

City of Charlotte

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



Meeting Agenda

Monday, August 9, 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.

[2021-08-09 Mayor and Council Consent Item Questions and Answers](#)

2. Closed Session (as necessary)

POLICY

3. Non-Discrimination Ordinance

Action:

- A. Receive public comments on proposed updates to the City Code of Ordinances, and
- B. Adopt an ordinance amending the City Code by adding familial status, sexual orientation, gender identity, gender expression, veteran status, pregnancy, and natural hairstyle to the list of protected classes in the commercial non-discrimination, public accommodations, and passenger vehicles for hire ordinances and adding new area to cover employment discrimination for all existing and proposed new protected classes.

Staff Resource(s):

Patrick Baker, City Attorney's Office
Willie Ratchford, Community Relations

Explanation

- The proposed ordinance as drafted would:
 - Add sexual orientation, gender identity, gender expression (included under sex), pregnancy, veteran status, familial status, natural hairstyle (also included under race and national origin) as protected classes in the commercial non-discrimination policy, public accommodations, and passenger vehicles for hire ordinances;
 - Add the list to the protected classes that the Community Relations Committee is authorized to make recommendations for legislation or other actions to eliminate or reduce discrimination and to approve or disapprove plans to eliminate discrimination through the conciliation process, and;
 - For the employment ordinance, include all current protected classes and proposed classes to include: race, color, gender, religion, national origin, ethnicity, age, familial status, sex (including sexual orientation, gender identity and gender expression), veteran status, pregnancy, natural hairstyle, or disability. This ordinance would apply to employers with 14 or fewer employees.
- At the City Council Strategy Session on August 2, 2021, the City Council received a presentation from the City Attorney on the history of Charlotte's non-discrimination ordinances, proposed amendments, and related legal issues.
- City Council proposed several additional changes including expanding employment non-discrimination coverage to all employers in the City of Charlotte and adding exemptions for religious liberties.
- City Council agreed at the Strategy Session to place the proposed amendments on the City Council Business Agenda to receive public comment and for consideration for Council adoption on August 9, 2021.
- In response to continued discussions with councilmembers since the August 2, 2021 Strategy Session, the draft ordinance has been revised as follows:
 - Sec. 2 12-31. Third paragraph provides additional clarity that proposed ordinance is not intended to violate applicable constitutional speech protections;
 - Sec. 3 12-57. Term "Religious Organization" is specifically defined;
 - Sec. 4 12-83. Added a new subsection (b) to articulate that employment claims involving employers with 15 or more employees are to be pursued under applicable federal and state law;
 - Sec. 4 12-84. New section added to articulate specific employer exemptions to the employment discrimination ordinance that are consistent with current law;
 - Sec. 7. Effective date of the employment discrimination ordinance is January 1, 2022. All other ordinance amendments become effective on October 1, 2021.

Attachment(s)

Ordinance (blackline)
Non-Discrimination Ordinance Process Map

[Draft Ordinance 2021-8-8 \(blackline\)](#)

[Non-Discrimination Ordinance Process Map](#)

4. City Manager's Report

[08.09.2021 City Manager's Memo](#)

[Carolinas Aviation Museum Update](#)

CONSENT

- 5. Consent agenda items 20 through 81 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

6. Public Hearing on a Resolution to Close a Portion of Closeburn Road

Action:

Conduct a public hearing to close a portion of Closeburn Road.

Staff Resource(s):

Liz Babson, Transportation

Krystal Bright, Transportation

Explanation

- NC General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation (CDOT) received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The proposed action removes land from public right-of-way and attaches it to the adjacent property.
- The road to be closed is located in Council District 6.

Petitioner

Delray at SouthPark, LLC

Right-of-Way to be Abandoned

A portion of Closeburn Road

Reason

Per the petition submitted by Delray at SouthPark, LLC, the abandoned area of the road will be converted into improved open space as a part of the redevelopment of this site. The city has no objections.

Notification

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

Adjoining property owner(s)

Marion McGaha - No objections

James and Charlotte Parker - No objections

Southgate on Fairview Condominium - No objections

City Departments

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

Attachment(s)

Map

[2019-16 Closeburn Rd Abandonment Map](#)

BUSINESS

7. Establish the Charlotte Equitable Development Commission

Action:

Adopt an ordinance establishing the Charlotte Equitable Development Commission.

Staff Resource(s):

Liz Babson, Transportation

Ryan Bergman, Strategy and Budget

Hannah Bromberger, Strategy and Budget

Background

- The Charlotte Equitable Development Commission (CEDC) was approved through the adoption of the Charlotte Future 2040 Comprehensive Plan - Plan Policy on June 21, 2021, by City Council resolution.
- NC General Statute 160D-306 requires City Council adopt an ordinance to establish a local planning and development-related advisory board.

Explanation

- This action formally establishes the CEDC for an initial three-year term.
- The CEDC is a nine-member commission charged with advising in the assessment of infrastructure throughout the city and recommending strategies that balance equitable investments in areas most in-need, including areas with absent and insufficient facilities, areas experiencing the fastest growth, and areas targeted for growth.
- The CEDC will work with the Charlotte Department of Transportation and the Office of Strategy and Budget to provide input on the development of the city's proposed Capital Investment Plan.
- The CEDC will provide regular updates to the Budget and Effectiveness Council Committee and quarterly reports to City Council.
- The CEDC will be comprised of nine individuals with a maximum of one, three-year term.
 - Three appointments will be made by the Mayor and six appointments will be made by City Council.
 - Appointees will have significant backgrounds in community development and infrastructure assessments. Examples of preferred experience shall include consulting engineers in the project development business; attorneys specializing in development; developers; independent business representatives; construction contractors; bankers or insurance agents engaged in the financial aspect of development; representatives from homebuilder's associations; homeowners or neighborhood association representatives.
- Appointees must take an Oath of Office and are subject to the City Council's Attendance and Anti-Harassment Policies and Code of Ethics, Gift Policy, and Disclosure Requirements for members of committees.
- City Council nominations and appointments will be brought back to Council on August 23, 2021, and September 13, 2021, respectively.

Attachment(s)

Ordinance

[CEDC Ordinance](#)

8. Establish Charlotte's Neighborhood Equity and STabilization Commission

Action:

Adopt an ordinance establishing Charlotte's Neighborhood Equity and STabilization Commission.

Staff Resource(s):

Pamela Wideman, Housing and Neighborhood Services

Background

- Charlotte's Neighborhood Equity and STabilization Commission (Charlotte's NEST) was approved through the adoption of the Charlotte Future 2040 Comprehensive Plan - Plan Policy on June 21, 2021, by City Council resolution.
- NC General Statute 160D-306 requires City Council adopt an ordinance to establish a local planning and development-related advisory board.

Explanation

- This action formally establishes Charlotte's NEST.
- The city currently has an adopted Affordable Housing Framework coupled with several neighborhood programs that are used to expand the supply of affordable housing through new construction and preservation and to address gentrification. The city desires to add additional methods to engage the community in developing strategies to limit displacement.
- Charlotte's NEST is being established for a three-year period and is charged with reviewing and recommending specific anti-displacement strategies and specific tools for protecting residents of moderate- to high-vulnerability of displacement.
- In collaboration with the Housing and Neighborhood Services department, Charlotte's NEST will provide regular updates to the Great Neighborhoods Council Committee and quarterly reports to City Council.
- The NEST will be comprised of 15 individuals with a maximum of one, three-year term.
- Five appointments will be made by the Mayor, and 10 appointments will be made by City Council. Members shall be appointed according to the following criteria:
 - Three appointees in the Housing Advocates category (one appointed by the Mayor, two appointed by City Council);
 - Three appointees in the Neighborhood Leaders or Community Organizers category (one appointed by the Mayor, two appointed by City Council);
 - Three appointees in the Real Estate Development Industry category as specified below:
 - Non-Profit Affordable Housing Developer (one appointment by the Mayor),
 - For-Profit Affordable Housing Developer (one appointment by City Council), and
 - Market Rate Housing Developer (one appointment by City Council).
 - Two appointees that are residents in areas that have experienced or are experiencing displacement (one appointed by the Mayor, one appointed by City Council);
 - One Urban Studies and Planning Representative with experience in displacement and gentrification and implementing equitable inclusive development strategies (one appointment by the Mayor);
 - One Housing Finance Representative with experience in rental housing finance and homeownership and affordable and subsidized housing (one appointment by City Council);
 - One Land Use Representative with expertise and experience in historic preservation and landmarks, zoning, and development rights (one appointment by City Council);
 - One Neighborhood Conditions Representative with expertise and experience in economic development, health, racial/ethnic segregation, schools and education, and crime (one appointment by City Council).
- Appointees must take an Oath of Office and are subject to the City Council's Attendance and Anti-Harassment Policies and Code of Ethics, Gift Policy, and Disclosure Requirements for members of committees.

- City Council nominations and appointments will be brought back to Council on August 23, 2021, and September 13, 2021, respectively.

Attachment(s)

Ordinance

[Charlotte's NEST Ordinance 8-2021](#)

9. Emergency Rental and Utility Assistance in Response to COVID-19

Action:

- A. **Adopt a budget ordinance appropriating \$28,841,640.10 from the U.S. Department of Treasury for Emergency Rental and Utility Assistance in the American Rescue Plan Act Fund, and**
- B. **Authorize the City Manager to negotiate and execute any necessary contracts and agreements related to the Emergency Rental and Utility Assistance Program.**

Staff Resource(s):

Pamela Wideman, Housing and Neighborhood Services

Explanation

- To help address the ongoing economic impacts of the COVID-19 pandemic, Congress included funds for emergency rental and utility assistance in H.R. 1319, the American Rescue Plan Act of 2021 (Act).
- As a result of the Act, the city is estimated to receive a total of \$28,841,640.10 in federal funding to provide emergency rental and utility assistance.
 - This funding is being dispersed in tranches (separated portions). The city has received 40 percent (\$11,536,656) of the total allocation. The remaining funding will be dispersed in subsequent tranches according to a schedule being developed by the U.S. Department of Treasury.
 - This funding is in addition to \$26,714,160 in federal funding the city received for emergency rental and utility assistance from H.R. 133, the Fiscal Year (FY) 2021 Consolidated Appropriations Act.
- The proposed uses for this funding are restricted by guidance from the U.S. Department of Treasury.
- A minimum of 85 percent of the funds (\$24,515,394) must be spent on direct financial assistance.
- To help avoid extensive evictions and maintain stable housing for city residents, the proposed funding uses are:
 - Utility Assistance (electric, gas, and water): Up to \$7,934,105 to aid approximately 15,000 households across the three utilities. The utilities assistance will be allocated as follows:
 - Approximately \$2.6 million for Duke Energy, \$3.6 million for Charlotte Water, and \$1.3 million for Piedmont Natural Gas, with the flexibility to adjust these amounts based on usage and demand.
 - Rental Assistance: \$16,581,289 to aid approximately 5,300 households.
- Assistance may be provided for up to 18 months, including any assistance provided using emergency rental and utility assistance funding appropriated by the FY 2021 Consolidated Appropriations Act.
- Eligible households are defined as renter households that:
 - Have a household income not more than 80 percent of Area Median Income (AMI);
 - Have one or more household members who can demonstrate a risk of experiencing homelessness or housing instability; and
 - Have one or more household members who qualify for unemployment benefits or experienced a reduction in household income, incurred significant costs, or experienced financial hardship due, directly or indirectly, to the pandemic.
- Of the eligible households, the city must prioritize households whose incomes do not exceed 50 percent of AMI and renter households that include an individual who is currently unemployed and has been unemployed for 90 or more days.
- Landlords and property owners can assist renters in applying for assistance or, with consent, apply for rental assistance on behalf of renters.

- No more than 15 percent of the funds (\$4,326,246) will be used for program administration.
- Any unobligated funds are subject to a yet-to-be determined recapture and reallocation process after March 31, 2022. Funds generally expire on September 30, 2025.
- The project will leverage the existing RAMPCLT program administered by DreamKey Partners on behalf of the city and the existing utilities assistance program administered by SocialServe on behalf of the city. These organizations are currently working to help residents find and maintain stable, affordable housing.

Fiscal Note

Funding: American Rescue Plan Act Fund

Attachment(s)

Budget Ordinance

[FY 2022 - ERA2 Budget Ordinance](#)

10. HOME Program Funding in Response to COVID-19

Action:

- A. Adopt a budget ordinance appropriating \$11,566,784 from the U.S. Department of Housing and Urban Development in the American Rescue Plan Act Fund, and**
- B. Authorize the City Manager to negotiate and execute any necessary contracts and agreements related to the HOME Program.**

Staff Resource(s):

Pamela Wideman, Housing and Neighborhood Services

Explanation

- The U.S. Department of Housing and Urban Development's (HUD) HOME Program provides formula grants to states, localities, and communities based on population. These funds are used in partnership with local for-profit and non-profit groups to fund a wide range of activities such as constructing, purchasing, and/or rehabilitating affordable housing for rental or homeownership opportunities for households earning 80 percent and below the Area Median Income as mandated by HUD. HOME funds may also be used to provide direct rental assistance to low-income households.
- To help address the economic impacts of the COVID-19 pandemic, Congress appropriated additional HOME Program funds in H.R. 1319, the American Rescue Plan Act of 2021 (Act).
- As a result of the Act, the city is estimated to receive a total of \$11,566,784 in additional HOME Program funding.
 - This funding is in addition to \$3,191,443 the city received for Fiscal Year 2022 through the regular annual HOME Program formula.
- Eligible uses of the funding include:
 - Tenant-based rental assistance;
 - The development and support of affordable housing pursuant to federal requirements;
 - Supportive services such as transitional housing, housing counseling, and homelessness prevention services; and
 - The purchase and development of non-congregate shelter units.
- HOME Program funding provided under the Act must be used to benefit individuals or families who are:
 - Homeless;
 - At risk of homelessness;
 - Fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking, or human trafficking; or
 - Veterans and families that include a veteran who meet one of the preceding criteria.
- Up to 15 percent of the funds can be used for the costs of program administration and planning.
- Up to five percent of the funds can be used for the operating costs of Community Housing Development Organizations, other non-profit organizations, and homeless providers.
- Funds will expire on September 30, 2025.

Fiscal Note

Funding: American Rescue Plan Act Fund

Attachment(s)

Budget Ordinance

[FY 2022 - ARPA HOME Budget Ordinance](#)

11. Lowe's 100 Hometowns Grant

Action:

- A. Accept a grant in the amount of \$200,000 from Lowe's Home Improvement for the construction of an open space in Historic Washington Heights neighborhood, and**
- B. Adopt a budget ordinance appropriating \$200,000 from Lowe's Home Improvement in the General Grants Fund.**

Staff Resource(s):

Taiwo Jaiyeoba, City Manager's Office
Erin Chantry, Planning, Design, and Development

Explanation

- The Tate Street/Beatties Ford Road open space is in Historic Washington Heights in Council District 2.
- This city-owned parcel was the location of "The Ritz," the last movie theater built in Charlotte exclusively for African Americans. It opened in the early 1960s, closed in the 1971, and was later demolished.
- This project is part of the Corridors of Opportunity program and was identified by the community during the "Beatties Ford Road Placemaking and Public Space Playbook" process. This comprehensive community engagement process identified four placemaking projects to be funded in 2021.
- The city applied for and was awarded the Lowe's 100 Hometowns grant for \$200,000 to be added to the \$50,000 allocated to the Corridors of Opportunity program for this project. Grant funding will allow the City of Charlotte to build a permanent open space that honors the history and legacy of The Ritz Theater.
- The open space will be co-designed over the next month with the Beatties Ford Road corridor community. It will most likely include the following elements:
 - An entertainment space for performances and outdoor movie nights,
 - A green space to accommodate community events,
 - A plaza with café seating and shade elements,
 - A play feature,
 - A market promenade with street furniture,
 - Art completed by local artists, and
 - Enhanced landscaping and additional street trees.
- The objective of funding includes:
 - Building a permanent open space that implements the community's vision of honoring the history and identity of The Ritz Theater and the importance it had in the corridor;
 - Creating a space that can host community events and support the programming of local institutions like Northwest School of the Arts, West Charlotte High School, the Allegra Westbrooks Library, etc; and
 - Ensuring that the Tate Street/Beatties Ford Road open space is an active public space reflective of the identity, culture, and heritage of the Beatties Ford Road corridor community.
- This open space will be constructed by October 2021.

Fiscal Note

Funding: General Grants Fund

Attachment(s)

Map
Grant Agreement from Lowe's 100 Hometowns
Budget Ordinance

[Map - The Ritz at Washington Heights](#)

[Lowe's Grant Recipient Agreement](#)

[Lowes Grant Appropriation 8.9.21](#)

12. Grant for Alternatives to Violence Program

Action:

- A. Accept a grant in the amount of \$1,200,000 from GreenLight Fund Charlotte to support the implementation of the Alternatives to Violence Program in Charlotte, and**
- B. Adopt a budget ordinance appropriating \$1,200,000 from GreenLight Fund Charlotte in the Neighborhood Development Grants Fund.**

Staff Resource(s):

Pamela Wideman, Housing and Neighborhood Services

Federico Rios, Housing and Neighborhood Services

Explanation

- The city has been awarded a \$1.2 million grant by the GreenLight Fund Charlotte in partnership with the Wells Fargo Foundation. The grant will be used to support two additional years of implementation of the Alternatives to Violence Program in the Beatties Ford Road Corridor in Council District 2. The Wells Fargo Foundation contributed \$1 million toward the grant award.
- Alternatives to Violence (ATV) is a violence interruption program that deploys evidence-based Cure Violence methodology to address violent crime.
- This grant will complement \$500,000 previously allocated for this program as well as the city's investments in this area as part of the Corridors of Opportunity program by providing additional resources to help make neighborhoods safer through community outreach and engagement.
- The grant will cover the cost of salaries and benefits, ongoing technical assistance, and programmatic expenses for the service provider implementing the ATV program.
- The grant also gives the service provider the additional capacity support offered to the GreenLight Fund Charlotte's portfolio organizations.
- The grant award does not require a local match.

Fiscal Note

Funding: Neighborhood Development Grants Fund

Attachment(s)

Budget Ordinance

[ATV Grant Budget Ordinance](#)

13. Decision on an Amendment to the Edgewood Farmhouse Historic Landmark Designation

Action:

Adopt an ordinance with an effective date of August 9, 2021, amending the historic landmark designation ordinance for the property known as the "Edgewood Farmhouse" (parcel identification numbers 027-611-04, 027-611-05, and 027-611-06) that would de-designate portions of the land previously included within the designation.

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 (HLC) to amend the historic landmark designation ordinance identifying a property as the "Edgewood Farmhouse" (listed under Parcel Identification Numbers (PID) 027-611-04, 027-611-05, and 027-611-06, as of March 1, 2021), originally adopted by the Mecklenburg County Board of County Commissioners on February 18, 1985.
- On June 28, 2021, a public hearing was conducted on the historic landmark designation for the property known as the Edgewood Farmhouse. No comments from the public were received.
- The ordinance would be amended to de-designate all of the land associated with PIDs 027-611-04 and 027-611-05 with the exception of the approximately two-acre parcel containing the historic farmhouse and the log outbuilding. The 4.75-acre parcel identified as PID 027-611-06, the interiors and exteriors of the historic farmhouse, and the log outbuilding would retain historic landmark designation.
- The Edgewood Farmhouse is located within the City of Charlotte's extraterritorial jurisdiction adjacent to Council District 4.
- The recommended amendment could significantly contribute to the long-term preservation of the Edgewood Farmhouse without significantly impacting the remaining designated property's historic significance as one of the few extant antebellum farmhouses in the county and its historic association with the county's prominent pioneer families.
- PIDs 027-611-04 and 027-611-05 are owned by Bowman Sumner LLC, and PID 027-611-06 is owned by Melanie Jones McLeod.
- PID 027-611-04 and 027-611-05 are zoned MX-2 and are located at 11124 and 11132 Eastfield Road. PID 027-611-06 is zoned R-3 and is located at 11100 Eastfield Road.

Attachment(s)

Information sheet
Ordinance
Ordinance Attachment - Edgewood Preserve Rezoning Plan
Amended Survey and Research Report
Record of the vote of the HLC
Summary of department review
State Historic Preservation Office comment letter
HLC Response

[Edgewood Information sheet](#)

[Edgewood Ordinance Amendment](#)

[Edgewood Ordinance Amendment Attachment](#)

[Edgewood Farmhouse Designation Report and Addendum 2.0](#)

[Edgewood Record of the Vote of the HLC](#)

[Edgewood Farmhouse Dept Review Findings](#)

[Edgewood State Historic Preservation Office comment letter](#)

[Edgewood HLC response](#)

14. Decision on an Amendment to the Victor Shaw House Historic Landmark Designation

Action:

Adopt an ordinance with an effective date of August 9, 2021, de-designating portions of the land previously included within the historic landmark designation ordinance for the property known as the "Victor Shaw House" (Parcel Identification Number 09-505-544).

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 (HLC) to amend the historic landmark designation ordinance for the property known as the "Victor Shaw House," originally adopted by the Charlotte City Council on June 21, 2004. The ordinance would be amended to de-designate all of the land associated with Parcel Identification Number 09-505-544, with the exception of the three lots bordering Mecklenburg Avenue, an area totaling approximately one acre and including the historic house. The historic house and the three referenced lots would retain the historic landmark designation.
- On June 28, 2021, a public hearing was conducted on the amendment to the historic landmark designation ordinance for the property known as the Victor Shaw House. No comments from the public were received.
- The Victor Shaw House is located at 2400 Mecklenburg Avenue in Council District 1.
- The recommended amendment could significantly contribute to the long-term preservation of the property without appreciably impacting its historic association and historic architectural prominence.
- The Victor Shaw House is listed under Parcel Identification Number 09-505-544, and the recommended action would maintain the existing landmark designation for the interior and exterior of the historic house, and the land associated with the three lots bordering Mecklenburg Avenue.
- The property is zoned UR-2(CD).
- The property is owned by Mecklenburg Park, LLC.
- The amount of deferrable taxes would be reduced in proportion to the approximately 1.588 acres of land recommended for de-designation from the originally designated parcel.

Attachment(s)

Information sheet
Ordinance
Ordinance Attachment - Rezoning Plan
Amended Survey and Research Report
Record of the vote of the HLC
Summary of department review
State Historic Preservation Office comment letter
HLC Response

[Shaw House Information sheet](#)

[Shaw House Ordinance Amendment](#)

[Shaw House Ordinance Exhibit A](#)

[Shaw House Amended survey and research report](#)

[Shaw House HLC Vote](#)

[Shaw House Summary of department review](#)

[Shaw House Amendment State Historic Preservation Office comment letter](#)

[Shaw House file memo SHPO comments](#)

15. Decision on the Ervin Building Historic Landmark Designation

Action:

Adopt an ordinance with an effective date of August 9, 2021, designating the property known as the "Ervin Building" (Parcel Identification Numbers 13-111-110 and 13-111-114) as a historic landmark.

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 (HLC) to designate the Ervin Building as a local historic landmark.
- On June 28, 2021, a public hearing was conducted on the historic landmark designation for the property known as the Ervin Building. No comments from the public were received.
- The Ervin Building is located at 4037 East Independence Boulevard in Council District 5.
- Designation of this property could significantly contribute to its long-term preservation.
- The Ervin Building is listed under Parcel Identification Numbers 13-111-110 and 13-111-114, and the recommended designation would include the interior and exterior of the building and the land associated with the tax parcels.
- The property is zoned MUDD-O mixed use development.
- The property is owned by The Ervin Building LLC.
- Based on the current value, the aggregate potential amount of deferrable taxes for the two properties would be approximately \$1,533 for the City of Charlotte taxes and \$2,717 for Mecklenburg County taxes.

Attachment(s)

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

[Ervin Bldg Information sheet](#)

[Ervin Bldg Ordinance](#)

[Ervin Bldg HLC Vote](#)

[Ervin Bldg Summary of department review](#)

[Ervin Bldg State Historic Preservation Office comment letter](#)

[Ervin file memo SHPO comments](#)

16. Decision on the Larkwood-Chadbourn Hosiery Mill Plant Historic Landmark Designation

Action:

Adopt an ordinance with an effective date of August 9, 2021, designating the property known as the "Larkwood-Chadbourn Hosiery Mill Plant" (Parcel Identification Number 08-306-707) as a historic landmark.

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 (HLC) to designate the Larkwood-Chadbourn Hosiery Mill Plant as a local historic landmark.
- On June 28, 2021, a public hearing was conducted on the historic landmark designation for the property known as the Larkwood-Chadbourn Hosiery Mill Plant. No comments from the public were received.
- The Larkwood-Chadbourn Hosiery Mill Plant is located at 451 Jordan Place in Council District 1.
- Designation of this property could significantly contribute to its long-term preservation.
- The Larkwood-Chadbourn Hosiery Mill Plant is listed under Parcel Identification Number 08-306-707, and the recommended designation would include the interior and exterior of the mill building and boiler house, the smokestack, and the land associated with the tax parcel.
- The property is zoned TOD-M (CD).
- The property is owned by Chadbourn Mill Owner LLC.
- Based on the current value, the potential amount of deferrable taxes would be approximately \$7,372 for the City of Charlotte taxes and \$13,066 for Mecklenburg County taxes.

Attachment(s)

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

[Larkwood-Chadbourn Mill Information sheet](#)

[Larkwood-Chadbourn Mill Ordinance](#)

[Larkwood-Chadbourn Mill HLC Vote](#)

[Larkwood-Chadbourn Summary of department review](#)

[Larkwood Chadbourn SHPO letter](#)

[Larkwood file memo HLC Response](#)

17. Decision on the William H. Peeps House Historic Landmark Designation

Action:

Adopt an ordinance with an effective date of August 9, 2021, designating the property known as the "William H. Peeps House" (Parcel Identification Number 12-108-208) as a historic landmark.

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 (HLC) to designate the William H. Peeps House as a local historic landmark.
- On June 28, 2021, a public hearing was conducted on the historic landmark designation for the property known as the William H. Peeps House. No comments from the public were received.
- The William H. Peeps House is located at 831 East Worthington Avenue in Council District 1.
- Designation of this property could significantly contribute to its long-term preservation.
- The William H. Peeps House is listed under Parcel Identification Number 12-108-208, and the recommended designation would include the interior and exterior of the house, and the land associated with the tax parcel.
- The property is zoned R-5.
- The property is owned by Steven and Polly Menaker.
- Based on the current value, the potential amount of deferrable taxes would be approximately \$1,304 for the City of Charlotte taxes and \$2,311 for Mecklenburg County taxes.

Attachment(s)

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

[Peeps House Information sheet](#)

[Peeps House Ordinance](#)

[Peeps House HLC Vote](#)

[Peeps House Summary of department review](#)

[Peeps House State Historic Preservation Office comment letter](#)

[Peeps House file memo HLC Response](#)

18. Decision on River District Phase 1 Area Voluntary Annexation

Action:

Adopt an annexation ordinance with an effective date of August 9, 2021, to extend the corporate limits to include River District Phase 1 Area properties and assign them to the adjacent City Council District 3.

Staff Resource(s):

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

Explanation

- On June 28, 2021, a public hearing was conducted on the River District Phase 1 Area Voluntary Annexation. No comments from the public were received.
- A petition has been received from the owners of this 167.31-acre property.
- The property is owned by PTC-R, LLC; Crescent River District, LLC; Aubrey and Rodney Elam; Tamara Mazzucco; Moses Maurice Lehfed; Alain Jebara; Bupsong and Chong Suk Choe; Chong Cha Kim; and Crescent Communities II, LLC.
- The property is zoned MX-2, residential mixed-use district and MUDD-O, mixed-use development district, optional.
- 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.
- The property is located within Charlotte's extraterritorial jurisdiction and shares a boundary with current city limits.
- The intent of the annexation is to enable the development of 107 single family units, 860 multi-family units, 388,000 square feet of commercial uses, and 1,219,000 square feet of non-retail commercial uses.

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 (GIS)
Map (Survey)
Annexation Ordinance

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

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

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

19. Appointments to the Charlotte Business INClusion Advisory Committee

Action:

Appoint residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term beginning upon appointment and ending February 28, 2022.
 - Stephanie Moore Hand, nominated by Council members Driggs, Egleston, Eiselt, and Watlington.
 - Victor Perez, nominated by Council members Johnson, Newton, Phipps, and Winston.

Attachment(s)

Charlotte Business INClusion Advisory Committee Applications

CONSENT

20. NXTCLT Minority Business Development Program

Action:

- A. Approve a contract with Orbital Socket for the implementation of NXTCLT, a minority business development program, for an initial term of one year, 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):

Tracy Dodson, City Manager's Office
Holly Eskridge, Economic Development

Explanation

- The city provided \$250,000 in the Fiscal Year (FY) 2020 budget to Orbital Socket to develop NXTCLT, a minority-owned business capacity building program. Initial funding was used to:
 - Develop program infrastructure, build curriculum, convene coaches and facilitators, create a website and marketing materials; and
 - Support the first cohort of eight businesses that graduated in December 2020.
- The program targets businesses that have moved beyond the start-up phase and need additional support to access capital, expand to new markets, become more efficient, and continue to grow and develop in Charlotte.
- The city included \$250,000 in the FY 2022 budget to continue the program, which is estimated to support up to 24 businesses this fiscal year.
- The city's initial investment has leveraged an estimated \$1 million per year from the private sector, including investments from Truist and Atrium Health.
- Waiver of a competitive solicitation process for services may be granted on a limited basis when deemed appropriate and in the city's best interest. A waiver has been approved for these services based on continuity of service and existing programmatic infrastructure.
- Annual expenditures are estimated to be \$250,000.

Charlotte Business INCLUSION

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

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

Fiscal Note

Funding: General Capital Investment Plan

21. Community Policing Crisis Response Team Contract Amendment

Action:

Approve contract amendment #1 for \$2,497,000 to the contract with CriSys for the provision of adding six clinicians to the Charlotte-Mecklenburg Police Department's Community Policing Crisis Response Team for the term of the contract.

Staff Resource(s):

Johnny Jennings, Police
Sherie Pearsall, Police

Explanation

- On January 14, 2019, City Council approved a contract with Matrix Mental Health Alliance, LLC doing business as CriSys to assist law enforcement in responding to crises involving community members with behavioral or substance abuse issues.
- Charlotte-Mecklenburg Police Department (CMPD) Community Policing Crisis Response Team (CPCRT) was established to provide improved public safety and service through the deployment of CPCRT assigned Officers and licensed mental health clinicians.
- CPCRT's objective is to decrease the number of injuries and incarcerated mentally ill individuals by acting as an entry point into mental health treatment and to prevent incidents through early intervention with prompt and thorough case follow-up.
- As part of the city's SAFE Charlotte initiative, CMPD is expanding the CPCRT to assist with the increase of mental health needs in the community. Additional clinicians will provide evaluation support and offer treatment to individuals suffering from behavioral health crises or substance abuse disorders.
- The new estimated value of the contract, including amendment #1, is \$6,002,048.

Charlotte Business INclusion

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

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

Fiscal Note

Funding: Police Operating Budget

22. Fiscal Year 2022 Governor's Highway Safety Program Grant for Traffic Safety - Driving While Impaired Task Force

Action:

Adopt a resolution to accept a grant award in the amount of \$201,201 from the Governor's Highway Safety Program for the Driving While Impaired Task Force.

Staff Resource(s):

Johnny Jennings, Police

Will Farrell, Police

John Reibold, Police

Explanation

- The Charlotte-Mecklenburg Police Department (CMPD) has been tentatively awarded a Fiscal Year (FY) 2022 Governor's Highway Safety Program (GHSP) grant for the Driving While Impaired (DWI) Task Force. This grant has been awarded annually for the previous eight years.
- GHSP requires that City Council adopt a resolution to authorize CMPD to apply for and accept the grant funding.
- On January 25, 2021, City Council adopted a resolution authorizing the city to accept a grant award in the amount of \$200,701 from the GHSP for the DWI Task Force. The GHSP grant amount has increased from \$200,701 to \$201,201. This action authorizes the acceptance of the additional contribution.
- The total cost for the DWI Task force, six officers and one sergeant, is projected to be \$804,802 in FY 2022. The grant will fund 25 percent of Task Force costs. The city is to provide 75 percent in matching funds (\$603,602). The matching funds are included in the Police Operating Budget.
- The grant is for a one-year term from October 1, 2021, through September 30, 2022.

Fiscal Note

Funding: General Grants Fund and Police Operating Budget

Attachment(s)

Resolution

[Resolution FY2022 GHSP DWI Task Force](#)

23. Motorcycle Repair Parts and Services

Action:

- A. Approve the purchase of motorcycle parts by the sole source exemption,
- B. Approve a contract with Motorcycles of Charlotte for the purchase of motorcycle parts and services for the term of three years, and
- C. Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.

Staff Resource(s):

Johnny Jennings, Police
Dave Harris, Police
Brent Wally, Police

Sole Source Exemption

- NC General Statute 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 in close proximity to the city and able to provide parts and services in a timely manner. The next closest dealership is in Greensboro, North Carolina and would require transport and significant down-time for repair negatively impacting availability.
- City Council approval is required for any purchases made under the sole source exception.

Explanation

- The city has ten motorcycles that are used for the enforcement of traffic laws, to escort vehicles and motorcades, and for other special events in order to protect and serve residents.
- The extensive daily use of the motorcycles requires routine maintenance and replacement of parts on a regular basis.
- Annual expenditures are estimated to be \$100,000.

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: Police Operating Budget

24. Construct Bridge Structure Repairs

Action:

Approve a contract in the amount of \$2,205,761.53 to the lowest responsive bidder Lee Construction Company of the Carolinas, Inc. for the bridge structure repairs project.

Staff Resource(s):

Liz Babson, Transportation
Geoffrey Sloop, Transportation

Explanation

- The Federal Highway Administration mandates that bridges and culverts be inspected every two years for structural adequacy, safety, and functionality.
- The city is responsible for the inspection and maintenance of 218 bridges within city limits.
- This contract provides for routine construction and maintenance work to 49 bridges identified through the inspection process.
- The bridges are located in all Council Districts.
- Work may include but is not limited to:
 - Superstructure replacement;
 - Concrete pavement repairs;
 - Asphalt surface sealing, repair, or replacement;
 - Brush and tree control;
 - Debris removal;
 - Soil and erosion repairs;
 - Barrier rail and handrail installation and repairs;
 - Retaining wall repairs and replacement;
 - Culvert repairs;
 - Removal, containment, and disposal of the existing materials;
 - Traffic control; and
 - Erosion and sediment control.
- On April 29, 2021, the city issued an Invitation to Bid (ITB); two bids were received.
 - NC General Statute 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 June 11, 2021, the city re-issued an ITB; two bids were received.
- Lee Construction Company of the Carolinas, Inc. was selected as the lowest responsive, responsible bidder.
- Repairs are anticipated to begin Fall 2021.
- This contract is a continuation of the 2020 Bridge Inspection Program. The contract for the first step of bridge inspections was approved by City Council on February 10, 2020.

Charlotte Business INclusion

Established MSBE Goal: 5.00%

Committed MSBE Goal: 5.00%

Lee Construction Company of the Carolinas, Inc. met the established MSBE subcontracting goal and has committed 5.00% (\$110,290) of the total contract amount to the following certified firm (Part B: Section 3 of the Charlotte Business INclusion Policy):

- D.E. Walker Construction Co. (SBE) (\$110,290) (bridge maintenance and repair)

Fiscal Note

Funding: General Capital Investment Plan

Attachment(s)

List of Bridges

[2021 Bridge List](#)

25. Traffic Signal Components

Action:

- A. Approve unit price contracts for the purchase of traffic signal components for an initial term of three years to the following:**
- Peek Traffic Corporation DBA Oriux,
 - Rosenblatt & Associates, Inc., DBA RAI Products, 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):

Liz Babson, Transportation

Bryan Tarlton, Transportation

Explanation

- The Charlotte Department of Transportation maintains a modern signal system that includes 890 traffic signals. The maintenance of the system requires standardized equipment.
- These contracts will provide loop sealant, pedestrian signal housings, and blank out signs to aid in the direction of pedestrian and vehicular traffic.
- On April 8, 2021, the city issued an Invitation to Bid; three bids were received.
- Peek Traffic Corporation DBA Oriux and Rosenblatt & Associates, Inc., DBA RAI Products were selected as the lowest responsive, responsible bidders.
- Annual expenditures are estimated to be \$220,000.

Charlotte Business INClusion

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

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

Fiscal Note

Funding: Transportation Operating Budget

26. Construct Craven Thomas Road/Robert Helms Road Streetscape

Action:

Approve a contract in the amount of \$2,243,408.04 to the lowest responsive bidder Sealand Contractors Corp. for the Craven Thomas Road/Robert Helms Road Streetscape project.

Staff Resource(s):

Phil Reiger, General Services
Jennifer Smith, General Services
Veronica Wallace, General Services

Explanation

- Identified in the Prosperity Village Comprehensive Neighborhood Improvement Program, this project includes the design and installation of streetscape beautification/improvements along Craven Thomas Road and Robert Helms Road in Council District 4.
- Work will include the widening of existing sidewalk to a multi-use trail, installation of a new bus stop with bus shelter, resting areas with benches, street and pedestrian lighting, landscaping, and public art.
- On May 27, 2021, the city issued an Invitation to Bid (ITB); two bids were received.
 - NC General Statute 143-132 prohibits municipalities from awarding construction contracts over \$500,000 without receiving at least three competitive bids. The city may subsequently award the contract even if re-advertisements result in fewer than three competitive bids.
- On June 10, 2021, the city re-issued an ITB; two bids were received.
- Sealand Contractors Corp. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by first quarter 2023.

Charlotte Business INclusion

Established MBE Goal: 6.04%

Committed MBE Goal: 6.04%

Sealand Contractors Corp. met the established MBE subcontracting goal and has committed 5.00% (\$135,500) of the total contract amount to the following MBE certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- High Heels Trucking, Inc. (MBE, SBE) (\$135,500) (hauling)

Established SBE Goal: 14.00%

Committed SBE Goal: 19.93%

Sealand Contractors Corp. exceeded the established SBE subcontracting goal and has committed 19.93% (\$447,080) of the total contract amount to the following SBE certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- On Time Construction, Inc. (WBE, SBE) (\$20,000) (concrete, masonry)
- Erosion Defence (SBE) (\$36,615) (erosion control services)
- Frady Tree Care (SBE) (\$7,000) (tree and shrub removal)
- Parkers Concrete Solutions, LLC. (SBE) (\$300,015) (concrete)
- Striping Concepts, LLC. (SBE) (\$15,700) (pavement marking)
- Darnell Jones Trucking, Inc. (MBE, SBE) (\$67,750) (hauling)

Fiscal Note

Funding: General Capital Investment Plan

Attachment(s)

Map

[Map Construct Craven Thomas Road-Robert Helms Road Streetscape](#)

27. Two-Way Radios and Related Equipment

Action:

- A. Approve the purchase of two-way radios and related equipment from a state contract,
- B. Approve a contract with Motorola Solutions Inc. for the purchase of two-way radios and related equipment for a term of less than one year ending June 30, 2022, under North Carolina state contract 725G, and
- C. Authorize the City Manager to extend the use of the contract for additional terms for as long as the state contract is in effect, at prices and terms that are the same or more favorable than those offered under the state contract.

Staff Resource(s):

Phil Reiger, General Services
Kay Elmore, General Services
Reenie Askew, Innovation and Technology

Explanation

- Public safety radios provide two-way voice communication for all City of Charlotte and Mecklenburg County public safety first-responders which include Fire, Medic, Police, and the Sheriff's Office.
- Radios also provide critical communications for city field service employees and dispatchers in Transportation, Solid Waste Services, Charlotte Water, CATS, and Aviation.
- All public safety radios must be compatible with the city's Motorola dispatch system.
- The City of Charlotte manages the dispatch system, and the various entities are each responsible for purchasing the radios.
- North Carolina General Statute 143-129(e)(9) allows local governments to purchase from state contracts if the contractor is willing to extend the same or more favorable prices, terms, and conditions as those established under the state contract.
- Annual expenditures are estimated to be \$4,200,000.

Charlotte Business INclusion

This contract is purchased off a state contract and is exempt (Part A: Appendix 27 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Various Departments' Operating Budgets

28. Construct Storm Drainage Improvements

Action:

Approve a contract in the amount of \$1,297,666.56 to the lowest responsive bidder Blythe Development Co. for Storm Drainage Improvement Projects Series H.

Staff Resource(s):

Angela Charles, Charlotte Water
Mike Davis, Storm Water Services
Susan Tolan, Storm Water Services

Explanation

- This contract is part of an ongoing program to provide repairs and/or improvements to storm drainage systems.
- This contract will address failing storm drainage systems in the following locations:
 - 2606 Houston Branch Road (District 7), and
 - 2627 Moss Spring Road (District 7).
- Work includes replacement of storm drainage systems, curb and gutter, pipe lining, culvert repairs, and stream bank stabilization.
- On June 3, 2021, the city issued an Invitation to Bid; three bids were received.
- Blythe Development Co. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by third quarter of 2022.

Charlotte Business INclusion

Established MBE Goal: 7.00%

Committed MBE Goal: 7.01%

Blythe Development Co. exceeded the established MBE subcontracting goal and has committed 7.01% (\$91,000) of the total contract amount to the following MBE certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Diamond Trucking of NC, Inc. (MBE, SBE) (\$50,970) (hauling)
- RRC Concrete (MBE, SBE) (\$40,030) (concrete)

Established SBE Goal: 15.00%

Committed SBE Goal: 15.00%

Blythe Development Co. met the established SBE subcontracting goal and has committed 15.00% (\$194,650) of the total contract amount to the following SBE certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- RRC Concrete, Inc. (MBE, SBE) (\$140,900) (concrete, masonry)
- Ontime Construction, Inc. (WBE, SBE) (\$44,000) (drainage structure)
- Pentacle, Inc. (WBE, SBE) (\$9,750) (fencing)

Fiscal Note

Funding: Storm Water Capital Investment Plan

Attachment(s)

Map

[Map Construct Collective Storm Drainage Improvement Projects Series H](#)

29. Construct Cutchin Drive Storm Drainage Improvement Project

Action:

Approve a contract in the amount of \$6,862,419.85 to the lowest responsive bidder United of Carolinas, Inc. for the Cutchin Drive Storm Drainage Improvement project.

Staff Resource(s):

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

Explanation

- This project will improve deteriorating pipe in the roadway and reduce flooding of properties and structures in the McMullen Creek watershed with boundaries of Sharon View Road to the north, Brookmont Place to the south, Shaker Drive to the east, and Wamath Drive to the west, in Council District 6.
- Construction will include the installation of storm drainage, water/sanitary sewer, curb, gutter, and driveways.
- On May 6, 2021, the city issued an Invitation to Bid; three bids were received.
- United of Carolinas, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by first quarter 2024.

Charlotte Business INclusion

Established MBE Goal: 8.00%

Committed MBE Goal: 8.00%

United of Carolinas, Inc. met the established MBE subcontracting goal and has committed 8.00% (\$548,995) of the total contract amount to the following MBE certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Cesar A Leon, LLC. (MBE, SBE) (\$200,000) (hauling)
- RRC Concrete (MBE, SBE) (\$118,995) (concrete work)
- SunKing Trucking, LLC. (MBE, SBE) (\$115,000) (hauling)
- Silverback Brothers, LLC. (MBE, SBE) (\$115,000) (hauling)

Established SBE Goal: 17.00%

Committed SBE Goal: 17.01%

United of Carolinas, Inc. exceeded the established SBE subcontracting goal and has committed 17.01% (\$1,167,205) of the total contract amount to the following SBE certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- RRC concrete (MBE, SBE) (\$650,005) (concrete work)
- Omega WaterWorks, Inc. (MBE, SBE) (\$229,200) (pipe utility)
- Whitesell Trucking, Inc. (SBE) (\$258,000) (hauling)
- Pentacle, Inc. (WBE, SBE) (\$30,000) (hauling)

Fiscal Note

Funding: Storm Water Capital Investment Plan

Attachment(s)

Map

[Map Construct Cutchin Drive Storm Drainage Improvement Project](#)

30. Construct Severn Avenue Storm Drainage Improvement Project

Action:

Approve a contract in the amount of \$837,825.60 to the lowest responsive bidder United of Carolinas, Inc. for the 3739 Severn Avenue Storm Drainage Improvement project.

Staff Resource(s):

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

Explanation

- This project will improve deteriorating pipe in the roadway and reduce flooding of properties and structures in the Lower Little Sugar Creek watershed with boundaries of Severn Avenue to the north and west, Lovett Circle to the south, and Insley Court to the east, in Council District 6.
- Construction will include the installation of storm drainage, sanitary sewer, curb, gutter, and driveways.
- On April 27, 2021, the city issued an Invitation to Bid; three bids were received.
- United of Carolinas, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by second quarter 2022.

Charlotte Business INclusion

Established MBE Goal: 6.00%

Committed MBE Goal: 6.09%

United of Carolinas, Inc. exceeded the established MBE subcontracting goal and has committed 6.09% (\$51,000) of the total contract amount to the following MBE certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Sunking Trucking (MBE, SBE) (\$15,500) (hauling)
- Silverback Brothers (MBE, SBE) (\$15,500) (hauling)
- Cesar A. Leon (MBE, SBE) (\$20,000) (hauling)

Established SBE Goal: 15.00%

Committed SBE Goal: 15.00%

United of Carolinas, Inc. met the established SBE subcontracting goal and has committed 15.00% (\$125,674) of the total contract amount to the following MBE certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- RRC Concrete. (MBE, SBE) (\$6,000) (concrete work)
- Whitesell Trucking, Inc. (SBE) (\$41,400) (hauling)
- Pentacle, Inc. (WBE, SBE) (\$19,500) (Fencing)
- Omega Waterworks, Inc. (MBE, SBE) (\$30,300) (pipe utility)
- Erosion Defense (SBE) (\$2,472) (erosion control)
- BCA Management Consultants (WBE, SBE) (\$18,202) (consulting)
- Bell Engineering (SBE) (\$7,800) (structural consulting)

Fiscal Note

Funding: Storm Water Capital Investment Plan

Attachment(s)

Map

[Map Construct Severn Avenue Storm Drainage Improvement Project](#)

31. Hidden Valley Water System Improvements and Tom Hunter Streetscape Construction

Action:

Approve a guaranteed maximum price of \$19,027,682.22 to Joint Venture of Sanders Utility Construction Co., Inc. and B.R.S., Inc. for Design-Build construction services related to the Hidden Valley Water System Improvements project.

Staff Resource(s):

Angela Charles, Charlotte Water

David Czerr, Charlotte Water

Phil Reiger, General Services

Jennifer Smith, General Services

Explanation

- Joint Venture of Sanders Utility Construction Co., Inc. and B.R.S., Inc. has developed a guaranteed maximum price for construction of two city projects that share the same corridor in northeast Charlotte.
- Combining the Charlotte Water and Tom Hunter Streetscape projects will ensure these locations are only impacted once by construction minimizing disruption to property and business owners as well as residents who travel through the area.
- These projects are within the city's Sugar Creek Road/I-85 Corridor of Opportunity.
- The projects include the construction of a 12 to 16-inch water main primarily along Tom Hunter Road (\$16,046,203.99) and a Streetscape project (\$2,981,478.23) along a portion of Tom Hunter Road (Council District 4).
- On April 27, 2020, City Council approved a contract with Joint Venture of Sanders Utility Construction Co., Inc. and B.R.S., Inc. for Design-Build design services.
- The project is anticipated to be complete by second quarter 2023.

Disadvantage Business Enterprise

This project is subject to the North Carolina Clean Water State Revolving Fund project guidelines, which only requires MWBE goals on construction contracts. Joint Venture of Sanders Utility Construction Co., Inc. and B.R.S., Inc. has committed \$3,991,110 or approximately 20.98% of the total contract for the Design-Build construction services to the following certified firms:

- Trull Contracting, LLC (WBE, SBE) (\$2,103,860) (paving, concrete)
- Jim Bob's Grading & Paving, Inc (SBE) (\$495,000) (paving)
- Mohawk Traffic Services (SBE) (\$375,000) (traffic control)
- Diamond Trucking of NC, Inc (MBE, SBE) (\$200,000) (hauling)
- CES Group Engineers, LLP (WBE, SBE) (\$167,900) (surveying)
- Page Power Systems, Inc (WBE, SBE) (\$126,200) (electrical)
- Sanders Constructors, Inc. (SBE) (\$119,000) (clearing)
- Maybury Fencing, Inc. (WBE, SBE) (\$115,000) (fencing)
- Gavel and Dorn Engineering, PLLC (SBE) (\$85,000) (compaction testing)
- Striping Concepts, LLC (SBE) (\$57,700) (striping)
- Martin Landscaping Co. Inc. (MBE, SBE) (\$57,000) (seeding)
- Buffkin Trucking, Inc. (MBE, SBE) (\$54,000) (hauling)
- Mid-Atlantic Erosion Control, Inc. (MBE, SBE) (\$19,150) (erosion control)
- JB Long Photography (SBE) (\$16,300) (videography)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan and General Capital Investment Plan

Attachment(s)

Map

[Map - Hidden Valley Water System Improvements and Tom Hunter Streetscape](#)

32. Little Hope Creek Tributary Sanitary Sewer Construction

Action:

Approve a guaranteed maximum price of \$22,726,605 to Park Construction of North Carolina, Inc. for Design-Build construction services for the Little Hope Creek Tributary - Ashbrook-Clawson Village and Colonial Village Segment Sanitary Sewer Improvement project.

Staff Resource(s):

Angela Charles, Charlotte Water

David Czerr, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- Park Construction of North Carolina, Inc. has developed a guaranteed maximum price for construction of the Little Hope Creek Wastewater Improvement project. The construction will upsize 11,500 linear feet of the existing sanitary sewer line, ranging from eight to 24-inch diameter to increase capacity in the Little Hope Creek Basin (Council Districts 1 and 6).
- On November 26, 2018, City Council approved a contract with Park Construction of North Carolina, Inc. for Design-Build design services.
- This project segment is anticipated to be complete by fourth quarter 2022.

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). Park Construction of North Carolina, Inc. has committed \$2,451,006 or approximately 10.78% of the total contract for construction services to the following certified firms:

- AMP Utility Distribution Services, LLC (WBE, SBE) (\$1,869,990) (material supplier)
- Tidemark Land Services (SBE) (\$322,700) (surveying, easement mapping)
- Martin Landscaping Company, Inc. (MBE, SBE) (\$163,022) (seeding, sodding, matting)
- Capstone Civil Engineering, Inc. (MBE, SBE) (\$95,294) (geotechnical, environmental services)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Map

[Map - Little Hope Creek Ph. 2](#)

33. Sugar Creek Sanitary Sewer Rehabilitation

Action:

- A. **Reject the low-bid submitted by Michels Pipe Services, Inc. for the Sugar Creek 78-inch Sanitary Sewer Rehabilitation project, and**
- B. **Approve a contract in the amount of \$6,485,671.84 to the lowest responsive bidder SAK Construction, LLC for the Sugar Creek 78-inch Sanitary Sewer Rehabilitation project.**

Staff Resource(s)

Angela Charles, Charlotte Water

Jackie Jarrell, Charlotte Water

Scott Clark, Charlotte Water

Explanation

- This project will rehabilitate 2,700 linear feet of 78-inch pipe by installing a liner within the existing Lower Sugar Creek Outfall near Carolina Place Mall in the Town of Pineville (adjacent to Council District 7).
- The new pipe lining is a corrosion-resistant product that is expected to extend the life of the sanitary sewer line an additional 50 years.
- On May 7, 2021, the city issued an Invitation to Bid; four bids were received.
- SAK Construction, LLC was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by second quarter 2022.
- The low bid of \$3,539,433.30 submitted by Michels Pipe Services, Inc. was found not to be responsible for failing to meet the CBI Good Faith Efforts requirements.

Charlotte Business INclusion

Established MBE Goal: 2.00%

Committed MBE Goal: 0.00%

SAK Construction, LLC failed to meet the established MBE subcontracting goal but earned the minimum Good Faith Effort Points (Part B: Section 5 of the Charlotte Business INclusion Policy).

Established SBE Goal: 2.00%

Committed SBE Goal: 2.26%

SAK Construction, LLC exceeded the established SBE subcontracting goal and has committed 2.26% (\$146,750) of the total contract amount to the following certified firm (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Hampton Environmental & Construction, LLC (SBE) (\$146,750) (excavations, manhole modifications)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Map

[Map-Sugar Creek Sanitary Sewer Rehabilitation](#)

34. Water Facility Master Security Key System

Action:

- A. **Approve the purchase of keys, cores, lock hardware, and services by the sole source exemption,**
- B. **Approve a contract with Eastway Lock & Key, Inc. for the purchase of keys, cores, lock hardware, and services for the term of five years, and**
- C. **Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Angela Charles, Charlotte Water
Ron Hargrove, Charlotte Water
Travis Hunnicutt, Charlotte Water

Sole Source Exemption

- NC General Statute 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 exception.

Explanation

- This contract will provide for the continued installation of a standardized enhanced-security physical key system within Charlotte Water facilities.
- Eastway Lock & Key, Inc. is the sole licensee of the current patented, restricted key system and additional keys, cores, and lock hardware must be purchased directly from the dealer.
- Annual expenditures are estimated to be \$60,000.

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 Capital Investment Plan and Charlotte Water Operating Budget

35. Water and Sanitary Sewer Maintenance and Repair Services

Action:

- A. Approve a unit price contract with the lowest responsive bidder State Utility Contractors, Inc. for water and sanitary sewer maintenance and repair services for an initial term of one year, 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):

Angela Charles, Charlotte Water

Jackie Jarrell, Charlotte Water

Scott Clark, Charlotte Water

Explanation

- This contract will be used for emergency repair services for water and sanitary sewer pipes and to supplement Charlotte Water crews in performing routine repairs.
- On May 4, 2021, the city issued an Invitation to Bid (ITB); two bids were 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 June 11, 2021, an ITB was re-issued; two bids were received.
- State Utility Contractors, Inc. was selected as the lowest responsive, responsible bidder.
- Annual expenditures are estimated to be \$6,504,635.
- Possible price adjustments will be based on the Engineering News Record Construction Cost Index.

Charlotte Business INclusion

Established MSBE Goal: 4.00%

Committed MSBE Goal: 4.07%

State Utility Contractors, Inc. exceeded the established MSBE subcontracting goal and has committed 4.07% (\$265,000) of the contract's initial term amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- AMP Utility Distribution Services, LLC (WBE, SBE) (\$165,000) (supply pipe materials)
- Pipe Pros, LLC (SBE) (\$45,000) (vacuum excavation)
- Buffkin Trucking, Inc. (MBE, SBE) (\$25,000) (hauling)
- RAM Pavement Services, Inc. (SBE) (\$25,000) (asphalt paving)
- Fernandez Construction Corporation (SBE) (\$5,000) (concrete repair)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan and Charlotte Water Operating Budget

36. Water Transmission Main Improvements and Repairs

Action:

Approve a contract amendment for \$853,792 to the contract with State Utility Contractors, Inc. for additional Design-Build design services for the Water Transmission Main Improvements and Repairs project.

Staff Resource(s):

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

Explanation

- This project includes the inspection, repair, and rehabilitation of high-risk water transmission mains to extend their service life.
- The contract amendment includes the design of water transmission main connections along Cedar Street between West Morehead Street and West Trade Street. It also includes design for replacing a water main along Beatties Ford Road from French Street to the Brookshire Boulevard bridge deck (Council District 2).
- On June 8, 2020, City Council approved a contract with State Utility Contractors, Inc. for Design-Build design services.
- On January 25, 2021, City Council approved a guaranteed maximum price (GMP) with State Utility Contractors, Inc. for construction of water main connections at Carmel and Pineville-Matthews Roads and point repairs to the 24-inch water main along Peachtree, Sunset, and Old Statesville Roads (Council Districts 2 and 7).
- This project is anticipated to be complete by first quarter 2022.
- Requests for the approval of additional GMPs for construction of various project segments will be presented to City Council in the future.

Charlotte Business INclusion

The city negotiates participation for Design-Build contracts after the firm is selected and scopes of work are defined for design and construction services (Part G: Section 2.4 of the Charlotte Business INclusion Policy). State Utility Contractors, Inc. has committed \$258,096 or approximately 30.23% of the total contract for Design-Build design services to the following certified firms:

- Stewart Engineering, Inc. (MBE) (\$186,880) (field surveying, subsurface utility engineering)
- Froehling and Robertson (MBE) (\$44,246) (geotechnical services)
- Yellow Duck Marketing (WBE, SBE) (\$13,500) (advertising, marketing, public relations)
- Gulf Coast (SBE) (\$9,870) (property acquisition management)
- GDC Supplies Equipment & Contracting, LLC (MBE, SBE) (\$3,600) (traffic control)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Map

[Map - Water Transmission Main Assessment and Repairs](#)

37. W.T. Harris Boulevard and Plott Road Water Main Construction

Action:

Approve a guaranteed maximum price of \$45,291,279.08 to Joint Venture of Sanders Utility Construction Co., Inc. and B.R.S., Inc. for Design-Build construction services for the W.T. Harris Boulevard and Plott Road Water Main project.

Staff Resource(s):

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

Explanation

- Joint Venture of Sanders Utility Construction Co., Inc. and B.R.S., Inc. has developed a guaranteed maximum price for construction of approximately 30,000 linear feet of 36-inch water main, primarily along East W.T. Harris Boulevard and Plott Road (Council Districts 4 and 5).
- On April 27, 2020, City Council approved a contract with Joint Venture of Sanders Utility Construction Co., Inc. and B.R.S., Inc. for Design-Build design services.
- The project is anticipated to be complete by third quarter 2024.

Disadvantage Business Enterprise

This project is subject to the North Carolina Clean Water State Revolving Fund project guidelines, which only requires MWBE goals on construction contracts. Joint Venture of Sanders Utility Construction Co., Inc. and B.R.S., Inc. has committed \$7,325,835 or approximately 16.17% of the total contract for the Design-Build construction services to the following certified firms:

- Jim Bob's Grading & Paving, Inc (SBE) (\$2,817,896) (paving/resurfacing)
- Trull Contracting, LLC (WBE, SBE) (\$1,146,000) (sidewalk, driveway)
- Mohawk Traffic Services (SBE) (\$919,600) (traffic control services)
- Buffkin Trucking, Inc. (MBE, SBE) (\$584,961) (hauling)
- Sun King Trucking, LLC (MBE, SBE) (\$409,473) (hauling)
- Sanders Constructors, Inc. (SBE) (\$272,600) (clearing/grubbing)
- Martin Landscaping Co. Inc. (MBE, SBE) (\$268,000) (erosion control, landscaping)
- CES Group Engineers, LLP (WBE, SBE) (\$220,000) (construction surveying)
- Diamond Trucking of NC, Inc (MBE, SBE) (\$175,488) (hauling)
- R.E. Sifford Utility, Inc. (MBE, SBE) (\$167,067) (construction utility/underground)
- Gavel and Dorn Engineering, PLLC (SBE) (\$144,500) (geotechnical)
- Maybury Fencing, Inc. (WBE, SBE) (\$125,250) (fencing)
- Professional Communications, LLC (SBE) (\$75,000) (photography)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment

Map

[Map WT Harris Plott Rd](#)

38. CATS Bulk Cleaning Solution

Action:

- A. **Approve a unit price contract to the lowest responsive bidder Loyal Systems, Inc. for the purchase of cleaning products and repair parts and services for bus wash facilities, lots, and maintenance garages for an initial term of three years, and**
- B. **Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

John Lewis, Jr., CATS

Allen C. Smith III, CATS

Jennifer Fehribach, CATS

Explanation

- Cleaning products and repair parts and services are used to clean, maintain, and disinfect buses, including, but not limited to, Transit buses, Special Transportation Service buses, maintenance garage floors and equipment, transit bus lots, and facilities and equipment, operated by Charlotte Area Transit System.
- The city purchases chemicals and repair parts and services for city-owned drive-through wash facilities and chemicals and supplies for bus lots and bus maintenance garages at South Tryon and North Davidson properties.
- On February 10, 2021, the city issued an Invitation to Bid; eight bids were received.
- Loyal Systems, Inc. was selected as the lowest responsive, responsible bidder.
- Annual expenditures are estimated to be \$300,000.

Disadvantaged Business Enterprise (DBE)

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

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

Fiscal Note

Funding: CATS Operating Budget

39. CATS Bus Brake and Suspension Parts

Action:

- A. **Approve a unit price contract to the lowest responsive bidder Mohawk for the purchase of bus brake and suspension parts for an initial term of three years, and**

- B. **Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

John Lewis, Jr., CATS

Allen C. Smith III, CATS

Jennifer Fehribach, CATS

Explanation

- This contract will provide numerous bus brake and suspension parts for ongoing maintenance of the Charlotte Area Transit System (CATS) bus fleet.
- On March 29, 2021, the city issued an Invitation to Bid; seven bids were received.
- Mohawk was selected as the lowest responsive, responsible bidder.
- Bus parts will be purchased on an as-needed basis under the contract terms.
- Annual expenditures are estimated to be \$199,400.

Disadvantaged Business Enterprise (DBE)

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

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

Fiscal Note

Funding: CATS Operating Budget

40. CATS Hybrid Bus Parts and Repair Services

Action:

- A. Approve a contract with Clarke Power Services for bus parts and repair services for the existing hybrid buses for an initial term of three years, and**
- B. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

John Lewis, Jr., CATS

Allen Smith III, CATS

Jennifer Fehribach, CATS

Explanation

- The city requires qualified service providers to work in conjunction with Charlotte Area Transit System to perform complete turnkey repairs and related services on existing hybrid buses in the city's bus fleet.
- Repairs may include, but are not restricted to, complete engine replacement or overhaul; cooling systems and lines; and engine components and all related parts, repairs, or replacement.
- On March 15, 2021, the city issued a Request for Proposals (RFP); one response was received.
- Clarke Power Services best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$240,000.

Disadvantaged Business Enterprise (DBE)

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

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

Fiscal Note

Funding: CATS Operating Budget

41. CATS Paratransit Replacement Parts

Action:

- A. **Approve the purchase of Original Equipment Manufacturer Ford parts from a cooperative purchasing contract,**
- B. **Approve a unit price contract with Ford Motor Company for the purchase of Original Equipment Manufacturer Ford parts for a term of four years under cooperative purchasing contract, Sourcewell Contract 101520-FMC, December 2, 2020, and**
- C. **Authorize the City Manager to extend the contract for additional terms as long as the cooperative contract is in effect, at prices and terms that are the same or more favorable than those offered under the cooperative contact.**

Staff Resource(s):

John Lewis, Jr., CATS
Allen C. Smith III, CATS
Jennifer Fehribach, CATS

Explanation

- Charlotte Area Transit System is responsible for the Paratransit fleet maintenance consisting of 85 buses.
- This contract will provide parts for the maintenance of the Ford Paratransit bus fleet.
- NC General Statute 143-129(e)(3) allows local governments to purchase from formally organized cooperative purchasing contracts.
- A Cooperative purchasing agreement allows the city to collaborate with multiple public agencies for a competitive solicitation to combine purchasing power. By aggregating common needs, the cooperative can leverage economies of scale, such as volume discounts, and improve terms and conditions while reducing administrative costs. Additionally, the cooperative will have access to professional and technical expertise.
- Annual expenditures are estimated to be \$200,000.

Charlotte Business INclusion

This is a cooperative purchasing contract and is exempt (Part A: Appendix 27 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: CATS Operating Budget

42. CATS Bus Fuel Tank and Radiator Repair Services

Action:

- A. **Approve a contract with The Cooling Center for fuel tank and radiator repair services for an initial term of three years, and**

- B. **Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

John Lewis, Jr., CATS

Allen C. Smith III, CATS

Jennifer Fehribach, CATS

Explanation

- The contract will provide bus radiators and vehicle fuel tank maintenance and repair services on an as-needed basis.
- On April 26, 2021, the city issued a Request for Proposals (RFP); one response was received.
- The Cooling Center best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$120,000.

Disadvantaged Business Enterprise (DBE)

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

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

Fiscal Note

Funding: CATS Operating Budget

43. CATS Bus Farebox Parts

Action:

- A. Approve the purchase of farebox parts by the sole source exemption,
- B. Approve a contract with GFI Genfare (SPX) for the purchase of farebox parts for the 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):

John Lewis, Jr., CATS

Allen C. Smith III, CATS

Jennifer Fehribach, CATS

Sole Source Exemption

- NC General Statute 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 because the farebox parts must be interchangeable and compatible with the existing GFI Genfare transit bus fareboxes. The only source of supply for repair parts is the original equipment manufacturer (OEM).
- City Council approval is required for any purchases made under the sole source exception.

Explanation

- The Charlotte Area Transit System's Bus Operations Division uses proprietary OEM parts in the maintenance and repair of the GFI Genfare fareboxes on the transit buses.
- The proprietary parts meet the required specification and standards to properly maintain operation of the fareboxes.
- Annual expenditures are estimated to be \$228,000.

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: CATS Operating Budget

44. Airport Airfield Marking Paint Purchase

Action:

- A. Approve the purchase of Airfield Marking Paint by the sole source exemption,
- B. Approve a contract with Prison Rehabilitative Industries and Diversified Enterprises, Inc. (PRIDE) for the purchase of airfield marking paint for the 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):

Haley Gentry, Aviation
Jack Christine, Aviation

Sole Source Exemption

- NC General Statute 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 performance or price competition are not available.
- City Council approval is required for any purchases made under the sole source exception.

Explanation

- This contract will provide paint for airfield markings required to maintain compliance with the marking standards set forth by the Federal Aviation Administration (FAA) and the requirements for the annual Airport FAA Part 139 Inspection.
- This is a proven product, and due to its durability, will result in cost savings and reduced labor hours necessary to maintain standards.
- Annual expenditures are estimated to be \$120,000.
- The 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

45. Airport Capacity Simulation Modeling

Action:

- A. Approve a contract in the amount of \$746,060 with Landrum & Brown, Incorporated for capacity simulation modeling, and
- B. Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.

Staff Resource(s):

Haley Gentry, Aviation
Jack Christine, Aviation

Explanation

- The Airport is undergoing a Master Plan and Environmental Assessment, which requires stakeholder and community engagement. As a result of these meetings, various alternative aircraft operating procedures were proposed.
- In order to evaluate the implications of the proposed alternatives on airfield capacity, a simulation modeling assessment is required.
- Proposed alternatives that do not reduce the Airport's capacity may be recommended for further review and implementation by the Federal Aviation Administration (FAA).
- On March 2, 2020, the city issued a Request for Qualifications (RFQ); 13 responses were received.
- Landrum & Brown, Incorporated is the best qualified firm to meet the city's needs based on their ability to perform the simulations utilizing the FAA-approved software.
- This activity is occurring on Airport property, located in Council District 3.

Disadvantaged Business Enterprise (DBE)

The Federal DBE Program neither requires nor permits goals for every contract. There is no DBE goal for this contract. The city must meet its overall goal by using a mix of contract goals and race-neutral means.

Fiscal Note

Funding: Aviation Capital Investment Plan

46. Airport Construction Inspection Services

Action:

- A. **Approve a contract with Talbert, Bright & Ellington Inc. for resident project representative construction inspection services for an initial term of five years, and**

- B. **Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Haley Gentry, Aviation
Jack Christine, Aviation

Explanation

- The Federal Aviation Administration (FAA) outlines specific requirements for the selection of project consultants within the Airport Operations Area. These requirements include the services of full-time inspectors during the construction or installation phase of a project.
- This contract will provide resident project representative/construction inspection (RPR) services.
- Talbert, Bright & Ellington Inc. will operate as an extension of Aviation Department staff, providing RPR Services on horizontal and vertical construction of airside, landside, terminal, and infrastructure projects.
- On February 18, 2021, the city issued a Request for Qualifications (RFQ); four responses were received.
- Talbert, Bright & Ellington Inc. is the best qualified firm to meet the city's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- Annual expenditures are estimated to be \$8,000,000.
- This activity is occurring on Airport property, located in Council District 3.

Disadvantaged Business Enterprise (DBE)

The city negotiates subcontracting participation after the proposal selection process. Talbert, Bright & Ellington Inc. has committed 10.01% (\$4,139,726) of the total contract amount to the following certified firms:

- Falcon Engineering Inc (DBE) (\$2,575,454) (inspection services)
- Flehan Engineering Inc (DBE) (\$1,421,300) (inspection services)
- McFarland Construction (DBE) (\$142,972) (construction support services)

Fiscal Note

Funding: Aviation Capital Investment Plan

47. Airport Customer Support Services

Action:

- A. Approve a contract with HHS Aviation, LLC for Airport customer support services for an initial term of three years, and**

- B. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Haley Gentry, Aviation
Jack Christine, Aviation

Explanation

- Aviation is responsible for providing passenger assistance services, including checkpoint queue management in the terminal lobby, international arrivals passenger assistance, and baggage re-check.
- This contract will also provide service in other areas as directed to assist customers with wayfinding and general airport customer service needs.
- On April 21, 2021, the city issued a Request for Proposals (RFP); nine responses were received.
- HHS Aviation, LLC best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$1,500,000.
- 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). HHS Aviation, LLC has committed to utilizing MWSBE firms for 8.00% of the total contract amount as the project evolves and the scopes of work are defined.

Fiscal Note

Funding: Aviation Operating Budget

48. Airport e-Builder Support Services

Action:

- A. Approve a contract with HNTB North Carolina, P.C. for e-Builder Support Services for an initial term of three years, and**
- B. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Haley Gentry, Aviation
Jack Christine, Aviation

Explanation

- e-Builder project management software was adopted as a component of the city's long-term enterprise technology strategy following the initial 2012 implementation.
- Aviation uses e-Builder as a project management tool to facilitate the cost management process and standardize document controls.
- This contract will provide support services required for administration and maintenance of e-Builder.
- On March 15, 2021, the city issued a Request for Qualifications (RFQ); three responses were received.
- HNTB North Carolina, P.C. best meets the city's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- Annual expenditures are estimated to be \$820,000.

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). HNTB North Carolina, P.C. has committed 20.00% of the total contract amount for support services related to the administration and maintenance of the product to the following certified firm:

- McFarland Construction (MBE, SBE) (document control services)

Fiscal Note

Funding: Aviation Capital Investment Plan

49. Airport Fire Station 41 Expansion Construction

Action:

- A. Approve a contract in the amount of \$3,007,284 to the lowest responsive bidder Edison Foard Construction Services, Inc. for construction services for the Fire Station 41 Expansion project, and**
- B. Approve contract amendment #1 in the amount of \$220,187 with RS&H Architects Engineers Planners, Inc. for construction administration services for the construction phase of the Fire Station 41 Expansion project.**

Staff Resource(s):

Haley Gentry, Aviation
Jack Christine, Aviation

Background

- On June 24, 2019, City Council approved a Military Construction Cooperative Agreement (Agreement) with the National Guard Bureau (NGB) for the design of the Aircraft Rescue and Firefighting Station 41 Expansion project.
- Under the Agreement, the city will design and construct the expansion of the entire facility, and the NGB will reimburse the city for the portion of those costs associated with the North Carolina Air National Guard (NCANG) improvements.
- This project involves expanding the existing station by approximately 6,500 square feet, including approximately 500 square feet of storage and 6,000 square feet of vehicle bays, in order to accommodate additional firefighting equipment to service a larger aircraft fleet by the NCANG.
- The project is anticipated to be complete in second quarter of Fiscal Year 2023.
- This activity is occurring on Airport property, located in Council District 3.

Explanation

Action A

- This contract provides for the construction of the Fire Station 41 Expansion project.
- On May 19, 2021, the city issued an Invitation to Bid (ITB); one bid was received.
 - NC General Statute 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 June 24, 2021, the city re-issued an ITB; two bids were received.
- Edison Foard Construction Services, Inc. was selected as the lowest responsive, responsible bidder.

Action B

- On December 18, 2019, the City Manager approved a contract in the amount of \$371,568 with RS&H Architects Engineers Planners, Inc. to provide design services for the Fire Station 41 Expansion project.
- Amendment #1 includes quality assurance testing, building commissioning, project management, and construction administration services for the duration of construction.
- The new value of this contract, including amendment #1, is \$591,755.

Charlotte Business INclusion

Action A

Established MBE Goal: 7.00%

Committed MBE Goal: 9.01%

Edison Foard Construction Services, Inc. exceeded the established subcontracting goal and has committed 9.01% (\$271,000) 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) (\$235,000) (HVAC)

- Trifecta Services Company (MBE) (\$36,000) (demolition)

Established SBE Goal: 13.00%

Committed SBE Goal (at time of bid): 3.59%

SBE Participation to Date: 13.13%

Edison Foard Construction Services, Inc. failed to meet the established subcontracting goal, but earned the minimum Good Faith Effort Points (Part B: Section 5 of the Charlotte Business INCLUSION Policy). Edison Foard Construction Services, Inc. has committed 13.13% (\$394,943) of the total contract amount to the following certified firms:

- YES Real Estate Construction (MBE, SBE) (\$235,218) (electrical)
- CS Plumbing Inc. (MBE, SBE) (\$48,842) (plumbing)
- Pentacle, Inc. (WBE, SBE) (\$33,390) (fencing)
- Taylor's Interiors (MBE, SBE) (\$32,225) (air barrier, joint sealant, foundation dam proofing)
- Providence Paint Co. (SBE) (\$26,537) (painting)
- Glaze Independent Trucking (MBE, SBE) (\$10,000) (hauling)
- Berry's Container Service LLC (SBE) (\$5,500) (dumpsters)
- Profile Building Services (SBE) (\$3,231) (final clean)

Action B

All additional work involved in this amendment will be performed by RS&H Architects Engineers Planners, Inc. and their existing subconsultants (Part D: Section 6 of the Charlotte Business INCLUSION Policy). RS&H Architects Engineers Planners, Inc. has committed 17.21% (\$37,900) of the total amendment amount to the following certified firm:

- On-Spec Engineering (SBE) (\$37,900) (quality assurance testing)

Fiscal Note

Funding: Aviation Capital Investment Plan

50. Airport Fixed Based Operator Agreement Extension

Action:

- A. **Approve amendment #6 adding three, one-year renewal options to the contract with Wilson Air Center-North Carolina, LLC as the Fixed Based Operator Services Manager at the Airport, and**
- B. **Authorize the City Manager to execute the additional renewal options with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Haley Gentry, Aviation

Ted Kaplan, Aviation

Explanation

- On June 8, 2015, City Council approved a two-year agreement with Wilson Air Center-North Carolina, LLC with the option to extend the agreement for five additional one-year terms.
- The current agreement is set to expire on June 30, 2022.
- Waiver of a competitive solicitation process for services may be granted on a limited basis when deemed appropriate and in the city's best interest. A waiver has been approved for these services based on continuity of service given the special circumstances related to COVID-19. Additionally, this service is necessary for the stability of the Airport's Fixed Based Operator (FBO) operation as the Airport Master Plan is currently being developed.
- This contract is for staffing and expertise to provide FBO services, including management of hangar leases, fueling, and providing amenities to aircraft operators at the airport.
- Wilson Air Center-North Carolina, LLC will receive an annual management fee of \$250,000, an incentive fee of five percent of the surplus revenues generated, and will be eligible for an additional one percent service incentive fee, if certain service metrics are accomplished.
- The services provided by Wilson Air Center-North Carolina, LLC will generate approximately \$6 million in net revenue annually to the airport.
- This activity is occurring on Airport property, located in Council District 3.

Charlotte Business INclusion

Wilson Air Center-North Carolina, LLC has agreed to meet or exceed the established MWSBE goal of 10.00%, based on the total eligible expenses for goods and services utilizing certified MWSBE firms throughout the term of this contract: (Part C: Section 2.1 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Aviation Operating Budget

51. Airport Main Terminal Conveyor Upgrades

Action:

- A. **Approve a contract with Siemens Logistics, Inc. for main terminal and Federal Inspection Services conveyor upgrades for a term of six months, and**

- B. **Authorize the City Manager to renew the contract for up to one, one-year term 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

- This contract will make functional improvements to the baggage conveyor subsystems and replace components that are beyond their useful life.
- Upgrading of the outdated equipment allows the airport to achieve increased system availability and provide for reliable baggage conveyor operations.
- On March 15, 2021, the city issued a Request for Proposals (RFP); two responses were received.
- Siemens Logistics, Inc. best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Expenditures are estimated to be \$767,599.
- 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). Siemens Logistics, Inc. has committed 18.57% (\$142,565) of the total contract amount to the following certified firms:

- AKW Electrical (SBE) (\$137,000) (Electrical)
- BJM Inc. dba Snelling (MBE, SBE) (\$5,565) (Bag Portering Services)

Fiscal Note

Funding: Aviation Capital Investment Plan

52. Airport Navigational Aid Relocation Reimbursement

Action:

- A. Approve a reimbursement agreement with the Federal Aviation Administration for the relocation of navigational aid facilities and field cabling to support the Airport's North End Around Taxiway project, and**
- B. Authorize the City Manager to amend the agreement consistent with the purpose for which the agreement was approved.**

Staff Resource(s):

Haley Gentry, Aviation

Jack Christine, Aviation

Explanation

- Aviation is currently in the design phase for the North End Around Taxiway project, which will increase operational efficiency and enhance safety by reducing runway crossings for runways 18C-36C.
- This project requires extensive grading that will require the relocation of various Federal Aviation Administration (FAA) owned navigational aid facilities and field cabling.
- Aviation will reimburse the FAA for the cost of the work, which is estimated at approximately \$593,757.
- This activity is occurring on Airport property, located in Council District 3.

Fiscal Note

Funding: Aviation Capital Investment Plan

53. Airport Project Construction Manager at Risk Services

Action:

Approve a contract in the amount of \$598,999 with Messer Construction Co. for preconstruction management at-risk services for the Federal Inspections Station Facility and Concourse D Renovations project.

Staff Resource(s):

Haley Gentry, Aviation

Jack Christine, Aviation

Explanation

- On February 20, 2020, City Council approved a contract with RS&H Architects-Engineers-Planners Inc. in the amount of \$4,330,965 for design services for the Federal Inspection Station Facility (FIS) and Concourse D Renovations project.
- The original FIS facility was built in 1990 and expanded in 2000.
- Increases in international traffic over the last five years necessitate an expansion and renovation of the FIS facility and Concourse D.
- The project will renovate all interior areas of the existing FIS facility and renew select finishes and amenities in the gate areas of Concourse D.
- Under this contract, Messer Construction Co. is responsible for design review, project estimating, constructability review, and bidding services.
- On February 1, 2021, the city issued a Request for Qualifications (RFQ); nine responses were received.
- Messer Construction Co. best meets the city's needs on the basis of demonstrated competence and qualification of professional services in response to RFQ requirements.
- Aviation intends to return to City Council in the future for a guaranteed maximum price contract for Construction Manager at Risk for the full construction of the project.
- 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). Messer Construction Co. has committed 15.22% (\$91,194) of the total contract amount to the following certified firms:

- All-Pro Builders & Restorations (MBE, SBE) (\$46,340) (planning, estimating)
- Lil Associates II, Inc. (MBE, SBE) (\$21,600) (diversity/inclusion consulting)
- Pic Tec, Inc. (WBE, SBE) (\$13,440) (scheduling services)
- Richa Graphics (MBE, SBE) (\$9,814) (printing services)

Fiscal Note

Funding: Aviation Capital Investment Plan

54. Set a Public Hearing on Certificates of Participation Financing for Equipment and Facilities

Action:

- A. Adopt an initial findings resolution making certain findings and calling for the execution of various documents necessary to complete an installment financing contract, and**
- B. Adopt a resolution setting a public hearing for August 23, 2021, for an installment financing contract not to exceed \$125,000,000.**

Staff Resource(s):

Teresa Smith, Finance

Explanation

- The city will enter into an installment financing contract not to exceed \$125,000,000 to finance the city's acquisition of certain equipment and construction of and improvements to facilities.
- Certificates of Participation (COPs) are a common debt financing tool used by municipal governments to help fund the purchase of capital equipment and the construction or renovation of facilities.
- The proceeds from this financing will be used to finance the costs of (a) construction of three new police stations, (b) acquisition of a new police helicopter, (c) improvements and renovations of an animal care and control facility, (d) construction of a new fire station and the acquisition of land for future use, (e) capital building improvements and sustainability related utility systems upgrades, (f) construction of a fleet repair station at the Northeast Maintenance Facility, (g) improvements to other governmental facilities, and (h) the acquisition of vehicles and equipment. The city's obligation to repay the debt will be secured by real property and a security interest in the equipment.
- These actions will adopt an initial findings resolution and set a public hearing for August 23, 2021.

Fiscal Note

Funding: Municipal Debt Service Fund

Attachment(s)

Resolution

[Initial Findings Resolution \(Pure\) - City of Charlotte COPs 2021 New Money Projects](#)

55. Bond Issuance Confirmation for Albemarle Landing

Action:

Adopt a resolution confirming the July 27, 2020, resolution granting INLIVIAN's request to issue multi-family housing revenue bonds, in an amount not to exceed \$14,000,000, to finance the development of an affordable housing development known as Albemarle Landing.

Staff Resource(s):

Pamela Wideman, Housing and Neighborhood Services

Explanation

- This action does 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.
- The developer's financing has been delayed due to the COVID-19 pandemic. As a result, INLIVIAN's issuance of multi-family housing revenue bonds has also been delayed.
- This action is required to re-confirm City Council's July 27, 2020, adoption of a resolution authorizing INLIVIAN to issue multi-family housing revenue bonds for Albemarle Landing, a 128-unit new construction affordable housing development, to be developed, owned, and operated by South Creek Development, LLC, a North Carolina limited partnership. The development is located at 5800 Albemarle Road in Council District 5.
- Pursuant to the federal tax code, if a developer does not close on multi-family housing revenue bonds within a year of the original resolution's adoption, the local governmental unit with jurisdiction over the area where the development is located must reconfirm its original resolution.
- The developer anticipates closing the financing and beginning construction on this development by December 2021.
- The INLIVIAN bonds, which are not to exceed \$14,000,000, will be used to finance land acquisition and construction of the development.
- There is no Housing Trust Fund allocation or other city financial support affiliated with this development or the approval of this bond issuance.

Background

- The developer applied for four percent low income housing tax credits and 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 \$14,000,000 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 does not have a direct interest.

Attachment(s)

City of Charlotte Confirmation Resolution

[City Confirmation Resolution Albemarle Landing_080921](#)

56. Set a Public Hearing on Edgewood Preserve Area Voluntary Annexation

Action:

Adopt a resolution setting a public hearing for September 13, 2021, for the Edgewood Preserve 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 boundaries 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 24.056-acre "Edgewood Preserve" site is located along the south side of Eastfield Road, the north side of the West Interstate 485 Highway, and west of Browne Road.
 - The property currently has single-family detached and large lot residential uses.
 - The petitioner has plans to develop 38 single-family detached units and 48 single-family attached units. Two existing single-family homes will remain on the site, separate from the petitioner's development plans.
 - The property is zoned MX-2 which allows for residential mixed use and R-3 which allows for single family residential uses.
 - The property is located adjacent to City Council District 4.
 - The petitioned area consists of four parcels, parcel identification numbers 027-611-05, 027-611-04, 027-611-03, and 027-611-02.

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; and
 - Is consistent with the policy to not create unincorporated areas that will be encompassed by new city limits.

Attachment(s)

Map
Resolution

[Map Edgewood Preserve Area Annexation](#)

[Resolution for Edgewood Preserve Area Annexation](#)

57. Set a Public Hearing on Riverbend Phase 3-2 Area Voluntary Annexation

Action:

Adopt a resolution setting a public hearing for September 13, 2021, for the Riverbend Phase 3-2 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 38.716-acre "Riverbend Phase 3-2" site is located on the northeast side of Harwood Lane, the southeast side of Newhart Road, and south of Hart Road.
 - The property currently has open space and recreation uses.
 - The petitioner has plans to develop 65 single-family units.
 - The property is zoned MX-1 which allows for residential mixed use.
 - The property is located adjacent to City Council District 2.
 - The petitioned area consists of 34 parcels, parcel identification numbers 031-201-30B, 031-206-70, 031-206-67, 031-206-68, 031-206-01, 031-206-02, 031-206-03, 031-206-04, 031-206-05, 031-206-06, 031-206-07, 031-206-08, 031-206-09, 031-206-47, 031-206-48, 031-206-49, 031-206-50, 031-206-51, 031-206-52, 031-206-53, 031-206-54, 031-206-55, 031-206-56, 031-206-57, 031-206-58, 031-206-59, 031-206-60, 031-206-61, 031-206-62, 031-206-63, 031-206-64, 031-206-65, 031-206-66, and 031-206-69.

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; and
 - Is consistent with the policy to not create unincorporated areas that will be encompassed by new city limits.

Attachment(s)

Map

Resolution

[Riverbend Phase 3-2 Area Annexation Map](#)

[Resolution for Riverbend Phase 3-2 Area Annexation](#)

58. Meeting Minutes

Action:

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

- **May 10, 2021 Business Meeting,**
- **May 17, 2021 Zoning Meeting,**
- **May 19, 2021 Budget Adjustments Meeting,**
- **May 24, 2021 Business Meeting, and**
- **May 26, 2021 Budget Straw Votes Meeting.**

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

59. Charlotte Water Property Transactions - Dairy Branch Tributary Sewer Improvements, Parcels #35-52 combined

Action: Approve the following Condemnation: Dairy Branch Tributary Sewer Improvements, Parcels #35-52 combined

Project: Dairy Branch Tributary Sewer Improvements, Parcels #35-52 combined

Owner(s): Marsh Realty Company

Property Addresses: 223, 225, 231, 237, 243, 249, 253, 301, 307, 315, 319, 325, 403, 411, 419, 427, 435, 441 Poindexter Drive

Total Parcel Area: 371,937 sq. ft. (8.55 ac.)

Property to be acquired by Easements: 52,197 sq. ft. (1.20 ac.) in Sanitary Sewer Easement and 46,556 sq. ft. (1.07 ac.) Permanent Utility Easement and 444 sq. ft. (0.01 ac.) Sanitary Sewer Easement and Permanent Utility Easement Overlap, and 6,986 sq. ft. (0.16 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: UR-2 (CD)

Use: Multi family

Tax Code/s: 147-081-37, 38, 39, 40, 41, 42, 43; 147-031-03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13

<https://polaris3g.mecklenburgcountync.gov/#mat=359831&pid=14708137&qisid=14708137>

<https://polaris3g.mecklenburgcountync.gov/#mat=359823&pid=14703103&qisid=14703103>

Appraised Value: \$1,749,050

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: 1

60. Charlotte Water Property Transactions - Dairy Branch Tributary Sewer Improvements, Parcel #55

Action: Approve the following Condemnation: Dairy Branch Tributary Sewer Improvements, Parcel #55

Project: Dairy Branch Tributary Sewer Improvements, Parcel #55

Owner(s): Marsh Realty Company

Property Address: 215 Poindexter Drive

Total Parcel Area: 80,062 sq. ft. (1.84 ac.)

Property to be acquired by Easements: 2,574 sq. ft. (0.06 ac.) in Sanitary Sewer Easement and 473 sq. ft. (0.01 ac.) in Permanent Utility Easement and 507 sq. ft. (0.01 ac.) Sanitary Sewer Easement and Permanent Utility Easement Overlap and 2,432 sq. ft (0.06 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: TOD-NC/R-5

Use: Commercial

Tax Code: 147-031-02

<https://polaris3g.mecklenburgcountync.gov/#mat=614306&pid=14703102&qisid=14703102>

Appraised Value: \$163,525

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: 1

61. Property Transactions - Beatties Ford Sunset Road Pedestrian Project, Parcel #15

Action: Approve the following Acquisition: Beatties Ford Sunset Road Pedestrian Project, Parcel #15

This property is acquired in accordance with Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for North Carolina Department of Transportation reimbursement and Federal Transit Administration reimbursement.

Project: Beatties Ford Sunset Road Pedestrian Project, Parcel #15

Program: Beatties Ford Sunset Road Pedestrian Project

Owner(s): Kenneth E Edwards and Jo H Edwards

Property Address: 1801 Sunset Road

Total Parcel Area: 378,882 sq. ft. (8.70 ac.)

Property to be acquired by Fee: 8,524 sq. ft. (0.20 ac.) Fee Simple

Property to be acquired by Easements: 12 sq. ft. (0 ac.) Utility Easement, 610 sq. ft. (0.014 ac.) Storm Drainage Easement, 605 sq. ft. (0.014 ac.) Sidewalk Utility Easement, 4,537 sq. ft. (0.104 ac.) Temporary Construction Easement, 28 sq. ft. (0.001 ac.) Sidewalk Utility/Storm Drain Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-3

Use: Single-family Residential

Tax Code: 037-071-26

<https://polaris3g.mecklenburgcountync.gov/#mat=57632&pid=03707126&gisid=03707126>

Purchase Price: \$14,900

Council District: 2

62. Property Transactions - Beatties Ford Sunset Road Pedestrian Project, Parcel #54

Action: Approve the following Condemnation: Beatties Ford Sunset Road Pedestrian Project, Parcel #54

This property is acquired in accordance with Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for North Carolina Department of Transportation reimbursement and Federal Transit Administration reimbursement.

Project: Beatties Ford Sunset Road Pedestrian Project, Parcel #54

Program: Beatties Ford Sunset Road Pedestrian Project

Owner(s): Brenda Kennedy

Property Address: 3101 Sunset Road

Total Parcel Area: 18,090 sq. ft. (0.42 ac.)

Property to be acquired by Easements: 907 sq. ft. (0.021 ac.) Sidewalk Utility Easement, 1,370 sq. ft. (0.031 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-3

Use: Single-family Residential

Tax Code: 037-321-05

<https://polaris3g.mecklenburgcountync.gov/#mat=99898&pid=03732105&gisid=03732105>

Appraised Value: \$2,500

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: 2

63. Property Transactions - Harrisburg Road Sidewalk GAP, Parcel #2

Action: Approve the following Condemnation: Harrisburg Road Sidewalk GAP, Parcel #2

Project: Harrisburg Road Sidewalk GAP, Parcel #2

Program: Harrisburg Road Sidewalk GAP

Owner(s): Linda Dana

Property Address: 9300 Misenheimer Road

Total Parcel Area: 14,063 sq. ft. (0.32 ac.)

Property to be acquired by Easements: 207 sq. ft. (0.005 ac.) Storm Drainage Easement, 1,586 sq. ft. (0.036 ac.) Sidewalk Utility Easement, 2,120 sq. ft. (0.049 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R-4

Use: Single-family Residential

Tax Code: 111-146-15

<https://polaris3g.mecklenburgcountync.gov/#mat=217915&pid=11114615&gisid=11114615>

Appraised Value: \$4,400

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: 5

64. Property Transactions - JW Clay Boulevard Streetscape, Parcel #1

Action: Approve the following Condemnation: JW Clay Boulevard Streetscape, Parcel #1

Project: JW Clay Boulevard Streetscape, Parcel #1

Program: JW Clay Boulevard Streetscape

Owner(s): Logan Carolina Place Associates LTD

Property Address: 8620 JW Clay Boulevard

Total Parcel Area: 160,608 sq. ft. (3.69 ac.)

Property to be acquired by Fee: 889 sq. ft. (0.02 ac.) Fee Simple

Property to be acquired by Easements: 6,427 sq. ft. (0.148 ac.) Sidewalk Utility Easement, 8,210 sq. ft. (0.188 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Sign

Landscaping to be impacted: Trees and shrubs

Zoned: B-1 (CD)

Use: Neighborhood Business

Tax Code: 047-252-09

<https://polaris3g.mecklenburgcountync.gov/#mat=207108&pid=04725209&gisid=04725209>

Appraised Value: \$119,250

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: 4

65. Property Transactions - JW Clay Boulevard Streetscape, Parcel #2

Action: Approve the following Condemnation: JW Clay Boulevard Streetscape, Parcel #2

Project: JW Clay Boulevard Streetscape, Parcel #2

Program: JW Clay Boulevard Streetscape

Owner(s): UPH Lakeside Limited Partnership

Property Address: 8629 J M Keynes Drive

Total Parcel Area: 344,801 sq. ft. (7.91 ac.)

Property to be acquired by Fee: 68 sq. ft. (0.001 ac.) Fee Simple

Property to be acquired by Easements: 412 sq. ft. (0.009 ac.) Sidewalk Utility Easement, 464 sq. ft. (0.011 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: B-1S CD

Use: Shopping Center District

Tax Code: 047-252-08

<https://polaris3g.mecklenburgcountync.gov/#mat=587327&pid=04725208&gisid=04725208>

Appraised Value: \$3,550

Property Owner's Concerns: None

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

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

Council District: 4

66. Property Transactions - JW Clay Boulevard Streetscape, Parcel #3

Action: Approve the following Condemnation: JW Clay Boulevard Streetscape, Parcel #3

Project: JW Clay Boulevard Streetscape, Parcel #3

Program: JW Clay Boulevard Streetscape

Owner(s): Chick-Fil-A INC

Property Address: 8648 JW Clay Boulevard

Total Parcel Area: 44,156 sq. ft. (1.01 ac)

Property to be acquired by Fee: 798 sq. ft. (0.02 ac.) Fee Simple

Property to be acquired by Easements: 2,523 sq. ft. (0.058 ac.) Sidewalk Utility Easement, 3,695 sq. ft. (0.085 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Pergola and sign

Landscaping to be impacted: Trees and shrubs

Zoned: CC

Use: Commercial Center

Tax Code: 047-252-06

<https://polaris3g.mecklenburgcountync.gov/#mat=207564&pid=04725206&gisid=04725206>

Appraised Value: \$59,600

Property Owner's Concerns: None

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

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

Council District: 4

67. Property Transactions - JW Clay Boulevard Streetscape, Parcel #4

Action: Approve the following Acquisition: JW Clay Boulevard Streetscape, Parcel #4

Project: JW Clay Boulevard Streetscape, Parcel #4

Program: JW Clay Boulevard Streetscape

Owner(s): Taco Bell of America LLC

Property Address: 8661 JW Clay Boulevard

Total Parcel Area: 40,783 sq. ft. (0.59 ac.)

Property to be acquired by Fee: 71 sq. ft. (0.001 ac.) Fee Simple

Property to be acquired by Easements: 506 sq. ft. (0.012 ac.) Sidewalk Utility Easement, 3,423 sq. ft. (0.079 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and shrubs

Zoned: CC

Use: Commercial Center

Tax Code: 047-201-43

<https://polaris3g.mecklenburgcountync.gov/#mat=595340&pid=04720143&gisid=04720143>

Purchase Price: \$22,100

Council District: 4

68. Property Transactions - JW Clay Boulevard Streetscape, Parcel #5

Action: Approve the following Acquisition: JW Clay Boulevard Streetscape, Parcel #5

Project: JW Clay Boulevard Streetscape, Parcel #5

Program: JW Clay Boulevard Streetscape

Owner(s): EBA Blissful Real Estate LLC

Property Address: 8701 JW Clay Boulevard

Total Parcel Area: 25,882 sq. ft. (0.59 ac.)

Property to be acquired by Fee: 1,318 sq. ft. (0.03 ac.) Fee Simple

Property to be acquired by Easements: 63 sq. ft. (0.001 ac.) Storm Drainage Easement, 1,563 sq. ft. (0.036 ac.) Sidewalk Utility Easement, 1,500 sq. ft. (0.034 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and shrubs

Zoned: CC

Use: Commercial Center

Tax Code: 047-201-44

<https://polaris3g.mecklenburgcountync.gov/#mat=284710&pid=04720144&gisid=04720144>

Purchase Price: \$51,750

Council District: 4

69. Property Transactions - JW Clay Boulevard Streetscape, Parcel #6

Action: Approve the following Acquisition: JW Clay Boulevard Streetscape, Parcel #6

Project: JW Clay Boulevard Streetscape, Parcel #6

Program: JW Clay Boulevard Streetscape

Owner(s): ROM Properties LLC

Property Address: 8700 JW Clay Boulevard

Total Parcel Area: 42,983 sq. ft. (0.98 ac.)

Property to be acquired by Fee: 387 sq. ft. (0.08 ac.) Fee Simple

Property to be acquired by Easements: 953 sq. ft. (0.022 ac.) Post Construction Controls Easement, 3,047 sq. ft. (0.07 ac.) Storm Drainage Easement, 1,153 sq. ft. (0.026 ac.) Sidewalk Utility Easement, 295 sq. ft. (0.007 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and shrubs

Zoned: CC

Use: Commercial

Tax Code: 047-252-05

<https://polaris3g.mecklenburgcountync.gov/#mat=284712&pid=04725205&qisid=04725205>

Purchase Price: \$41,125

Council District: 4

70. Property Transactions - JW Clay Boulevard Streetscape, Parcel #10

Action: Approve the following Acquisition: JW Clay Boulevard Streetscape, Parcel #10

Project: JW Clay Boulevard Streetscape, Parcel #10

Program: JW Clay Boulevard Streetscape

Owner(s): Howell Family Properties LLC

Property Address: 8821 JW Clay Boulevard

Total Parcel Area: 94,236 sq. ft. (2.16 ac)

Property to be acquired by Fee: 4,822 sq. ft. (0.11 ac.) Fee Simple

Property to be acquired by Easements: 9,758 sq. ft. (0.224 ac.) Sidewalk Utility Easement, 13,263 sq. ft. (0.304 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and bushes

Zoned: B-1

Use: Business

Tax Code: 047-201-48

<https://polaris3g.mecklenburgcountync.gov/#mat=560339&pid=04720148&qisid=04720148>

Purchase Price: \$270,000

Council District: 4

71. Property Transactions - JW Clay Boulevard Streetscape, Parcel #11

Action: Approve the following Acquisition: JW Clay Boulevard Streetscape, Parcel #11

Project: JW Clay Boulevard Streetscape, Parcel #11

Program: JW Clay Boulevard Streetscape

Owner(s): Sam's Real Estate Business Trust

Property Address: 605 Doug Mayes Place

Total Parcel Area: 522,532 sq. ft. (2.16 ac)

Property to be acquired by Fee: 3,650 sq. ft. (0.08 ac.) Fee Simple

Property to be acquired by Easements: 6,341 sq. ft. (0.146 ac.) Sidewalk Utility Easement, 12,223 sq. ft. (0.281 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: CC

Use: Commercial Center

Tax Code: 047-201-39

<https://polaris3g.mecklenburgcountync.gov/#mat=371783&pid=04720139&qisid=04720139>

Purchase Price: \$106,700

Council District: 4

72. Property Transactions - JW Clay Boulevard Streetscape, Parcel #13 and 15

Action: Approve the following Condemnation: JW Clay Boulevard Streetscape, Parcel #13 and 15

Project: JW Clay Boulevard Streetscape, Parcel #13 and 15

Program: JW Clay Boulevard Streetscape

Owner(s): University Place Owners Association INC

Property Address: JW Clay Boulevard and 9131 JW Clay Boulevard

Total Parcel Area: 68,160 sq. ft. (1.57 ac.)

Property to be acquired by Easements: 2,984 sq. ft. (0.069 ac.) Post Construction Controls Easement, 18,008 sq. ft. (0.413 ac.) Slope Easement, 6,527 sq. ft. (0.15 ac.) Sidewalk Utility Easement, 12,317 sq. ft. (0.283 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: TOD-CC, B-1S CD

Use: Transit Oriented Development - Community Center, Neighborhood Business

Tax Code: 047-252-01, 047-291-98

<https://polaris3g.mecklenburgcountync.gov/#pid=04725201&qisid=04725201>

<https://polaris3g.mecklenburgcountync.gov/#mat=215277&pid=04729198&qisid=04729198>

Appraised Value: \$81,300

Property Owner's Concerns: None

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

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

Council District: 4

73. Property Transactions - JW Clay Boulevard Streetscape, Parcel #14

Action: Approve the following Acquisition: JW Clay Boulevard Streetscape, Parcel #14

Project: JW Clay Boulevard Streetscape, Parcel #14

Program: JW Clay Boulevard Streetscape

Owner(s): Hill Child LLC

Property Address: 9030 Glenwater Drive

Total Parcel Area: 100,126 sq. ft. (2.30 ac.)

Property to be acquired by Easements: 3,888 sq. ft. (0.089 ac.) Slope Easement, 3 sq. ft. (0 ac.) Sidewalk Utility Easement, 3 sq. ft. (0 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: O-1 (CD)

Use: Office District

Tax Code: 047-291-40

<https://polaris3g.mecklenburgcountync.gov/#mat=570190&pid=04729140&qisid=04729140>

Purchase Price: \$15,175

Council District: 4

74. Property Transactions - JW Clay Boulevard Streetscape, Parcel #18

Action: Approve the following Condemnation: JW Clay Boulevard Streetscape, Parcel #18

Project: JW Clay Boulevard Streetscape, Parcel #18

Program: JW Clay Boulevard Streetscape

Owner(s): Walden Court of Delaware LLC

Property Address: 9101 - 9219 Olmsted Drive

Total Parcel Area: 419,430 sq. ft. (9.63 ac.)

Property to be acquired by Easements: 700 sq. ft. (0.016 ac.) Post Construction Controls Easement, 825 sq. ft. (0.019 ac.) Storm Drainage Easement, 8,525 sq. ft. (0.196 ac.) Sidewalk Utility Easement, 14,984 sq. ft. (0.344 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Sign and light pole

Landscaping to be impacted: Trees and bushes

Zoned: B-1S CD

Use: Shopping Center District

Tax Code: 047-291-43

<https://polaris3g.mecklenburgcountync.gov/#mat=560521&pid=04729143&qisid=04729143>

Appraised Value: \$80,875

Property Owner's Concerns: None

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

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

Council District: 4

75. Property Transactions - JW Clay Boulevard Streetscape, Parcel #23

Action: Approve the following Acquisition: JW Clay Boulevard Streetscape, Parcel #23

Project: JW Clay Boulevard Streetscape, Parcel #23

Program: JW Clay Boulevard Streetscape

Owner(s): EBA Blissful Real Estate LLC

Property Address: 8809 and 8813 JW Clay Boulevard

Total Parcel Area: 413,615 sq. ft. (9.49 ac.)

Property to be acquired by Fee: 1,003 sq. ft. (0.02 ac.) Fee Simple

Property to be acquired by Easements: 825 sq. ft. (0.019 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Shrubs

Zoned: CC

Use: Commercial

Tax Code: 047-201-45

<https://polaris3g.mecklenburgcountync.gov/#mat=610567&pid=04720145&gisid=04720145>

Purchase Price: \$15,850

Council District: 4

76. Property Transactions - JW Clay Boulevard Streetscape, Parcel #24

Action: Approve the following Acquisition: JW Clay Boulevard Streetscape, Parcel #24

Project: JW Clay Boulevard Streetscape, Parcel #24

Program: JW Clay Boulevard Streetscape

Owner(s): EBA Blissful Real Estate LLC

Property Address: 8619 JW Clay Boulevard

Total Parcel Area: 91,448 sq. ft. (2.09 ac.)

Property to be acquired by Easements: 495 sq. ft. (0.011 ac.) Sidewalk Utility Easement, 4,990 sq. ft. (0.115 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and shrubs

Zoned: CC

Use: Commercial

Tax Code: 047-201-42

<https://polaris3g.mecklenburgcountync.gov/#mat=207062&pid=04720142&qisid=04720142>

Purchase Price: \$37,900

Council District: 4

77. Property Transactions - McCullough Drive Streetscape, Parcel #10

Action: Approve the following Acquisition: McCullough Drive Streetscape, Parcel #10

Project: McCullough Drive Streetscape, Parcel #10

Program: McCullough Drive Streetscape

Owner(s): Baseline NC Partners LLC

Property Address: 1418 Baseline Road

Total Parcel Area: 1,034,788 sq. ft. (23.76 ac.)

Property to be acquired by Fee: 10,014 sq. ft. (0.23 ac.) Fee Simple

Property to be acquired by Easements: 9,962 sq. ft. (0.229 ac.) Sidewalk Utility Easement, 4,389 sq. ft. (0.101 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: NS

Use: Neighborhood Services District

Tax Code: 047-212-05

<https://polaris3g.mecklenburgcountync.gov/#mat=632996&pid=04721205&gisid=04721205>

Purchase Price: \$121,534

Council District: 4

78. Property Transactions - McKee and Providence Intersection Improvements, Parcel #3

Action: Approve the following Acquisition: McKee and Providence Intersection Improvements, Parcel #3

Project: McKee and Providence Intersection Improvements, Parcel #3

Program: McKee and Providence Intersection Improvements

Owner(s): Marsh Bissell Patrick II LLC

Property Address: 10800 Sikes Place

Total Parcel Area: 153,120 sq. ft. (3.52 ac.)

Property to be acquired by Easements: 29,961 sq. ft. (0.688 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: O-15 (CD)

Use: Office District

Tax Code: 231-045-07

<https://polaris3g.mecklenburgcountync.gov/#mat=611707&pid=23104507&qisid=23104507>

Purchase Price: \$57,525

Council District: 7

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

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

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

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

Owner(s): Damon Decristoforo and Veronica P Decristoforo

Property Address: 3800 Providence Road

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

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

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-3

Use: Single-family Residential

Tax Code: 183-095-05

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

Purchase Price: \$40,000

Council District: 6

80. Property Transactions - 8700 Steele Creek Road, Parcel #2

Action: Approve the following Acquisition: 8700 Steele Creek Road, Parcel #2

Project: 8700 Steele Creek Road, Parcel #2

Program: 8700 Steele Creek Road

Owner(s): Shopton Road LLC

Property Address: 8620 Steele Creek Road

Total Parcel Area: 127,675 sq. ft. (2.93 ac.)

Property to be acquired by Easements: 14,662 sq. ft. (0.337 ac.) Sanitary Sewer Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: B-1

Use: Neighborhood Business

Tax Code: 199-591-11

<https://polaris3g.mecklenburgcountync.gov/#mat=609320&pid=19959111&gisid=19959111>

Purchase Price: \$34,100

Council District: Adjacent to Council District 3

81. Property Transactions - Thorncliff Drive 7316, Parcel #3

Action: Approve the following Acquisition: Thorncliff Drive 7316, Parcel #3

Project: Thorncliff Drive 7316, Parcel #3

Program: Thorncliff Drive 7316

Owner(s): Samuel W Stroup and Sarah N Stroup

Property Address: 7225 Brynhurst Drive

Total Parcel Area: 16,330 sq. ft. (0.37 ac.)

Property to be acquired by Easements: 4,081 sq. ft. (0.094 ac.) Storm Drainage Easement, 2,497 sq. ft. (0.057 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-4

Use: Single-family Residential

Tax Code: 173-172-13

<https://polaris3g.mecklenburgcountync.gov/#mat=185622&pid=17317213&gisid=17317213>

Purchase Price: \$19,500

Council District: 6

Adjournment

REFERENCES

82. 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.

83. 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.

84. 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.