

# **City of Charlotte**

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



## **Meeting Agenda**

**Monday, May 24, 2021**

**Electronic Regular Meeting Hosted from Room 267**

### **City Council Business Meeting**

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

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

*Call to Order*

*Introductions*

*Invocation*

*Pledge of Allegiance*

## 1. Mayor and Council Consent Item Questions and Answers

**Staff Resource(s):**

Marie Harris, Strategy and Budget

**Time:** 5 minutes

**Synopsis**

Mayor and Council may ask questions about Consent agenda items.

## 2. Action Review Agenda Overview

**Staff Resource(s):**

Marcus Jones, City Manager

## 3. CARES Act - Emergency Solutions Grant

**Staff Resource(s):**

Shawn Heath, City Manager's Office

**Time:** Presentation - 5 minutes; Discussion - 10 minutes

**Explanation**

- Provide an update on the plans for the remaining CARES Act - Emergency Solutions Grant funds.

[CARES Act - Emergency Solutions Grant](#)

## 4. Charlotte Future 2040 Comprehensive Plan Update

**Staff Resource(s):**

Taiwo Jaiyeoba, City Manager's Office

**Time:** Presentation - 10 minutes; Discussion - 60 minutes

**Explanation**

- Provide an overview of the proposed revisions to the recommended Charlotte Future 2040 Comprehensive Plan.

[Charlotte Future 2040 Comprehensive Plan Update](#)

## 5. Closed Session (as necessary)

## **PUBLIC FORUM**

### **6. Public Forum**

## **CONSENT**

- 7. Consent agenda items 19 through 44 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.

## **PUBLIC HEARING**

## 8. Public Hearing on Charlotte Water Revenue Manual Revisions

### **Action:**

**Conduct a joint public hearing with the Charlotte Water Advisory Committee regarding approval of proposed revisions to the Charlotte Water Revenue Manual.**

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

Angela Charles, Charlotte Water  
Shawn Coffman, Charlotte Water  
Chad Howell, Charlotte Water

### **Policy**

- The Charlotte Water Revenue Manual (Revenue Manual) consolidates Charlotte Water's rate methodology documents into a single manual.
- The agreement between the city and Mecklenburg County, creating the Charlotte Water Advisory Committee, stipulates a joint public hearing of the Advisory Committee with City Council anytime there are changes in the method for determining water and sanitary sewer charges.

### **Explanation**

- Charlotte Water is proposing changes to the rate and fee setting methodology to be implemented with the Fiscal Year 2022 Budget.
- The schedule of water and sanitary sewer rates, fees, and charges is calculated according to the Revenue Manual and Charlotte Water's approved budget and is published annually.
- The Revenue Manual proposed revisions include:
  - Revising the bulk rate from the Tier 3 Residential Rate to the Non-Residential (Commercial) Rate.
  - Adding a reuse/reclaimed water rate that is calculated based on the Non-Residential (Commercial) Rate.
  - Revising the calculation methodology to industry standards, renaming and adding fees in the following sections of the Revenue Manual:
    - Industrial Wastewater Program Charges,
    - Land Development User Fees,
    - Miscellaneous Rates and Fees,
    - Meter Set Fees,
    - Customer Service and Billing Fees and Charges,
    - Hydrant Fees and Penalties,
    - Truck Fees and Penalties,
    - Private Meter Fees and Penalties, and
    - Septic Waste Fees.
  - Authorizing Charlotte Water's Chief Financial Officer to administer rates, fees, and charges, once the Director has established them.
  - Making associated technical and procedural changes that clarify and update the language.
- Advertisements for the public hearing were placed in the Charlotte Observer on May 14, 2021, and the Mecklenburg Times on May 11, 2021.
- In compliance with North Carolina General Statute 166A-19.24. *Remote meetings during certain declarations of emergency*, written comments on the public hearing topic will be accepted by the City Clerk's Office through May 25, 2021, at 11:59 p.m. Any additional comments received will be provided to Council.

### **Next Steps**

- City Council will be asked to approve the proposed revisions to the Revenue Manual at the City Council Business Meeting on June 14, 2021.
- If approved, the revised Revenue Manual will be effective July 1, 2021.

**Attachment(s)**

Proposed Revisions to the Charlotte Water Revenue Manual

[Proposed Revised Charlotte Water Revenue Manual](#)

**POLICY**

**9. City Manager's Report**

## 10. Approve Amendments to Chapter 5, Article II - Regulation of Non-Residential Buildings and Structures

### **Action:**

**Approve amendments to City Code of Ordinances Chapter 5, Article II - Regulation of Non-Residential Buildings and Structures.**

### **Committee Chair:**

Malcolm Graham, Great Neighborhoods Committee

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

Pamela Wideman, Housing and Neighborhood Services

Jane Taillon, Housing and Neighborhood Services

Anna Schleunes, City Attorney's Office

### **Explanation**

- Chapter 5, Article II of the City Code of Ordinances, Regulation of Non-Residential Buildings and Structures Code (NRBC Ordinance), establishes minimum standards for the maintenance, sanitation, and safety of non-residential buildings and structures.
- City Council adopted the current version of the NRBC Ordinance on September 28, 2009.
- Since 2009, the city has continued to identify opportunities to strengthen its ability to ensure that all non-residential buildings meet minimum standards.
- A public hearing was held May 10, 2021, to receive additional community feedback on proposed changes to the NRBC Ordinance. No comments from the public were received.

### **Proposed Changes**

- A summary of the recommendations considered by the Great Neighborhoods Committee include:
  - Revise potential conflicting language,
  - Enhance civil penalties and update fine structure, and
  - Strengthen minimum Standards of Fitness for non-residential buildings and structures.
- The proposed effective date for these amendments is July 1, 2021.

### **Community Input**

- Staff worked with a stakeholder group comprised of city, county, business, and neighborhood representatives to help review the existing ordinance and recommend changes.
- In addition, the city held four virtual community meetings on February 24, February 26, March 3, and March 4, and conducted an online survey from February 24 through March 31 to gather input from residents and business leaders.
- The survey was completed by residents and business owners either online or during the virtual sessions:
  - 39 percent of respondents were business owners.
  - 57 percent of the respondents had limited to no familiarity with the NRBC Ordinance.
  - 81 percent had no previous involvement with the NRBC Ordinance.

### **Committee Discussion**

- In September 2020, the Great Neighborhoods Committee received a Mayoral referral to consider how to address opportunities, challenges, and consequences in conducting nuisance abatement with consideration of mitigating any potential housing displacement.
- Over the span of four meetings during the months of September, November, February, and April, the Great Neighborhoods Committee reviewed best practices, current issues, and community feedback to develop proposed changes to the NRBC Ordinance.
- On April 7, 2021, the Great Neighborhoods Committee voted 4-1 (Malcolm Graham, Victoria Watlington, Tariq Bokhari, and Julie Eiselt voted FOR; Braxton Winston voted AGAINST) to forward the proposed NRBC Ordinance revisions to City Council for review and approval.

**Attachment(s)**

NRBC Ordinance - Redlined

[Ordinance - Chapter 5, Article II](#)

## BUSINESS

### 11. Appropriate Funds for the Installation of Sustainable Infrastructure Components

**Action:**

**Adopt a budget ordinance appropriating \$105,793.60 in solar panel system rebate and Smart Saver Incentive Program funds from Duke Energy to the General Capital Projects Fund.**

**Staff Resource(s):**

Phil Reiger, General Services  
David Wolfe, General Services  
Heather Bolick, General Services

**Explanation**

- This action appropriates funds from the North Carolina Solar Rebate and Smart Saver Incentive Programs for the recent installation of a solar panel system at the Charlotte-Mecklenburg Police Department's Hickory Grove Division and energy-efficient equipment at the Hickory Grove and Central Divisions.
- These funds will assist with the operation and maintenance of new and existing city-owned sustainable infrastructure, as well as enhancement of building operations such as retro-commissioning.
- Per North Carolina General Statute 62-155 (f), Duke Energy offers a one-time rebate for installation of solar panels. Through 2022, Duke Energy is providing 10 megawatts of capacity annually for this program in the Duke Energy Carolinas service area on a first-come, first-served basis.
- Duke Energy's Smart Saver Incentive program offers rebates to non-residential customers to install energy-efficient equipment in their facilities. All Duke Energy North Carolina nonresidential electric customers are eligible, except those that have elected to opt out of the Energy Efficiency Rider.
- The installation of energy-efficient equipment and rooftop solar energy systems advances the goal to source 100 percent of energy for municipal buildings and fleet from zero carbon sources by 2030 as outlined in the Strategic Energy Action Plan adopted by City Council.
- The city anticipates receiving \$243,150 from this program in FY 2022.

**Fiscal Note**

Funding: General Capital Investment Plan

**Attachment(s)**

Budget Ordinance

Map

[Budget Ordinance](#)

[Map Appropriate Funds for the Installation of Sustainable Infrastructure Components at CMPD Divisor](#)

## 12. Appropriate Private Property Owner Funds for a Storm Drainage Improvement Project

**Action:**

**Adopt a budget ordinance appropriating \$302,500 in private property owner funds for storm drainage improvements to the Storm Water Capital Projects Fund.**

**Staff Resource(s):**

Angela Charles, Charlotte Water

Mike Davis, Storm Water Services

Daryl Hammock, Storm Water Services

**Explanation**

- A storm drainage pipe is in need of repair behind a private residence and along several neighboring properties near the intersection of Johnston Road and Providence Road West in Council District 7.
- The City Council-adopted cost-share policy enables private property owners to accelerate the repair timeline if they fund half the total construction cost of the improvements.
- The cost of the improvements is \$605,000, and half of the cost must be received from the private property owners prior to the city beginning the repair.
- This appropriation will enable the city to credit the payment, comply with the adopted City Council policy, and partner with the private property owners to construct the improvements.
- Construction would be performed by a city contractor.

**Fiscal Note**

Storm Water Capital Investment Plan

**Attachment(s)**

Budget Ordinance

Map

[Budget Ordinance](#)

[Map-Appropriate Private Property Owner Funds for a Storm Drainage Improvement Project](#)

### 13. Charlotte Water Property Exchange with Charlotte-Mecklenburg Board of Education

**Action:**

- A. Adopt a resolution ratifying a land exchange agreement with the Charlotte-Mecklenburg Board of Education, and**
  
- B. Authorize the City Manager, or his designee, to negotiate and execute all necessary documents to complete the transactions in conformity herewith.**

**Staff Resource(s):**

Angela Charles, Charlotte Water

David Czerr, Charlotte Water

**Explanation**

- The city owns approximately 0.946 acres near Johnston Road in Council District 7 (Parcel Identification Number 223-481-02). This city-owned property was previously used for a pump station formerly operated by Charlotte Water.
- The city property has no road frontage and is only accessible by an easement through the surrounding property. The property is not suitable for affordable housing and has been identified as surplus.
- The Charlotte-Mecklenburg Board of Education (CMBE) is purchasing the land that surrounds the city's parcel for a new school and wishes to acquire the city's property, valued at \$400,000.
- The city is constructing the following four sanitary sewer projects that cross CMBE property, and the easements have been valued at a total of \$400,000:
  - Irwin Creek Tributaries to DeWitt Lane and Yeoman Road Sanitary Sewer Replacement project, in Council District 3;
  - Proposed 8-inch Sanitary Sewer to Serve 7740 and 7744 Pleasant Grove Road project, in Council District 2;
  - Dairy Branch Tributary - Sedgefield Park Segment Sanitary Sewer project, in Council District 1; and
  - Irwin Tributary Sanitary Sewer along Remount Road project, in Council District 3.
- The city and CMBE propose an exchange of property to provide the following benefits:
  - Charlotte Water's capital projects will acquire the easements needed to support critical sanitary sewer projects.
  - CMBE will acquire the city's parcel to combine with the larger parcel they are acquiring for a future school in this area.
- The Charlotte-Mecklenburg Planning Commission recommended approval of the exchange of property on April 20, 2021.

**Attachment(s)**

Resolution

[Resolution - Charlotte Water Property Exchange](#)

## 14. Interlocal Agreement for Sanitary Sewer and Greenway Improvements

### **Action:**

**Adopt a resolution ratifying an interlocal agreement with Atrium Health and Mecklenburg County for sanitary sewer and greenway improvements.**

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

Angela Charles, Charlotte Water

David Czerr, Charlotte Water

### **Explanation**

- This interlocal agreement with Atrium Health and Mecklenburg County captures the obligations of each party as it pertains to Charlotte Water sanitary sewer improvements on Mecklenburg County parcels and Mecklenburg County greenway improvements.
- Mecklenburg County is granting Charlotte Water permanent easements and Atrium Health temporary construction easements to facilitate construction over county-owned property for the sanitary sewer improvements.
- In addition to funding greenway improvements, Atrium Health will provide survey documents for temporary construction easements, develop construction documents for the greenway improvements, and construct both greenway and Charlotte Water sanitary sewer improvements.
- In addition to funding the sanitary sewer improvements, Charlotte Water will provide survey documents for the sanitary sewer permanent easements and construction documents for the sanitary sewer.
- On March 22, 2021, City Council approved an interlocal agreement with Atrium Health for the sanitary sewer installation to be funded by Charlotte Water and installed as part of the Atrium Health campus and greenway improvements through direct construction cost payments to Atrium Health.
- Construction of the sanitary sewer line improvements is anticipated to start second or third quarter 2021.

### **Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

### **Attachment(s)**

Resolution

Map

[Resolution-Interlocal Agreement for Sanitary Sewer and Greenway Improvements](#)

[Map](#)

## 15. Interlocal Agreement for Relocation of Water and Sanitary Sewer Infrastructure

### **Action:**

- A. Adopt a resolution ratifying an interlocal agreement with the Town of Cornelius for construction of water and sanitary sewer line relocations, adjustments, and improvements, and**
- B. Authorize the City Manager to approve the reimbursement request for the actual cost of the utility construction.**

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

Angela Charles, Charlotte Water  
Jackie Jarrell, Charlotte Water  
Scott Clark, Charlotte Water

### **Explanation**

- This interlocal agreement is for the relocation and replacement of approximately 1,700 linear feet of water and sanitary sewer lines located within the Town of Cornelius's Gem Street Extension project, between Gem Street and Oak Street in the Town of Cornelius.
- Partnership on this project provides a mutually beneficial opportunity to address aging infrastructure in the area and eliminate future impact to the community.
- The city will reimburse the Town of Cornelius for construction costs associated with the water and sanitary sewer infrastructure replacement.
- Estimated contract expenditure is \$280,000.

### **Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

### **Attachment(s)**

Resolution  
Map

[Resolution-Interlocal Agreement for Relocation of Water and Sanitary Sewer Infrastructure](#)

[Map-Interlocal Agreement for Relocation of Water and Sanitary Sewer Infrastructure](#)

## 16. Appropriate Private Developer Funds

### **Action:**

- A. Adopt a budget ordinance appropriating \$73,135 in private developer funds for traffic signal installations and improvements to the General Capital Projects Fund, and**
- B. Adopt a budget ordinance appropriating \$18,500 in supplemental developer funds for traffic signal installations and improvements on projects currently under construction to the General Capital Projects Fund.**

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

Liz Babson, Transportation  
Charles Abel, Transportation

### **Explanation**

- Private developer 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 \$73,135 in private developer funds is for road modifications, traffic signals, traffic signal modifications, and/or upgrades, and other related work associated with the developers' projects. The funding is restricted to the projects noted below:
  - Prince Charles, LLC contributed \$34,960 for signal modifications at Fairview Road and Carmel Road (Council District 6).
  - Catalyst Capital Partners, LLC contributed \$10,000 for signal modifications at IBM Drive and Hewitt Associates Drive (University Oaks Drive) (Council District 4).
  - Pinehurst Property Owner, LLC contributed \$28,175 for signal modifications at Providence Road and Strawberry Hill Drive (Council District 6).
- The \$18,500 in supplemental developer funds is for signal modifications and other work associated with the developer's projects. The funding is restricted to the projects noted below:
  - LMV Block 42 Holdings, LP contributed \$18,500 for additional funding for signal modifications at 9th Street and College Street (Council District 1). The original appropriation for these modifications were approved by City Council on March 26, 2018.
- These developer contributions are based on cost estimates prepared by the Charlotte Department of Transportation (CDOT).
- Any funding contributed by the developer(s) for a signal project that is unused by the city will be refunded back to the developer(s) after project completion.
- CDOT will install and operate these signals as part of the existing signal systems in the area.

### **Fiscal Note**

Funding: Private Developer Contributions

### **Attachment(s)**

Map

Budget Ordinance - Action A

Budget Ordinance - Action B

[Traffic Improvements Map](#)

[Budget Ordinance - Action A](#)

[Budget Ordinance - Action B](#)

## 17. Metrolina Regional Travel Demand Model

### Action:

- A. Adopt a resolution ratifying interlocal agreements to reimburse the City of Charlotte for the development and maintenance of the Metrolina Regional Travel Demand Model for a term of five years with the following local governments:**
- City of Concord,
  - City of Gastonia,
  - City of Rock Hill,
- A. Adopt a resolution authorizing the City Manager to negotiate and execute municipal agreements to reimburse the City of Charlotte for the development and maintenance of the Metrolina Regional Travel Demand Model for a term of five years with the following state agencies:**
- North Carolina Department of Transportation,
  - South Carolina Department of Transportation, and
- B. Authorize the City Manager to amend the agreements consistent with the purpose for which the agreements were approved.**

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

Liz Babson, Transportation  
Anna Gallup, Transportation

### **Explanation**

- The Metrolina Regional Travel Demand Model is a computer modeling tool for evaluating existing and future travel in the Metrolina Region.
- Ongoing refinement and updates to the Metrolina Regional Travel Demand Model are necessary to maintain the state-of-the-practice travel demand model as required by the U.S. Department of Transportation for air quality conformity determinations, highway travel forecasts, and transit ridership forecasts.
- The Charlotte Department of Transportation (CDOT) is the custodian of the Metrolina Regional Travel Demand Model for an 11 county, bi-state region. The City of Charlotte is responsible for managing all model related work completed by both staff and consultants.
- The terms of these agreements provide for the reimbursement of expenses related to the development and model maintenance of the Metrolina Regional Model.
- The Metrolina Regional Travel Demand Model work is jointly funded by the following agencies:
  - North Carolina Department of Transportation (NCDOT),
  - South Carolina Department of Transportation (SCDOT),
  - Cabarrus-Rowan Metropolitan Planning Organization (CRMPO),
  - Charlotte Regional Transportation Planning Organization (CRTPO),
  - Gaston-Cleveland-Lincoln MPO (GCLMPO), and
  - Rock Hill-Fort Mill Area Transportation Study (RFATS).
- The Fiscal Year 2022 reimbursement shares for each state agency are:
  - NCDOT: 45 percent share in the amount of \$105,750.
  - SCDOT: five percent share in the amount of \$11,750.
- The MPOs' reimbursement shares comprise the other 50 percent. The MPO shares are proportioned based on the 2010 Census population of the MPOs' planning area:
  - Concord on behalf of CRMPO: 7.317 percent share in the amount of \$17,195.38,
  - Gastonia on behalf of GCLMPO: 8.843 percent share in the amount of \$20,781.23,
  - Rock Hill on behalf of RFATS: 4.634 percent share in the amount of \$10,889.27, and
  - City of Charlotte on behalf of CRTPO: 29.206 percent share in the amount of \$68,634.13.
    - The City of Charlotte contributes \$7,680 of this amount.
- The total reimbursement share for the state agencies and MPOs equals \$166,365.87.
- The cost share of the agreements is included in the city's Fiscal Year 2022 Budget.

- The MPO shares may be adjusted in the future to reflect the 2020 Census.

**Fiscal Note**

Funding: NCDOT, SCDOT, Cities of Rock Hill, Gastonia, and Concord, CRTPO, and City of Charlotte

**Attachment(s)**

Resolution - Action A

Resolution - Action B

[Resolution MRM - Action A](#)

[Resolution MRM - Action B](#)

## 18. Refunding Outstanding Transit Debt

**Action:**

**Adopt a resolution authorizing and approving the execution of an installment financing contract in an amount not to exceed \$200,000,000 to refund outstanding 2008A Certificates of Participation and 2015D Transportation Infrastructure Finance and Innovation Act financings.**

**Staff Resource(s):**

Kelly Flannery, Finance

John Lewis, CATS

**Explanation**

- Authorize the refinancing of up to \$200,000,000 in outstanding debt for Transit, which is comprised of approximately \$25,000,000 in Series 2008A Certificates of Participation (COPs) and approximately \$175,000,000 in Series 2015D Transportation Infrastructure Finance and Innovation Act (TIFIA) financing, for debt service savings.
- The refunding of the 2008A COPs and the 2015D TIFIA financing are expected to result in significant current estimated net present value savings over the life of the refunding.
- At its April 26, 2021 meeting, City Council adopted an initial findings resolution and called for a public hearing to be held on May 10, 2021.
- At its May 10, 2021 meeting, City Council held a public hearing related to the issuance. No public comments were received.
- This action will provide approval to the City Manager and the authorized officers named in the Resolution to take necessary actions to complete the financing and related documentation for the life of the debt.

**Fiscal Note**

Funding: Transit Debt Service Fund

**Attachment(s)**

Resolution

[Resolution - Charlotte Transit Refunding COPs](#)

## CONSENT

### 19. Construct On-Call Services for Intelligent Transportation Systems

**Action:**

- A. Reject the low bid submitted by Lumin8 Transportation Technologies, LLC for Miscellaneous On-Call Services for Intelligent Transportation Systems Project A project, and**
- B. Approve a contract in the amount of \$1,925,814.82 to the lowest responsive bidder STS Cable Services, Inc. for the Miscellaneous On-Call Services for Intelligent Transportation Systems Project A project.**

**Staff Resource(s):**

Liz Babson, Transportation  
Charles Abel, Transportation  
Ashley Boenisch, Transportation

**Explanation**

- This contract is part of the maintenance and implementation of the Intelligent Transportation System (ITS) Master Plan described in the Transportation Action Plan.
- Traffic signals and traffic management cameras are major components of an ITS, and connecting them with fiber optic cable provides the ability to monitor and remotely adjust traffic signals to improve traffic flow.
- This contract will provide repair and relocation of existing conduit, fiber optic cable, aluminum poles, traffic management cameras, and other facilities, as needed, within the city's ITS and will allow the Charlotte Department of Transportation to be more responsive in emergency situations.
- On February 24, 2021, the city issued an Invitation to Bid; three bids were received.
- STS Cable Services, Inc. was selected as the lowest responsive, responsible bidder.
- Lumin8 Transportation Technologies, LLC bid in the amount of \$1,894,801.25 and was found to be non-responsive as a result of failing to meet the North Carolina General Contracting Licensing requirements.
  - Lumin8 Transportation Technologies, LLC does not have a General Contractor License.

**Charlotte Business INclusion**

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

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

**Fiscal Note**

Funding: General Capital Investment Plan

## 20. Citywide On-Call Cabling Services

### Action:

- A. Authorize the City Manager to negotiate and approve unit price contracts for citywide on-call cabling services for an initial term of three years to the following:**
- **AFL Enterprise Services, Inc.,**
  - **Cabling Solutions, Inc. dba CSI Technology Integrators,**
  - **TelWare Corporation,**
  - **Universal Phone Systems, Inc. dba Universal Voice/Data, 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 requires qualified and experienced companies to provide on-call low voltage cabling services for installation and minor renovations at various city facilities.
- A citywide contract benefits the city by leveraging volume discounts on products and services, while also ensuring reliable cabling services from a pool of available service providers.
- The services primarily include installation of data cabling, as well as installation and maintenance of ethernet cables.
- On March 2, 2021, the city issued a Request for Proposals (RFP); four responses were received.
- The companies selected best meet the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$1,300,000.

### **Charlotte Business INclusion**

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

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

### **Fiscal Note**

Funding: Various Departments' Operating Budgets

## 21. Construct Ardrey Kell Road Sidewalk

### **Action:**

**Approve a contract in the amount of \$998,425.34 to the lowest responsive bidder Dot Construction, Inc. for the Ardrey Kell Road Sidewalk project.**

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

Phil Reiger, General Services  
Jennifer Smith, General Services  
Andrew Davis, General Services

### **Explanation**

- This project includes the construction of approximately a half mile of new sidewalk along the northern side of Ardrey Kell Road from the Tom Short Road intersection to the future Bryant Farms Road Extension in Council District 7.
- Work includes new curb and gutter, incidental widening, milling, resurfacing, pavement markings, and accessible ramps.
- On March 4, 2021, the city issued an Invitation to Bid; four bids were received.
- Dot Construction, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by the end of third quarter 2022.

### **Charlotte Business INclusion**

Dot Construction, Inc. is a city certified SBE.

Established MBE Goal: 8.00%

Committed MBE Goal: 8.10%

Dot Construction, Inc. exceeded the established MBE subcontracting goal and has committed 8.10% (\$80,850) of the total contract amount to the following MBE certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Streeter Trucking (MBE, SBE) (\$80,850) (hauling)

Established SBE Goal: 17.00%

Committed SBE Goal: 17.01%

Dot Construction, Inc. met the established SBE subcontracting goal and has committed 17.01% (\$169,800) of the total contract amount to the following SBE certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Striping Concepts, LLC. (SBE) (\$23,000) (marking)
- AMP Utility Distribution. (WBE, SBE) (\$25,800) (RCP material)
- Clear Creek of Salisbury (WBE, SBE) (\$121,000) (concrete work)

### **Fiscal Note**

Funding: General Capital Investment Plan

### **Attachment(s)**

Map

[Map Construct Ardrey Kell Road Sidewalk](#)

## 22. Construct Charlotte-Mecklenburg Animal Care and Control Intake Room Renovations

### **Action:**

**Approve a contract in the amount of \$572,504.80 to the lowest responsive bidder Carolina Contracting & Investments Inc. for the Charlotte-Mecklenburg Police Department Animal Care and Control Intake Room Renovations project.**

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

Phil Reiger, General Services  
Jennifer Smith, General Services  
Kathleen Cishek, General Services

### **Explanation**

- The project includes animal intake room renovations at the Charlotte-Mecklenburg Police Department Animal Care and Control Shelter at 8315 Byrum Drive, located in Council District 3.
- The work includes, but is not limited to:
  - New rooftop mechanical unit installation and associated roofing work,
  - Demolition and reconstruction of walls,
  - Concrete slab and millwork installation,
  - Removal and installation of stainless-steel cages,
  - Minor structural steel and masonry construction,
  - Floor sealing, and
  - Minor electrical, plumbing, and mechanical construction.
- On June 11, 2018, City Council appropriated \$5,000,000 to conduct a facility evaluation and begin facility renovations to maintain its compliance status as a State approved animal welfare facility.
- Prior facility improvements included wall and floor repairs, HVAC installation, and enhancements in the dog kennel area. Additional improvements are in design and will be needed to maintain compliance.
- On March 22, 2021, the city issued an Invitation to Bid; six bids were received.
- Carolina Contracting & Investments Inc. was selected as the lowest responsive, responsible bidder.
- This project is anticipated to be complete by first quarter 2022.

### **Charlotte Business INclusion**

Carolina Contracting & Investments Inc. is a city certified SBE.

Established MBE Goal: 7.00%

Committed MBE Goal: 9.58%

Carolina Contracting & Investments Inc. exceeded the established MBE subcontracting goal and has committed 9.58% (\$54,824) of the total contract amount to the following MBE certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Mekki Modular System Inc. (MBE, SBE) (\$888) (flooring)
- Yes Real Estate Construction Group Inc. (MBE) (\$53,936) (electrical)

Established SBE Goal: 12.00%

Committed SBE Goal: 12.08%

Carolina Contracting & Investments Inc. exceeded the established MBE subcontracting goal and has committed 12.08% (\$69,142) of the total contract amount to the following SBE certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Carroll Small Repairs (MBE, SBE) (\$39,500) (general trades)
- CS Plumbing (MBE, SBE) (\$24,742) (plumbing)
- AEP Protecting Coating (SBE) (\$4,900) (painting)

### **Fiscal Note**

General Capital Investment Plan

**Attachment(s)**

Map

[Map Construct Charlotte-Mecklenburg Animal Care and Control Intake Room Renovations](#)

## 23. Construct City View/McAlpine Stream Project

### **Action:**

**Approve a contract in the amount of \$729,686.11 to the lowest responsive bidder Carolina Wetland Services, Inc. for the City View/McAlpine Stream Project.**

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

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

### **Explanation**

- The City View/McAlpine Stream Project will perform maintenance activities of stream segments to ensure future mitigation credit and long-term success:
  - McAlpine Creek in the McAlpine watershed with boundaries of Sardis Lane to north, Lynbridge Drive to the south, Sardis Road to the east, and Providence Road to the west (Council Districts 6 and 7), and
  - City View Stream in the McAlpine watershed with boundaries of City View Drive to the north, Dorn Circle to the east, Wallace Lane to the south, and Independence Boulevard to the west (Council District 5).
- Work will include channel grading; in-stream grade control structures; bank stabilization, plantings; and minor pavement, curb, and gutter repairs.
- On March 16, 2021, the city issued an Invitation to Bid; seven bids were received.
- Carolina Wetland Services, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by second quarter 2022.

### **Charlotte Business INclusion**

Carolina Wetland Services, Inc. is a city-certified WBE and SBE.

Established MBE Goal: 6.00%

Committed MBE Goal: 6.10%

Carolina Wetland Services, Inc. exceeded the established MBE subcontracting goal and has committed 6.10% (\$44,510) of the total contract amount to the following MBE certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- B&M Concrete, Inc. (MBE, SBE) (\$5,000) (hauling)
- Diamond Trucking (MBE, SBE) (\$19,755) (hauling)
- Buffkin Trucking (MBE, SBE) (\$19,755) (hauling)

Established SBE Goal: 18.00%

Committed SBE Goal: 18.10%

Carolina Wetland Services, Inc. exceeded the established SBE subcontracting goal and has committed 18.10% (\$132,073) of the total contract amount to the following SBE certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Pentacle Inc. (WBE, SBE) (\$10,670) (fencing)
- AMP Utility Distribution Services LLC (WBE, SBE) (\$95,569) (materials)
- D & A Wolverine, PLLC (SBE) (\$15,834) (engineering)
- All Points Trucking Inc. (WBE, SBE) (\$10,000) (hauling)

### **Fiscal Note**

Funding: Storm Water Capital Investment Plan

### **Attachment(s)**

Map

[Map Construct City View-McAlpine Stream Project](#)

## 24. Irwin Creek Wastewater Treatment Plant Improvements

### **Action:**

**Approve a contract in the amount of \$2,921,814.50 to the lowest responsive bidder Gilbert Engineering Company, Inc. for the Irwin Creek Wastewater Treatment Plant Rehabilitation Improvements project.**

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

Angela Charles, Charlotte Water  
David Czerr, Charlotte Water  
Carl Wilson, Charlotte Water

### **Explanation**

- This contract will provide improvements to the Irwin Creek Wastewater Treatment Plant, located in Council District 3.
- These improvements include new roofing, concrete repairs, and installation of new equipment.
- On March 31, 2021, the city issued an Invitation to Bid; three bids were received.
- Gilbert Engineering Company, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by third quarter 2022.

### **Charlotte Business INclusion**

Established MSBE Goal: 5.00%

Committed MSBE Goal: 9.49%

Gilbert Engineering Company, Inc. exceeded the established subcontracting goal and has committed 9.49% (\$277,157) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Superior Mechanical Systems, Inc. (MBE) (\$138,667) (HVAC)
- CITI, LLC (MBE) (\$138,490) (instrumentation)

### **Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

## 25. Water Treatment Chlorination Equipment

### Action:

- A. Approve the purchase of chlorination equipment, by the sole source exemption,
- B. Approve a contract with Piedmont Chlorinator, Inc. for the purchase of Regal smart valves, vacuum regulators, related chemical feed equipment, and maintenance services for the term of five years, and
- C. Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.

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

Angela Charles, Charlotte Water  
Ron Hargrove, Charlotte Water  
John Huber, Charlotte Water

### **Sole Source Exemption**

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

### **Explanation**

- This contract will provide equipment, parts, and maintenance services needed for chlorine handling and feeding at the water treatment plants.
- The chlorination equipment was originally installed within the water treatment plants through competitively bid construction projects.
- Annual expenditures are estimated to be \$80,000.

### **Charlotte Business INclusion**

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

### **Fiscal Note**

Funding: Charlotte Water Operating Budget

## 26. Airport Passenger Boarding Bridge Maintenance Services

### Action:

- A. **Approve a contract with National Jetbridge Services for maintenance services for passenger boarding bridges for an initial term of three years, and**
  
- B. **Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the the purpose for which the contract was approved.**

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

Haley Gentry, Aviation

Jack Christine, Aviation

### **Explanation**

- Passenger boarding bridges (PBBs) provide passengers a secure and dry pathway from the terminal building to aircraft.
- Aviation currently maintains 97 PBBs and anticipates acquiring more in the next 24 months due to the transition to a common use gate system, airline requests for additional boarding bridges, and installation of new gates.
- PBBs require significant preventative maintenance and repair due to excessive use and mechanical complexity.
- This contract will provide maintenance services on a routine basis in order to keep service interruptions to a minimum.
- On January 7, 2021, the city issued a Request for Proposals (RFP); two responses were received.
- National Jetbridge Services best meets the city's needs in terms of qualifications, experience, dependability, and responsiveness to RFP requirements.
- Aviation will provide all repair parts and materials needed for these maintenance services.
- Annual expenditures are estimated to be \$229,020.

### **Charlotte Business INclusion**

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

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

### **Fiscal Note**

Funding: Aviation Operating Budget

## 27. Airport Runway Passive Safety System Maintenance

### **Action:**

- A. Approve the purchase of materials required for seam sealant retrofit and field strength testing of the Engineered Material Arresting System (EMAS) for Runway 36R, by the sole source exemption,**
- B. Approve a contract with Runway Safe Incorporated for the purchase of materials required for EMAS retrofit and field strength testing for the term of one-year.**

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

Haley Gentry, 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 the needed product is available from only one source.
- City Council approval is required for any purchases made under the sole source exception.

### **Explanation**

- In 2008, the Airport installed an Engineered Material Arresting System (EMAS) at the end of Runway 36R. EMAS helps slow or stop aircraft if it overruns the runway.
- EMAS is made up of concrete blocks that are light and crushable to absorb the weight of an aircraft. The blocks have a seam seal to prevent water and debris from settling between the blocks. The seam seals have deteriorated and need to be replaced.
- This contract provides materials to replace the seam seals and the required field strength test.
- Runway Safe Incorporated is the only company in the U.S. approved by the Federal Aviation Administration (FAA) to produce EMAS materials and provide field strength testing.
- Total expenditures are estimated to be \$260,000.
- 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**

Aviation Capital Investment Plan

## 28. Airport Waste Hauling and Disposal Services

### Action:

- A. **Approve a contract with Waste Management of the Carolinas for airport waste hauling and disposal for an initial term of three years, and**
  
- B. **Authorize the City Manager to renew the contract for up to two additional, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

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

Haley Gentry, Aviation

Jack Christine, Aviation

### **Explanation**

- Waste Management of the Carolinas will perform waste hauling and disposal services for the main terminal building, terminal ramp, and outlying areas of the Airport properties.
- On March 11, 2021, the city issued a Request for Proposals (RFP); one response was received.
- Waste Management of the Carolinas meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$900,000.

### **Charlotte Business INclusion**

The city negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy).

Waste Management of the Carolinas has committed 7.84% (\$211,680) of the total contract amount to the following certified firm:

- RJ Waste & Recovery (SBE) (\$211,680) (recycling hauling)

### **Fiscal Note**

Funding: Aviation Operating Budget

## 29. Set Public Hearing on the Edgewood Plantation Historic Landmark Designation

**Action:**

Adopt a resolution setting a public hearing for June 28, 2021, to consider amending the existing Historic Landmark Designation for the property known as the "Edgewood Plantation" (Parcel Identification Numbers 027-611-04, 027-611-05, and 027-611-06).

**Staff Resource(s):**

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

**Explanation**

- The city has received a recommendation from the Charlotte-Mecklenburg Historic Landmarks Commission to consider amending the designation of the Edgewood Plantation as a local historic landmark.
- Public hearings are required prior to City Council action on designation requests.
- The Edgewood Plantation is located at 11132 Eastfield Road in the ETJ area, adjacent to Council District 4.
- The Edgewood Plantation is listed under Parcel Identification Numbers 027-611-04, 027-611-05, and 027-611-06.
- The recommended modification to the designation would remove the properties where development will occur but will retain the approximate two-acre parcel that includes the historic plantation house, the log outbuilding, and associated structures, and the 4.75-acre parcel to the west of the historic home.
- The properties are zoned MX-2.

**Attachment(s)**

Information Sheet  
Survey Map  
Resolution

[Edgewood Information Sheet](#)

[Edgewood Survey Map](#)

[Edgewood Resolution](#)

## 30. Set Public Hearing on the Ervin Building Historic Landmark Designation

**Action:**

**Adopt a resolution setting a public hearing for June 28, 2021, to consider Historic Landmark Designation for the Property known as the "Ervin Building" (Parcel Identification Numbers 131-111-10 and 131-111-14).**

**Staff Resource(s):**

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

**Explanation**

- The city has received a recommendation from the Charlotte-Mecklenburg Historic Landmarks Commission to designate the Ervin Building as a local historic landmark.
- Public hearings are required prior to City Council action on designation requests.
- The Ervin Building is located at 4037 and 4055 East Independence Boulevard in Council District 5.
- The Ervin Building is listed under Parcel Identification Numbers 131-111-10 and 131-111-14.
- The designation would include the interior and exterior of the building and the land associated with both tax parcel numbers.
- The properties are zoned MUDD-O (mixed use development - optional).

**Attachment(s)**

Information Sheet  
Resolution

[Ervin Building Information Sheet](#)

[Ervin Building Resolution](#)

## 31. Set Public Hearing on the Larkwood-Chadbourn Hosiery Mill Plant Historic Landmark Designation

**Action:**

Adopt a resolution setting a public hearing for June 28, 2021, to consider Historic Landmark Designation for the Property known as the "Larkwood-Chadbourn Hosiery Mill Plant" (Parcel Identification Number 083-067-07).

**Staff Resource(s):**

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

**Explanation**

- The city has received a recommendation from the Charlotte-Mecklenburg Historic Landmarks Commission to designate the Larkwood-Chadbourn Hosiery Mill Plant (the Mill) as a local historic landmark.
- Public hearings are required prior to City Council action on designation requests.
- The Mill is located at 451 Jordan Place in Council District 1.
- The Mill is listed under Parcel Identification Number 083-067-07.
- The designation would include the interior and exterior of the mill building and boiler house, the smokestack, and the land listed under tax parcel 083-067-07.
- The property is zoned TOD-UC (transit oriented development - urban center).

**Attachment(s)**

Information Sheet  
Resolution

[Larkwood-Chadbourn Mill Information Sheet](#)

[Larkwood-Chadbourn Resolution](#)

## 32. Set Public Hearing on the Victor Shaw House Historic Landmark Designation

**Action:**

**Adopt a resolution setting a public hearing for June 28, 2021, to consider amending the Historic Landmark Designation for the Property known as the "Victor Shaw House" (Parcel Identification Number 095-055-44).**

**Staff Resource(s):**

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

**Explanation**

- The city has received a recommendation from the Charlotte-Mecklenburg Historic Landmarks Commission to designate the Victor Shaw House as a local historic landmark.
- Public hearings are required prior to City Council action on designation requests.
- The Victor Shaw House is located at 2400 Mecklenburg Avenue in Council District 1.
- The Victor Shaw House is listed under Parcel Identification Number 095-055-44.
- The owner is requesting removal of the designation from the property with the exception of the three parcels bordering Mecklenburg Avenue, as shown on the attached site plan, consisting of the parcel that contains the historic house and the two adjacent parcels lying immediately to the east and west of the historic house.
- The historic house and the three referenced parcels of land would retain the historic landmark designation.
- The property is zoned UR-2(CD) (urban residential - conditional).

**Attachment(s)**

Information Sheet  
Survey Map  
Resolution

[Shaw House Information Sheet](#)

[Shaw House Survey Map](#)

[Shaw House Resolution](#)

### **33. Set Public Hearing on the William H. Peeps House Historic Landmark Designation**

**Action:**

**Adopt a resolution setting a public hearing for June 28, 2021, to consider Historic Landmark Designation for the Property known as the "William H. Peeps House" (Parcel Identification Number 121-082-08).**

**Staff Resource(s):**

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

**Explanation**

- The city has received a recommendation from the Charlotte-Mecklenburg Historic Landmarks Commission to designate the William H. Peeps House (Peeps House) as a local historic landmark.
- Public hearings are required prior to City Council action on designation requests.
- The Peeps House is located at 831 East Worthington Avenue in Council District 1.
- The Peeps House is listed under Parcel Identification Number (PID) 121-082-08.
- The designation would include the interior and exterior of the house and the land listed under PID 121-082-08.
- The property is zoned R-5 (single-family residential).

**Attachment(s)**

Information Sheet  
Resolution

[Peeps House resolution cover sheet](#)

[Peeps House Resolution](#)

## 34. Set Public Hearing on River District Phase 1 Area Voluntary Annexation

### **Action:**

**Adopt a resolution setting a public hearing for June 28, 2021, on the River District Phase 1 Area voluntary annexation petition.**

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

Taiwo Jaiyeoba, City Manager's Office  
Holly Cramer, Planning, Design, and Development

### **Explanation**

- The city has received a petition for voluntary annexation of private property.
- Public hearings are required prior to City Council action on annexation requests.
- This property is located within Charlotte's extraterritorial jurisdiction.
- The area proposed for annexation shares a boundary with current city limits.
- Annexation of this area will allow for more orderly land development review, extension of city services, capital investments, and future annexation processes.
- The 167.3-acre "River District Phase 1" site is located along the west and east sides of Dixie River Road, west of Interstate 485, and north of Garrison Road.
  - The property is mostly vacant with some large-lot residential and civic uses.
  - The petitioner has plans to develop a mixture of retail, hotel, office, and residential uses. Commercial retail uses include a grocery store, a restaurant, and other businesses at a total of 388,000 square feet. Other commercial, non-retail uses up to 1,219,000 square feet are proposed to accommodate a hotel and office.
  - The property is zoned MUDD-O which allows for mixed-use development and MX-2 which allows for a mix of residential uses and some additional nonresidential development.
  - The property is located adjacent to Council District 3.
  - The petitioned area consists of eleven parcels, Parcel Identification Numbers 141-131-18, 141-131-19, 141-142-06, 141-142-09, 141-143-01, 141-143-02, 141-143-03, 141-143-07, 141-143-15, 113-201-01, and 113-281-48.

### **Consistency with City Council Policies**

- The annexation is consistent with city voluntary annexation policies approved by the 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;
    - The annexation of the River District Phase 1 Area would have an immediate impact on City finances due to several one-time expenses. However, such financial investments would see a return after approximately nine years if this property were to be annexed due to recurring revenues rendered from the annexation of this area.
    - The intent of the petitioners is to seek annexation for additional parts of the 1,400-acre River District area through subsequent annexation petitions. Future annexations have the potential to further offset one-time expenses with additional revenues.
  - Is consistent with the policy to not create unincorporated areas that will be encompassed by new city limits;
  - This voluntary annexation is being recommended because the city's interests will be served by annexing the petitioned property.

### **Attachment(s)**

Map  
Resolution

[Map River District Phase 1 Area Annexation](#)

[Resolution for River District Phase 1 Area Annexation](#)

## 35. Meeting Minutes

### **Action:**

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

- **March 01, 2021 Strategy Session,**
- **March 03, 2021 Budget Workshop,**
- **March 15, 2021 Zoning Meeting,**
- **March 22, 2021 Business Meeting, and**
- **April 05, 2021 Strategy Session.**

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

Stephanie Kelly, City Clerk's Office

### **Explanation**

- **City Council meeting minutes can be accessed at <https://charlottenc.gov/CityClerk/Pages/Minutes.aspx>.**

## PROPERTY TRANSACTIONS

### 36. Charlotte Water Property Transactions - Little Hope Creek Sanitary Sewer Improvements, Parcel #24

**Action:** Approve the following Condemnation: Little Hope Creek Sanitary Sewer Improvements, Parcel #24

**Project:** Little Hope Creek Sanitary Sewer Improvements, Parcel #24

**Owner(s):** James Glidewell Bolton III and Catherine Bolton Hudspeth, heirs of Catherine Dunn Bolton

**Property Address:** Mockingbird Lane

**Total Parcel Area:** 10,189 sq. ft. (0.23 ac.)

**Property to be acquired by Easements:** 2,018 sq. ft. (0.05 ac.) Permanent Easement, plus 60 sq. ft. (0.01 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** R-4

**Use:** Single-family Residential

**Tax Code:** 171-091-59

<https://polaris3g.mecklenburgcountync.gov/#pid=17109159&qisid=17109159>

**Appraised Value:** \$1,225

**Property Owner's Concerns:** None

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

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

**Council District:** 6

## 37. Charlotte Water Property Transactions - Little Hope Creek Sanitary Sewer Improvements, Parcel #26

**Action:** Approve the following Condemnation: Little Hope Creek Sanitary Sewer Improvements, Parcel #26

**Project:** Little Hope Creek Sanitary Sewer Improvements, Parcel #26

**Owner(s):** Eric M. Sprouse

**Property Address:** 4514 Halstead Drive

**Total Parcel Area:** 14,209 sq. ft. (0.33 ac.)

**Property to be acquired by Easements:** 2,535 sq. ft. (0.06 ac.) Permanent Easement

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

**Landscaping to be impacted:** Large tree

**Zoned:** R-4

**Use:** Single-family Residential

**Tax Code:** 171-082-53

<https://polaris3g.mecklenburgcountync.gov/#mat=132369&pid=17108253&qisid=17108253>

**Appraised Value:** \$20,575

**Property Owner's Concerns:** The property owner is concerned about construction disturbance and the timeline of the project.

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

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

**Council District:** 6

## 38. Charlotte Water Property Transactions - Little Hope Creek Sanitary Sewer Improvements, Parcel #35

**Action:** Approve the following Condemnation: Little Hope Creek Sanitary Sewer Improvements, Parcel #35

**Project:** Little Hope Creek Sanitary Sewer Improvements, Parcel #35

**Owner(s):** James P. Ngo and Yen N. Ngo

**Property Address:** 1230 East Woodlawn Road

**Total Parcel Area:** 18,121 sq. ft. (0.42 ac.)

**Property to be acquired by Fee Simple:** 18,121 sq. ft. (0.42 ac.)

**Structures/Improvements to be impacted:** A single family house

**Landscaping to be impacted:** None

**Zoned:** R-4

**Use:** Single-family Residential

**Tax Code:** 171-042-36

<https://polaris3g.mecklenburgcountync.gov/#mat=27138&pid=17104236&gisid=17104236>

**Appraised Value:** \$240,000

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

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

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

**Council District:** 6

## 39. Property Transactions - Brown Grier Road Improvement Project, Parcel #10

**Action:** Approve the following Condemnation: Brown Grier Road Improvement Project, Parcel #10

**Project:** Brown Grier Road Improvement Project, Parcel #10

**Program:** Brown Grier Road Improvement Project

**Owner(s):** Randy B. Schultz and Lu Ann Schultz

**Property Address:** 13901 Brown Grier Road

**Total Parcel Area:** 91,599 sq. ft. (2.10 ac.)

**Property to be acquired by Fee:** 14,200 sq. ft. (0.33 ac.) Fee Simple

**Property to be acquired by Easements:** 1,224 sq. ft. (0.028 ac.) Storm Drainage Easement, 8,076 sq. ft. (0.185 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** Trees

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 201-481-06

<https://polaris3g.mecklenburgcountync.gov/#mat=38472&pid=20148106&gisid=20148106>

**Appraised Value:** \$61,625

**Property Owner's Concerns:** None

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

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

**Council District:** 3

## 40. Property Transactions - Brown Grier Road Improvement Project, Parcel #12

**Action:** Approve the following Condemnation: Brown Grier Road Improvement Project, Parcel #12

**Project:** Brown Grier Road Improvement Project, Parcel #12

**Program:** Brown Grier Road Improvement Project

**Owner(s):** Kinh S. Thai and Anh Tuan Thai

**Property Address:** 3855 Griers Fork Drive

**Total Parcel Area:** 10,828 sq. ft. (0.25 ac.)

**Property to be acquired by Fee:** 1,340 sq. ft. (0.03 ac.) Fee Simple

**Property to be acquired by Easements:** 814 sq. ft. (0.019 ac.) Utility Easement, 2,146 sq. ft. (0.049 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** R-4 (CD)

**Use:** Single-family Residential (Conditional)

**Tax Code:** 201-473-12

<https://polaris3g.mecklenburgcountync.gov/#mat=425954&pid=20147312&qsid=20147312>

**Appraised Value:** \$11,075

**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:** 3

## 41. Property Transactions - Brown Grier Road Improvement Project, Parcel #24

**Action:** Approve the following Acquisition: Brown Grier Road Improvement Project, Parcel #24

**Project:** Brown Grier Road Improvement Project, Parcel #24

**Program:** Brown Grier Road Improvement Project

**Owner(s):** Circle K Stores INC

**Property Address:** 3860 West Arrowood Road

**Total Parcel Area:** 73,770 sq. ft. (1.69 ac.)

**Property to be acquired by Easements:** 4,733 sq. ft. (0.109 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** B-1 (CD)

**Use:** General Business (Conditional Use)

**Tax Code:** 201-041-19

<https://polaris3g.mecklenburgcountync.gov/#mat=412391&pid=20104119&qisid=20104119>

**Purchased Price:** \$33,152

**Council District:** 3

## 42. Property Transactions - JW Clay Boulevard, Parcel #21

**Action:** Approve the following Acquisition: JW Clay Boulevard, Parcel #21

**Project:** JW Clay Boulevard, Parcel #21

**Program:** JW Clay Boulevard

**Owner(s):** Dagger Properties LLC

**Property Address:** 9311 JW Clay Boulevard

**Total Parcel Area:** 38,226 sq. ft. (0.88 ac.)

**Property to be acquired by Easements:** 1,020 sq. ft. (0.023 ac.) Sidewalk Utility Easement, 1,566 sq. ft. (0.036 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** TOD-CC

**Use:** Transit Oriented Development - Commercial Center

**Tax Code:** 047-291-47

<https://polaris3g.mecklenburgcountync.gov/#mat=218330&pid=04729147&qsid=04729147>

**Purchased Price:** \$25,225

**Council District:** 4

### 43. Property Transactions - Parkwood Avenue Streetscape, Parcel #3, 4, 5, and 6

**Action:** Approve the following Acquisition: Parkwood Avenue Streetscape, Parcel #3, 4, 5, and 6

**Project:** Parkwood Avenue Streetscape, Parcel #3, 4, 5, and 6

**Program:** Parkwood Avenue Streetscape

**Owner(s):** Thomas R. Hunter, Carroll E. Hunter, and Barbara Hunter

**Property Address:** 1100, 1104 and 1108 North Caldwell Street and 1111 North Davidson Street

**Total Parcel Area:** 125,165 sq. ft. (2.87 ac.)

**Property to be acquired by Fee:** 2,933 sq. ft. (0.08 ac.) Fee Simple

**Property to be acquired by Easements:** 4,134 sq. ft. (0.09 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** TOD-UC

**Use:** Transit Oriented Development - Urban Center

**Tax Code:** 081-065-01, 081-065-10, 081-065-09, and 081-065-07  
<https://polaris3g.mecklenburgcountync.gov/#mat=12417&pid=08106501&qisid=08106501>  
<https://polaris3g.mecklenburgcountync.gov/#mat=13295&pid=08106510&qisid=08106510>  
<https://polaris3g.mecklenburgcountync.gov/#mat=13572&pid=08106509&qisid=08106509>  
<https://polaris3g.mecklenburgcountync.gov/#mat=456300&pid=08106507&qisid=08106507>

**Purchase Price:** \$233,107

**Council District:** 1

## 44. Property Transactions - Pearl Park Way Public Infrastructure Project

**Action:** Approve the following Acquisition: Pearl Park Way Public Infrastructure Project

**Project:** Pearl Park Way Public Infrastructure Project

**Program:** Pearl Park Way Public Infrastructure Project

**Owner(s):** 741 Kenilworth Avenue LLC, Mecklenburg County, and Darlene S. Jones

**Property Address:** 741 Kenilworth Avenue

**Total Parcel Area:** 79,715 sq. ft. (1.83 ac.)

**Property to be acquired by Fee:** 485 sq. ft. (0.01 ac.) Fee Simple

**Property to be acquired by Easements:** 299 sq. ft. (0.007 ac.) Sidewalk Utility Easement and 1,060 sq. ft. (0.024 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** O-2

**Use:** Office District

**Tax Code:** 125-213-30, 125-213-31, 125-213-32, 125-213-33, 125-213-34, and 125-213-35

<https://polaris3g.mecklenburgcountync.gov/#mat=236483&pid=12521330&qisid=12521C99>

<https://polaris3g.mecklenburgcountync.gov/#mat=236484&pid=12521331&qisid=12521C99>

<https://polaris3g.mecklenburgcountync.gov/#mat=236485&pid=12521332&qisid=12521C99>

<https://polaris3g.mecklenburgcountync.gov/#mat=236486&pid=12521333&qisid=12521C99>

<https://polaris3g.mecklenburgcountync.gov/#mat=236487&pid=12521334&qisid=12521C99>

<https://polaris3g.mecklenburgcountync.gov/#mat=236488&pid=12521335&qisid=12521C99>

**Purchased Price:** \$80,000

**Council District:** 1

## Adjournment

## REFERENCES

## 45. Reference - Charlotte Business INclusion Policy

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Part C: Service Contracts**

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

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

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

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

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

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

**Part F: Financial Partners**

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

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

**Part G: Alternative Construction Agreements**

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

## 46. 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.

## 47. 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.