Council District 3.

Fiscal Note

Funding: Revenue will be deposited into Aviation's Operating Budget.

55. Airport Federal Inspection Station Facility and Concourse D Renovations Design Contract

Action:

Approve a contract in the amount of \$4,330,965 to RS&H for the Federal Inspection Station Facility and Concourse D Renovations project.

Staff Resource(s):

Brent Cagle, Aviation

Jack Christine, Aviation

Explanation

- The original Federal Inspection Station (FIS) facility was built in 1990 and expanded in 2000. Increases in international traffic and updated federal requirements necessitate an expansion and renovation of the FIS facility.
- The renovation project will demolish and reconstruct all interior areas of the existing FIS facility.
- This project also includes the renovation of select finishes and amenities on the ticket level of Concourse D.
- RS&H was selected through separate RFQ processes that took place in March 23, 2017, and July 11, 2018, for the design of Concourse D and the FIS facility respectively.
- During the programming phase of the design, it was determined that combining the work into one project would result in cost savings and operational efficiencies.
- This project is anticipated to be complete in fall 2023.
- This activity is occurring on Airport property located in Council District 3.

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). RS&H has committed \$1,417,415 or approximately 32.73% of the total contract amount to the following certified firm(s):

- McCracken and Lopez (SBE) (\$894,100) (mechanical, electrical, plumbing design)
- Hartranft Lighting Design (SBE) (\$25,500) (lighting design)
- The Wilson Group Architects, P.A (SBE) (\$497,815) (architectural design)

Fiscal Note

Funding: Aviation Capital Investment Plan

56. Airport Field Maintenance and Airside Operations Construction Contract

Action:

Approve a contract in the amount of \$3,846,527 to the lowest responsive bidder The Whiting-Turner Contracting Company for the Field Maintenance and Airside Operations Construction project.

Staff Resource(s):

Brent Cagle, Aviation

Jack Christine, Aviation

Explanation

- Aviation's Field Maintenance Division currently occupies an existing cargo facility. Due to space constraints and increased air cargo activity, the division will relocate to another airport on-site facility currently shared with the operations group.
- On December 10, 2018, City Council approved a contract with Landrum and Brown, Inc. for architectural and engineering design services for the Airport Field Maintenance Relocation project.
- On October 24, 2019, the city issued an Invitation to Bid; three bids were received. The Whiting-Turner Contracting Company was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by the fourth quarter of 2020.
- This activity is occurring on airport property (Council District 3).

Charlotte Business INclusion

Established MBE Goal: 16.00%

Committed MBE Goal: 33.32%

The Whiting Turner Contracting Company exceeded the established MBE subcontracting goal, and has committed 33.32% (\$1,281,717) of the total contract amount to the following certified firms:

- Superior Mechanical Systems, Inc (MBE) (\$450,000) (mechanical)
- TEC Electric, LLC (MBE, SBE) (\$680,697) (electrical)
- CS Plumbing Inc (MBE, SBE) (\$76,120) (plumbing)
- Trifecta Services Company (MBE) (\$74,900) (demolition)

Established SBE Goal: 14.00%

Committed SBE Goal: 20.68%

The Whiting-Turner Contracting Company exceeded the established SBE subcontracting goal, and has committed 20.68% (\$795,632) of the total contract amount to the following certified firms:

- Maybury Fencing Inc (SBE, WBE) (\$38,815) (fencing)
- TEC Electric, LLC (SBE, MBE) (\$680,697) (electrical)
- CS Plumbing Inc (SBE, MBE) (76,120) (plumbing)

Fiscal Note

Funding: Aviation Capital Investment Plan

57. Airport Fuel Farm Expansion Phase III Construction Contract

Action:

Approve a contract in the amount of \$7,578,991.20 to the lowest responsive bidder NJR Group, Inc. for the Fuel Farm Expansion Phase III.

Staff Resource(s):

Brent Cagle, Aviation

Jack Christine, Aviation

Explanation

- The Fuel Farm facility provides onsite fuel storage for airlines and Airport tenants. Typical storage capacity for aviation fuel farms is five to seven days.
- The Airport Fuel Farm Expansion Phase III will add new aviation fuel storage capacity and associated fuel farm improvements, removing two 10,000-barrel tanks and replacing them with a 45,000-barrel tank. With this new tank, the fuel farm will have a total capacity of approximately five days of fuel storage.
- On May 14, 2018, City Council approved a contract with Argus Consulting, Inc. for the professional design services associated with Airport Fuel Farm Expansion project.
- On October 17, 2019, the city issued an Invitation to Bid; seven bids were received.
- NJR Group, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by April 2021.
- This activity is occurring on Airport property in Council District 3.

Charlotte Business INclusion

Established MSBE Goal: 15.00%

Committed MSBE Goal: 15.84%

NJR Group, Inc exceeded the established MSBE subcontracting goal, and has committed 15.84% (\$1,200,622) of the total contract amount to the following certified firm:

- Besco Electrical Corporation (MBE) (\$1,200,622) (electrical)

Fiscal Note

Funding: Aviation Capital Investment Plan

58. Airport Passenger Loading Bridge Canopies, Parts, and Materials

Action:

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

Staff Resource(s):

Brent Cagle, Aviation

Jack Christine, Aviation

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

- Aviation owns and maintains 89 passenger loading bridges. The specialized loading bridge canopies protect passengers from the elements while boarding and deboarding aircraft.
- Hubner Manufacturing Corporation is the proprietary manufacturer of these specialized canopies. Original manufacturer parts and materials are required to maintain performance standards, standardization, and compatibility with existing equipment.
- Annual expenditures are estimated to be \$75,000.
- This activity is occurring on airport property, located in Council District 3.

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: Aviation Operating Budget

59. Airport West Ramp Expansion Phase II Design Contract Amendment

Action:

Approve contract amendment #1 for \$1,678,871 to Talbert, Bright & Ellington, Inc. for West Ramp Expansion Phase II.

Staff Resource(s):

Brent Cagle, Aviation

Jack Christine, Aviation

Explanation

- On June 25, 2018, City Council approved a design contract in the amount of \$3,132,522.67 with Talbert, Bright & Ellington, Inc. for design services of the West Ramp Expansion Phase II, West Lavatory, and Ground Support Equipment Project.
- A redesign is required based on a revised layout for Concourse A - Phase II to include changes in grading, drainage, demolition, and utilities.
- The new total value of the design contract, including amendments, is \$4,811,393.67.
- This activity is occurring on airport property (Council District 3).

Disadvantaged Business Enterprise

All additional work involved in this amendment will be performed by Talbert, Bright & Ellington, Inc. and their existing sub consultants.

Fiscal Note

Funding: Aviation Capital Investment Plan

60. Refund of Property Taxes

Action:

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$582,328.73.

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

PROPERTY TRANSACTIONS

61. Property Transactions - Hampton Storm Drainage Improvement, Parcels #1, 4, and 8

Action: Approve the following Acquisition: Hampton Storm Drainage Improvement, Parcels #1,4, and 8

Project: Hampton Storm Drainage Improvement, Parcels #1, 4, and 8

Program: Flood Control

Owner(s): Airlie Homeowners Association INC

Property Address: Myers Park Drive

Total Parcel Area: 563,424 sq. ft. (12.934 ac.)

Property to be acquired by Easements: 4,672 sq. ft. (0.107 ac.) in Storm Drainage Easement, plus 8,089 sq. ft. (0.186 ac.) in Temporary Construction Easement, plus 1,187 sq. ft. (0.027 ac.) in Utility Easement, plus 1,770 sq. ft. (0.041 ac.) in Existing Drainage Accepted as Storm Drainage Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: R-20 MF

Use: Multi-family

Tax Code: 153-105-87, 153-105-85, 153-105-86

<http://polaris3g.mecklenburqcountync.gov/#pid=15310587&gisid=15310587>

<http://polaris3g.mecklenburqcountync.gov/#pid=15310585&gisid=15310585>

<http://polaris3g.mecklenburqcountync.gov/#pid=15310586&gisid=15310586>

Appraised Value: \$35,675

Council District: 6

62. Property Transactions - Lakeside Drive 7134, Parcel # 2

Action: Approve the following Condemnation: Lakeside Drive 7134, Parcel # 2

Project: Lakeside Drive 7134, Parcel # 2

Owner(s): Walter & Barrett INC

Property Address: Lakeside Drive

Total Parcel Area: 32,840 sq. ft. (0.75 ac.)

Property to be acquired by Easements: 696 sq. ft. (0.016 ac.) Storm Drainage Easement,
86 sq. ft. (0.002 ac.) Temporary Construction Easement

Zoned: R-3

Use: Single-family Residential

Tax Code: 107-283-19

<http://polaris3g.mecklenburqcountync.gov/#pid=10728319&gisid=10728319>

Appraised Value: \$575

Property Owner's Concerns: None

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

Recommendation: To obtain clear title and 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: 1

63. Property Transactions - Morehead at Caldwell Pedestrian Safety Project, Parcel # 1

Action: Approve the following Condemnation: Morehead at Caldwell Pedestrian Safety Project, Parcel # 1

Project: Morehead at Caldwell Pedestrian Safety Project, Parcel # 1

Owner(s): JFW Realty INC

Property Address: 453 East Morehead Street

Total Parcel Area: 16,117 sq. ft. (0.37 ac.)

Property to be acquired by Easements: 533 sq. ft. (0.012 ac.) Utility Easement, 742 sq. ft. (0.017 ac.) Temporary Construction Easement

Zoned: B-1

Use: Office

Tax Code: 125-137-04

<http://polaris3g.mecklenburgcountync.gov/#mat=592214&pid=12513704&gisid=12513704>

Appraised Value: \$23,375

Property Owner's Concerns: The property owner is concerned with the compensation amount and project impacts to future use.

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 counter offer and 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: 1

64. Property Transactions - Morehead at Caldwell Pedestrian Safety Project, Parcel # 2

Action: Approve the following Condemnation: Morehead at Caldwell Pedestrian Safety Project, Parcel # 2

Project: Morehead at Caldwell Pedestrian Safety Project, Parcel #2

Owner(s): Associates LLC

Property Address: 501 East Morehead Street

Total Parcel Area: 17,046 sq. ft. (0.39 ac.)

Property to be acquired by Easements: 33 sq. ft. (0.001 ac.) Utility Easement, 117 sq. ft. (0.003 ac.) Sidewalk Utility Easement, 574 sq. ft. (0.013 ac.) Temporary Construction Easement

Zoned: UMUD

Use: Commercial

Tax Code: 125-175-03

<http://polaris3g.mecklenburgcountync.gov/#mat=140694&pid=12517503&gisid=12517503>

Appraised Value: \$9,850

Property Owner's Concerns: The property owner is concerned with the compensation amount and project impacts to future use.

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 counter offer and 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: 1

65. Property Transactions - Old Providence Road Sidewalk Project, Parcel # 1

Action: Approve the following Condemnation: Old Providence Road Sidewalk Project, Parcel # 1

Project: Old Providence Road Sidewalk Project, Parcel # 1

Owner(s): Graham Partners LLC

Property Address: 7000 Old Providence Road

Total Parcel Area: 129,864 sq. ft. (2.98 ac.)

Property to be acquired by Fee: 4,162 sq. ft. (0.096 ac.) Fee Simple in Existing R/W in Fee Simple

Property to be acquired by Easements: 6,405 sq. ft. (0.147 ac.) Sidewalk Utility Easement, 3,039 sq. ft. (0.07 ac.) Temporary Construction Easement

Landscaping to be impacted: Trees

Zoned: R-3

Use: Single-family Residential

Tax Code: 211-032-34

<http://polaris3g.mecklenburgcourtnc.gov/#mat=179864&pid=21103234&gisid=21103234>

Appraised Value: \$29,600

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

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

66. Property Transactions - Tom Hunter Streetscape, Parcel # 11, 12, 13, 14

Action: Approve the following Condemnation: Tom Hunter Streetscape, Parcel # 11, 12, 13, 14

Project: Tom Hunter Streetscape, Parcel # 11, 12, 13, 14

Owner(s): The Church/La Iglesia INC

Property Address: 332 Tom Hunter Road

Total Parcel Area: 23,582 sq. ft. (0.55 ac.)

Property to be acquired by Fee: 12,448 sq. ft. (0.286 ac.) Fee Simple in Existing R/W in Fee Simple

Property to be acquired by Easements: 8,173 sq. ft. (0.188 ac.) Sidewalk Utility Easement, 7,099 sq. ft. (0.163 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R12-MF

Use: Single-family Residential

Tax Code: 089-171-09, 089-171-10, 089-171-11, 089-171-12

<http://polaris3g.mecklenburqcountync.gov/#mat=106935&pid=08917109&gisid=08917109>

<http://polaris3g.mecklenburqcountync.gov/#mat=105221&pid=08917110&gisid=08917110>

<http://polaris3g.mecklenburqcountync.gov/#mat=101076&pid=08917111&gisid=08917111>

<http://polaris3g.mecklenburqcountync.gov/#mat=78664&pid=08917112&gisid=08917112>

Appraised Value: \$11,700

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: 1

67. Property Transactions - Tom Hunter Streetscape, Parcel # 15

Action: Approve the following Condemnation: Tom Hunter Streetscape, Parcel # 15

Project: Tom Hunter Streetscape, Parcel # 15

Owner(s): Francine Adams

Property Address: 6505 Northridge Village Drive

Total Parcel Area: 4,807 sq. ft. (0.11 ac.)

Property to be acquired by Easements: 417 sq. ft. (0.01 ac.) Sidewalk Utility Easement, 877 sq. ft. (0.02 ac.) Temporary Construction Easement

Landscaping to be impacted: Trees, brick pavers, and various plantings

Zoned: R-12MF

Use: Single-family Residential

Tax Code: 089-175-01

<http://polaris3g.mecklenburqcountync.gov/#mat=170585&pid=08917501&gisid=08917501>

Appraised Value: \$6,075

Property Owner's Concerns: None

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

Recommendation: The city is currently waiting on signed documents, but 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: 1

68. Property Transactions - Tom Hunter Streetscape, Parcel # 20

Action: Approve the following Acquisition: Tom Hunter Streetscape, Parcel # 20

Project: Tom Hunter Streetscape, Parcel # 20

Owner(s): George Anagnostopoulos

Property Address: 118 Tom Hunter Road

Total Parcel Area: 26,450 sq. ft. (0.61 ac.)

Property to be acquired by Easements: 2,255 sq. ft. (0.052 ac.) Sidewalk Utility Easement, 3,924 sq. ft. (0.09 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Sign to be purchased or relocated.

Zoned: B-2

Use: Commercial

Tax Code: 089-172-39

<http://polaris3g.mecklenburqcountync.gov/#mat=533219&pid=08917239&gisid=08917239>

Purchase Price: \$53,970

Council District: 1

69. Property Transactions - Tom Hunter Streetscape, Parcel # 25, 32

Action: Approve the following Condemnation: Tom Hunter Streetscape, Parcel # 25, 32

Project: Tom Hunter Streetscape, Parcel # 25, 32

Owner(s): MM MRA LLC

Property Address: 2023 Canterwood Drive

Total Parcel Area: 616,435 sq. ft. (14.15 ac.)

Property to be acquired by Easements: 663 sq. ft. (0.015 ac.) Storm Drainage Easement, 9,573 sq. ft. (0.22 ac.) Sidewalk Utility Easement, 15,597 sq. ft. (0.358 ac.) Temporary Construction Easement, 323 sq. ft. (0.007 ac.) Sidewalk Utility/Storm Drain Easement

Landscaping to be impacted: Trees and shrubs

Zoned: TOD-TR

Use: Multi-family

Tax Code: 089-241-08, 089-241-05

<http://polaris3g.mecklenburgcountync.gov/#mat=371643&pid=08924108&gisid=08924108>

<http://polaris3g.mecklenburgcountync.gov/#mat=371462&pid=08924105&gisid=08924105>

Appraised Value: \$47,250

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: 1

70. Property Transactions - Tom Hunter Streetscape, Parcel # 31

Action: Approve the following Acquisition: Tom Hunter Streetscape, Parcel # 31

Project: Tom Hunter Streetscape, Parcel # 31

Owner(s): EADAH Properties LLC

Property Address: 401 Tom Hunter Road

Total Parcel Area: 43,148 sq. ft. (0.99 ac.)

Property to be acquired by Easements: 3,078 sq. ft. (0.071 ac.) Sidewalk Utility Easement, 3,736 sq. ft. (0.086 ac.) Temporary Construction Easement

Landscaping to be impacted: Trees

Zoned: R-17 MF

Use: Multi-family

Tax Code: 089-241-01

<http://polaris3g.mecklenburgcountync.gov/#mat=122230&pid=08924101&gisid=08924101>

Purchase Price: \$14,625

Council District: 1

71. Property Transactions - Water Oak Storm Drainage Improvements, Parcel #7

Action: Approve the following Acquisition: Water Oak Storm Drainage Improvements, Parcel #7

Project: Water Oak Storm Drainage Improvements, Parcel #7

Program: Flood Control

Owner(s): Nanakwasi Okrah and Lamonica Okrah

Property Address: 4519 Water Oak Road

Total Parcel Area: 17,334 sq. ft. (0.398 ac.)

Property to be acquired by Easements: 1,068 sq. ft. (0.025 ac.) in Storm Drainage Easement, plus 964 sq. ft. (0.022 ac.) in Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Various plantings

Zoned: R-3

Use: Single-family Residential

Tax Code: 157-131-22

<http://polaris3g.mecklenburgcountync.gov/#mat=465990&pid=15713122&gisid=15713122>

Purchase Price: \$19,525

Council District: 5

72. Property Transactions - Water Oak Storm Drainage Improvements, Parcel #26

Action: Approve the following Condemnation: Water Oak Storm Drainage Improvements, Parcel #26

Project: Water Oak Storm Drainage Improvements, Parcel #26

Program: Flood Control

Owner(s): Brian Clair and Sharon Clair

Property Address: 4742 Emory Lane

Total Parcel Area: 20,295 sq. ft. (0.466 ac.)

Property to be acquired by Easements: 1,296 sq. ft. (0.03 ac.) in Storm Drainage Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: R-3

Use: Single-family Residential

Tax Code: 163-082-10

<http://polaris3g.mecklenburgcourtnc.gov/#mat=136518&pid=16308210&gisid=16308210>

Appraised Value: \$11,850

Property Owner's Concerns: The property owner is concerned with the compensation amount and project impacts.

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 counter offer and 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: 5

Adjournment

REFERENCES

73. 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 \$300,000 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 an (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 SBEs, MBEs, or WBEs (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 SBEs or MWBEs 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 SBEs and MWBEs 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 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.

74. 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.

75. 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.