

# **City of Charlotte**

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



## **Meeting Agenda**

**Monday, September 13, 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**

This meeting will be accessible via the Government Channel, the City's Facebook page, and the City's YouTube channel.

***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.

[2021-09-13 Council Agenda QA](#)

## 2. Action Review Agenda Overview

**Staff Resource(s):**

Marcus Jones, City Manager

## 3. Charlotte-Mecklenburg 2025 Housing and Homelessness Strategy

**Staff Resource(s):**

Shawn Heath, City's Manager's Office

Pamela Wideman, Housing and Neighborhood Services

**Time:** Presentation - 15 minutes; Discussion - 15 minutes

**Explanation**

- Provide an update on the Charlotte-Mecklenburg 2025 Housing and Homelessness Strategy project that launched earlier this year.

[2025 Charlotte-Mecklenburg Housing and Homelessness Strategy](#)

## 4. Housing Trust Fund Recommendations

**Staff Resource(s):**

Pamela Wideman, Housing and Neighborhood Services

**Time:** Presentation - 10 minutes; Discussion - 15 minutes

**Explanation**

- Provide an overview of Housing Trust Fund recommendations.

[Housing Trust Fund Recommendations](#)

## 5. Closed Session (as necessary)

## **CONSENT**

- 6. Consent agenda items 24 through 47 may be considered in one motion except for those items removed by a Council member. Items are removed by notifying the City Clerk.**

Consideration of Consent Items shall occur in the following order:

- A. Items that have not been pulled, and
- B. Items with residents signed up to speak to the item.

## **AWARDS AND RECOGNITIONS**

### **7. Hispanic Heritage Month Proclamation**

**Action:**

Mayor Lyles will read a proclamation recognizing September 15 through October 15, 2021, as Hispanic Heritage Month.

[Hispanic Heritage Month](#)

[Mes de la Herencia Hispana](#)

### **8. Suicide Prevention Month Proclamation**

**Action:**

Council member Newton will read a proclamation recognizing September 2021 as Suicide Prevention Month.

[Suicide Prevention Month](#)

## PUBLIC HEARING

### 9. Public Hearing and Decision on the Edgewood Preserve Area Voluntary Annexation

**Action:**

- A. Conduct a public hearing for the Edgewood Preserve Area voluntary annexation, and
- B. Adopt an annexation ordinance with an effective date of September 13, 2021, to extend the corporate limits to include these properties and assign them to the adjacent City Council District 4.

**Staff Resource(s):**

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

**Explanation**

- Public hearings to obtain community input are required prior to City Council action on annexation requests.
- A petition has been received from the owner of this 24.056-acre property.
- The property is owned by Bowman Sumner, LLC; Vicki Templeton Griffith; Ben Griffith; and Victoria Griffith.
- The property is zoned MX-2 which allows for residential mixed use and R-3 which allows for single family residential uses.
- The petitioned area consists of four parcels: parcel identification numbers 027-611-05, 027-611-04, 027-611-03, and 027-611-02.
- The property is located within Charlotte's extraterritorial jurisdiction and shares boundaries with current city limits.
- The intent of the annexation is to enable the development of 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.

**Consistency with City Council Policies**

- The annexation is consistent with the City's 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 the City's finances or services; and
  - Is consistent with the policy to not create unincorporated areas that will be encompassed by new city limits.

**Attachment(s)**

Map (GIS)  
Map (Survey)  
Ordinance

[Edgewood Preserve Area Annexation Map](#)

[Edgewood Preserve Area Annexation Survey](#)

[Ordinance - Edgewood Preserve Area Annexation](#)

## 10. Public Hearing and Decision on the Riverbend Phase 3-2 Area Voluntary Annexation

### Action:

- A. Conduct a public hearing for the Riverbend Phase 3-2 Area voluntary annexation, and
- B. Adopt an annexation ordinance with an effective date of September 13, 2021, to extend the corporate limits to include these properties and assign them to the adjacent City Council District 2.

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

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

### **Explanation**

- Public hearings to obtain community input are required prior to City Council action on annexation requests.
- A petition has been received from the owner of this 38.716-acre property.
- The property is owned by DR Horton, Inc.
- The property is zoned MX-1 which allows for residential mixed use.
- The petitioned area consists of 34 parcels, parcel identification numbers: 031-201-30B, 031-206-70, 031-206-66, 031-206-67, 031-206-68, 031-206-69, 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, and 031-206-65.
- 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 65 single-family units.

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

- The annexation is consistent with the City's 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 the City's finances or services; and
  - Is consistent with the policy to not create unincorporated areas that will be encompassed by new city limits.

### **Attachment(s)**

Map (GIS)  
Map (Survey)  
Ordinance

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

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

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

## **POLICY**

### **11. City Manager's Report**

- Picasso Update

[09.13.2021 City Manager's Memo](#)



## BUSINESS

### 12. Financial Navigators Program Grant

**Action:**

- A. Accept a grant in the amount of \$40,000 from the Cities for Financial Empowerment Fund, Inc. to continue the Financial Navigators Program, and**
  
- B. Adopt a budget ordinance appropriating \$40,000 from the Cities for Financial Empowerment Fund, Inc. and \$20,000 from the General Operating Fund in the Neighborhood Development Grants Fund.**

**Staff Resource(s):**

Pamela Wideman, Housing and Neighborhood Services  
Lacey Williams, Housing and Neighborhood Services

**Explanation**

- In September 2020, Housing and Neighborhood Services was awarded an \$80,000 grant from the Cities for Financial Empowerment Fund, Inc. (CFE) to develop and implement a Financial Navigators Program (Program).
- The Program provides remote resources to support the financial stability of low- and moderate-income households that have been negatively impacted by the COVID-19 pandemic, such as financial counseling and connecting residents to loan forgiveness and emergency financial assistance programs.
- This additional grant funding will help to continue the Program that is being administered by Common Wealth Charlotte (CWC) in partnership with the City and CFE.
- This Program complements the City's existing efforts to support upward economic mobility and financial stability for residents.
- The total additional grant award is \$40,000 and requires a \$40,000 match. The City is providing \$20,000, one-half of the required match, and CWC is providing the remaining portion of the match (\$20,000).

**Fiscal Note**

Funding: Cities for Financial Empowerment Fund, Inc.

**Attachment(s)**

Budget Ordinance

[CFE Grant Budget Ordinance](#)

### 13. Beaverdam Sanitary Trunk Sewer Phase 2 Reimbursable Agreement

**Action:**

- A. Approve a five-year reimbursable agreement with Crescent River District, LLC for construction of a portion of the Beaverdam Sanitary Trunk Sewer project, and**
- B. Adopt a budget ordinance appropriating \$900,000 from Crescent River District, LLC in the Charlotte Water Capital Projects Fund.**

**Staff Resource(s):**

Angela Charles, Charlotte Water

David Czerr, Charlotte Water

Carl Wilson, Charlotte Water

**Explanation**

- This agreement will include design, construction, and project administration for construction of a portion of the Beaverdam Sanitary Trunk Sewer project in the River District (adjacent to Council District 3).
- The project will construct approximately 1,900 linear feet of sanitary sewer line from the future West Boulevard Extension to I-485 and will provide public sanitary sewer service for the area.
- This project is included in the Charlotte Water Capital Investment Plan (CIP) with funding scheduled for Fiscal Year 2025.
- In accordance with the Water and Sewer Extension Policy, Crescent River District, LLC has applied for a five-year reimbursable agreement to accelerate the project in the CIP.
- Crescent River District, LLC will donate the design, and Charlotte Water will procure the contractor for construction.
- The initial deposit required to be paid by the applicant is 10 percent of the estimated total eligible cost or \$900,000.
- In accordance with the Water and Sewer Extension Policy, Crescent River District, LLC will be reimbursed 98.7 percent of the total eligible project costs in five equal annual payments starting one year after completion of construction.

**Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

**Attachment(s)**

Budget Ordinance

Map

[Beaverdam PH 2 Ordinance](#)

[Map-Beaverdam Sanitary Trunk Sewer Phase 2 Reimbursable Agreement](#)

## 14. General Obligation Refunding Bonds

### **Action:**

- A. Introduce a Bond Order authorizing the issuance of General Obligation Refunding Bonds not to exceed \$150,000,000,**
- B. Adopt a resolution making certain statements of fact concerning the proposed bond issuance, and**
- C. Set a public hearing regarding these bonds for September 27, 2021.**

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

Teresa Smith, Finance

Matt Hastedt, Finance

### **Explanation**

- This request for Council action begins the process of authorizing the issuance of up to \$150,000,000 of General Obligation Refunding Bonds which includes refunding of the series 2019C General Obligation Bond Anticipation Notes (BANs) to convert short-term financing for transportation and neighborhood improvement projects.
- This action authorizes the City Manager and the authorized officers named in the resolution to take the necessary actions to complete the financing, including applying to the Local Government Commission (LGC).
- The City issues BANs, which are short-term, variable rate debt, during construction periods for transportation and neighborhood improvement projects with a plan to convert the BANs to permanent debt at the end of a 24 to 36-month construction period. This approach is consistent with financial best practices and results in a lower cost to taxpayers.
- Council will be asked to take further actions at the Business Meeting on September 27, 2021 to:
  - Conduct the public hearing on the issuance of General Obligation Refunding Bonds, and
  - Adopt a Bond Order approving the issuance of General Obligation Refunding Bonds.

### **Fiscal Note**

Funding: Municipal Debt Service Fund

### **Attachment(s)**

Bond Order

Resolution

[Findings Resolution - Bond Documentation - Charlotte 2021 Refunding GOs](#)

[Introduction of Bond Order - Bond Documentation - Charlotte 2021 Refunding GOs](#)

## 15. Lease of City-Owned Van to Charlotte Center City Partners Community Trust

### Action:

- A. **Adopt a resolution approving a five-year lease agreement with Charlotte Center City Partners Community Trust for a 2020 Ford Transit 250 cargo low-roof van for the operation and maintenance of the Joy Rides bike-sharing system,**
- B. **Adopt a budget ordinance appropriating \$28,341.60 from Charlotte Center City Partners Community Trust in the General Capital Projects Fund, and**
- C. **Authorize the City Manager to negotiate and execute all documents necessary to complete the agreement.**

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

Liz Babson, Transportation  
Johanna Quinn, Transportation  
Will Washam, Transportation

### **Explanation**

- On December 11, 2017, City Council approved a municipal agreement with the North Carolina Department of Transportation to allow the City to administer a Federal Highway Administration (FHWA) Transportation Alternatives Program (TAP) Grant for the expansion of the Joy Rides bike-sharing system (formerly known as B-cycle).
- A portion of the FHWA TAP Grant funds were used to purchase a new van, which will be used to rebalance and distribute bicycles across the 20 Joy Rides stations each day. This van replaces a 2002 van that was decommissioned by the City of Charlotte in 2012 and leased to Joy Rides.
- Joy Rides is a non-profit bike-sharing organization that operates the program through an agreement with the City and Charlotte Center City Partners Community Trust.
- North Carolina General Statute 160A-272 outlines the procedures for leasing City property.
- The lease terms with Charlotte Center City Partners Community Trust are:
  - A five-year lease term;
  - Monthly rent of \$590.45, which is consistent with market rates; and
  - Joy Rides will be responsible for the maintenance on the vehicle.

### **Charlotte Business INclusion**

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

### **Fiscal Note**

Funding: General Capital Investment Plan

### **Attachment(s)**

Resolution  
Budget Ordinance

[Joy Rides Resolution](#)

[Budget Ordinance - City-Owned Van to CCCPCT](#)

## 16. Interlocal Agreement with the University of North Carolina at Charlotte

**Action:**

**Adopt a resolution ratifying an interlocal agreement with the University of North Carolina at Charlotte to extend the law enforcement authority of the University of North Carolina at Charlotte Campus Police.**

**Staff Resource(s):**

Johnny Jennings, Police

Brian Foley, Police

Luke Sell, Police

**Explanation**

- The University of North Carolina at Charlotte (UNCC) and the Charlotte-Mecklenburg Police Department (CMPD) recognize the need for UNCC Campus Police to have a limited extension of its law enforcement authority beyond the territorial boundaries of the campus and those boundaries established by State law.
- North Carolina General Statute 116-40.5(b) allows universities to enter into agreements with the governing board of a municipality to extend the law enforcement authority of campus police officers beyond the perimeter of the campus and into part of the municipal jurisdictions and to determine the circumstances in which the extension of authority may be granted.
- UNCC Campus Police will have full law enforcement authority when on duty within the expanded jurisdiction. They will primarily patrol the main UNCC campus but will respond to specific requests from CMPD for issues arising within the extended jurisdiction to the extent those issues relate to UNCC students, faculty, or staff.
- This agreement will go into effect at 12:00 a.m. on July 1, 2021, and will continue to be in effect for a period of five years, until 12:00 a.m. on July 1, 2026.

**Attachment(s)**

Resolution

Proposed Interlocal Agreement

[Resolution UNCC Interlocal Agreement](#)

[UNCC Proposed Interlocal Agreement with Exhibits](#)

## 17. Resolution to Close a Portion of Closeburn Road

**Action:**

Adopt a resolution and close a portion of Closeburn Road.

**Staff Resource(s):**

Liz Babson, Transportation

Krystal Bright, Transportation

**Explanation**

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way and attaches it to the adjacent property.
- The attached resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.
- The road to be closed is located in Council District 6.
- A public hearing for this resolution was held on August 9, 2021. No comments from the public were received.

**Petitioner**

Delray at Southpark, LLC

**Attachment(s)**

Map

Resolution

[Closeburn Rd Abandonment Map](#)

[Closeburn Rd Resolution to Close](#)

## 18. Appointments to the Community Relations 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 June 30, 2022.
  - Anthony Forman, nominated by Council members Newton and Winston.
  - Maritza Ortiz, nominated by Council members Eiselt and Watlington.

**Attachment(s)**

Community Relations Committee Applications

## 19. Appointments to the Waste Management Advisory Board

**Action:**

**Appoint residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One recommendation for a three-year term beginning November 1, 2021, and ending October 31, 2024.
  - Sheila Etheridge, nominated by Council members Egleston and Phipps.
  - Laura Nkeupo, nominated by Council members Ajmera and Johnson.
  - Lisa Rudisill, nominated by Council members Eiselt, Newton, and Winston.

**Attachment(s)**

Waste Management Advisory Board Applications

## 20. Nominations to the Arts and Culture Advisory Board

**Action:**

**Nominate residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- Six appointments for three-year terms beginning October 1, 2021, and ending September 30, 2024.

**Attachment(s)**

Arts and Culture Advisory Board Applications

## 21. Nominations to the Charlotte International Cabinet

**Action:**

**Nominate 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 July 1, 2023.
  - Johnell Holman has resigned.

**Attachment(s)**

Charlotte International Cabinet Applications

## 22. Nominations to the Charlotte Equitable Development Commission

**Action:**

**Nominate residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- Six appointments for three-year terms beginning October 1, 2021, and ending September 30, 2024.

**Attachment(s)**

Charlotte Equitable Development Commission Applications

## 23. Nominations to the Charlotte Neighborhood Equity and STabilization Commission (Charlotte's NEST)

**Action:**

**Nominate residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- Two appointments for three-year terms for Housing Advocates beginning October 1, 2021, and ending September 30, 2024.
- Two appointments for three-year terms for Neighborhood Leaders or Community Organizers beginning October 1, 2021, and ending September 30, 2024.
- One appointment for a three-year term for a For-Profit Affordable Housing Developer category representative beginning October 1, 2021, and ending September 30, 2024.
- One appointment for a three-year term for a Market Rate Housing Developer category representative beginning October 1, 2021, and ending September 30, 2024.
- One appointment for a three-year term for a Resident who has experienced or is experiencing displacement beginning October 1, 2021, and ending September 30, 2024.
- One appointment for a three-year term for a Housing Finance category representative beginning October 1, 2021, and ending September 30, 2024.
- One appointment for a three-year term for a Land Use category representative beginning October 1, 2021, and ending September 30, 2024.
- One appointment for a three-year term for a Neighborhood Conditions category representative beginning October 1, 2021, and ending September 30, 2024.

**Attachment(s)**

Charlotte Neighborhood Equity and STabilization Commission (Charlotte's NEST) Applications



## CONSENT

### 24. Citywide Uniforms and Related Equipment and Services

**Action:**

- A. Approve a unit price contract to the lowest responsive bidder Galls LLC for the purchase of citywide uniforms and related equipment and 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):**

Phil Reiger, General Services

Kay Elmore, General Services

**Explanation**

- This citywide contract will provide uniforms and related equipment and services, including but not limited to standard uniforms, alternate duty pants and shirts, footwear, leather gear, and accessories.
- On March 30, 2021, the City issued an Invitation to Bid; four bids were received.
- Galls LLC was selected as the lowest responsive, responsible bidder.
- Galls LLC will provide a storefront facility and a web-based shopping experience that includes delivery to the division offices. The website will allow account and allocation management and will reduce the time an employee spends traveling to the uniform shop.
- Annual expenditures are estimated to be \$1,525,000.

**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 and SBEs certified to perform the scopes of work that the City regards as realistic opportunities for subcontracting.

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

**Fiscal Note**

Funding: Various Departments' Operating Budgets

## 25. Construct Pineville-Matthews Road/Alexander Road Sidewalk

**Action:**

Approve a contract in the amount of \$1,731,677.20 to the lowest responsive bidder Mountaineer Contractors, Inc. for the Pineville-Matthews Road/Alexander Road Sidewalk project.

**Staff Resource(s):**

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

**Explanation**

- This project will include the construction of sidewalk along Pineville-Matthews Road from Echo Forest Drive to Alexander Road and Alexander Road between Highway 51 and Woodshed Circle (approximately 1.1 miles) in Council District 7. Additional right and left turn lanes on Alexander Road at Highway 51 will also be included as part of the project.
- Work will include grading, paving, drainage, curb and gutter, sidewalk, erosion control, traffic control, pavement markings, traffic signalization, and water and sewer utility-related work.
- On July 8, 2021, the City issued an Invitation to Bid; four bids were received.
- Mountaineer Contractors, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by second quarter 2023.

**Charlotte Business INclusion**

Established MBE Goal: 8.00%

Committed MBE Goal: 19.29%

Mountaineer Contractors, Inc. exceeded the established MBE subcontracting goal and has committed 19.29% (\$334,030) of the total contract amount to the following MBE certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- R.R.C. Concrete Inc (MBE, SBE) (\$334,030) (concrete curb, sidewalks)

Established SBE Goal: 17.00%

Committed SBE Goal: 18.97%

Mountaineer Contractors, Inc. exceeded the established SBE subcontracting goal and has committed 18.97% (\$328,575) of the total contract amount to the following SBE certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Trull Contracting, LLC (WBE, SBE) (\$293,575) (asphalt paving)
- Streeter Trucking Company, Inc. (MBE, SBE) (\$35,000) (hauling)

**Fiscal Note**

Funding: General Capital Investment Plan

**Attachment(s)**

Map

[Map Construct Pineville-Matthews Road-Alexander Road Sidewalk](#)

## 26. Construct Providence Road Sidewalk

### **Action:**

**Approve a contract in the amount of \$1,156,059.30 to the lowest responsive bidder Nassiri Development, LLC for the Providence Road Sidewalk project.**

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

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

### **Explanation**

- This project will include the construction of sidewalk (0.55 mi.) on the west side of Providence Road (NC 16) from Greentree Road to Knob Oak Lane in Council District 6.
- Work will include sidewalk, curb and gutter, planting strips, accessible ramps, and retaining walls.
- On April 29, 2021, the City issued an Invitation to Bid; four bids were received.
- Nassiri Development, LLC was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by fourth quarter 2022.

### **Charlotte Business INclusion**

Established MBE Goal: 11.00%

Committed MBE Goal: 11.07%

Nassiri Development, LLC exceeded the established MBE subcontracting goal and has committed 11.07% (\$128,000) of the total contract amount to the following MBE certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- R.R.C. Concrete Inc (MBE, SBE) (\$116,600) (concrete wall)
- Mid-Atlantic Erosion Control, Inc. (MBE, SBE) (\$11,400) (erosion control)

Established SBE Goal: 19.00%

Committed SBE Goal: 19.03%

Nassiri Development, LLC exceeded the established SBE subcontracting goal and has committed 19.03% (\$220,000) of the total contract amount to the following SBE certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- R.R.C. Concrete Inc (MBE, SBE) (\$185,000) (concrete curb, sidewalks)
- AMP Utility Distribution Services, LLC (WBE, SBE) (\$30,000) (utility)
- Striping Concepts, LLC (SBE) (\$5,000) (striping)

### **Fiscal Note**

Funding: General Capital Investment Plan

### **Attachment(s)**

Map

[Map Construct Providence Road Sidewalk](#)

## 27. Construct Shade Valley Road Realignment and Roundabout

### **Action:**

**Approve a contract in the amount of \$3,185,573.36 to the lowest responsive bidder Sealand Contractors Corp. for the Shade Valley Road Realignment and Roundabout project.**

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

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

### **Explanation**

- This project includes the realignment of Shade Valley Road from the Monroe Road and Commodore Street intersection and the construction of a multi-use path (0.24 mile) from Woonsocket Lane to Eaton Road in Council District 5.
- Work will include the construction of new sidewalk, curb and gutter, planting strips, accessible ramps, and asphalt pavement widening.
- A new roundabout at the Shade Valley Road and Oakhurst Commons Drive intersection will also be included as part of the project.
- On July 8, 2021, the City issued an Invitation to Bid; four bids were received.
- Sealand Contractors Corp. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by second quarter 2023.

### **Charlotte Business INclusion**

Established MBE Goal: 9.00%

Committed MBE Goal: 9.00%

Sealand Contractors Corp. met the established MBE subcontracting goal and has committed 9.00% (\$286,705) of the total contract amount to the following MBE certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Lion's Trucking Incorporated (MBE, SBE) (\$95,550) (hauling)
- RAH Trucking, Inc. (MBE, SBE) (\$95,550) (hauling)
- Darnell Jones Trucking, Inc. (MBE, SBE) (\$95,605) (hauling)

Established SBE Goal: 19.00%

Committed SBE Goal: 19.00%

Sealand Contractors Corp. met the established SBE subcontracting goal and has committed 19.00% (\$605,259) of the total contract amount to the following SBE certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Parkers Concrete Solutions, LLC (SBE) (\$143,750) (concrete)
- Whitesell Trucking, Inc. (SBE) (\$97,750) (tree and shrub removal)
- Premiere Concrete Supply, LLC (WBE, SBE) (\$84,370) (ready mix concrete)
- On Time Construction, Inc. (WBE, SBE) (\$70,500) (concrete, masonry)
- Cochise Trucking (SBE) (\$68,800) (hauling)
- RC Hauling, LLC (SBE) (\$68,795) (hauling)
- Striping Concepts, LLC (SBE) (\$29,723) (pavement markings)
- Pentacle, Inc. (WBE, SBE) (\$18,900) (safety handrail)
- Erosion Defence, LLC (SBE) (\$13,350) (erosion control)
- Roadmasters Traffic Control, LLC (WBE, SBE) (\$9,321) (traffic sign installation)

### **Fiscal Note**

Funding: General Capital Investment Plan

### **Attachment(s)**

Map

[Map Construct Shade Valley Road Realignment and Roundabout](#)

## 28. Painting Services

### **Action:**

- A. Approve unit price contracts with the following companies for painting services for an initial term of three years:**
- **Ardent Construction, Inc. (MBE),**
  - **Bobby's Painting Company, Inc. (MBE, SBE),**
  - **DWJ Services, LLC,**
  - **Mullis and Associates Contracting (SBE),**
  - **Treadaway & Sons Painting & Wallcovering, Inc. (SBE), and**
- B. Authorize the City Manager to renew the contracts for up to two, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

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

Phil Reiger, General Services

David Wolfe, General Services

John Mrzygod, General Services

### **Explanation**

- General Services is responsible for maintaining a portfolio of approximately 180 buildings, including offices, fire stations, police division offices, and equipment shops that house various City activities.
- These contracts will be used to provide painting services for various City facilities on an as-needed basis.
- On May 25, 2021, the City issued a Request for Proposals (RFP); nine responses were received.
- The companies selected best meet the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$700,000.

### **Charlotte Business INclusion**

Ardent Construction, Inc. and Bobby's Painting Company, Inc. are City-certified MBEs. Bobby's Painting Company, Inc.; Mullis and Associates Contracting; and Treadaway & Sons Painting & Wallcovering, Inc. are City-certified SBEs.

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 scope of work that the City regards as realistic opportunities for subcontracting.

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

### **Fiscal Note**

Funding: General Capital Investment Plan

## 29. Vehicle and Equipment Welding and Related Services

### Action:

- A. Approve a unit price contract with Bondo Innovations, LLC., for vehicle and equipment welding and related 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):**

Phil Reiger, General Services  
Chris Trull, General Services  
Kay Elmore, General Services

### **Explanation**

- This contract will provide repair services for a wide variety of City operations, including:
  - City vehicles and equipment maintained by Fleet Management, including Fire apparatus, Solid Waste Services refuse trucks, Charlotte Water and Charlotte Department of Transportation (CDOT) specialty trucks, and construction equipment;
  - Aviation equipment including passenger boarding bridges, baggage conveyors, and equipment for the terminal building; and
  - Additional welding and fabrication-related services for various departmental needs, including various CDOT and Charlotte Area Transit System (CATS) projects (e.g., CDOT Street Maintenance and CATS LYNX Gold Line).
- On June 25, 2021, the City issued a Request for Proposals (RFP); two responses were received.
- Bondo Innovations, LLC., best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$250,000.

### **Charlotte Business INclusion**

Bondo Innovations, LLC., is a City-certified SBE.

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 and SBEs certified to perform the scopes of work that the City regards as realistic opportunities for subcontracting.

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

### **Fiscal Note**

Funding: Various Departments' Operating Budgets

## 30. Stowe Regional Water Resource Recovery Facility Southern Access Bridge

### **Action:**

**Approve a contract in the amount of \$3,853,951.20 to the lowest responsive bidder Blythe Development Company for the Stowe Regional Water Resource Recovery Facility Southern Access Bridge project.**

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

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

### **Explanation**

- This contract is for the construction of a bridge over Long Creek as part of the access road to the Stowe Regional Water Resource Recovery Facility (RWRRF) (adjacent to Council Districts 2 and 3).
- Charlotte Water is currently in the design phase of the Stowe RWRRF. This project will construct the first of two driveways to the property to ensure adequate access.
- On June 14, 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 July 13, 2021, the ITB was re-issued; two bids were received.
- Blythe Development Company was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by third quarter 2022.

### **Charlotte Business INclusion**

Established MBE Goal: 3.00%

Committed MBE Goal: 1.78%

Blythe Development Company 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). Blythe Development Company has committed 1.78% (\$68,512) of the total contract amount to the following certified firms:

- Express Logistics Services, Inc. (MBE, SBE) (\$47,332) (hauling)
- Lopez Rebar, LLC (MBE) (\$21,180) (tie rebar)

Established SBE Goal: 7.00%

Committed SBE Goal: 2.47%

Blythe Development Company failed to meet the established SBE subcontracting goal but earned the minimum Good Faith Effort Points (Part B: Section 5 of the Charlotte Business INclusion Policy). Blythe Development Company has committed 2.47% (\$95,332) of the total contract amount to the following certified firms:

- Theresa Concrete (SBE) (\$48,000) (concrete)
- Footprints Trucking (MBE, SBE) (\$47,332) (hauling)

### **Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

### **Attachment(s)**

Map

[Map-Stowe Regional Water Resource Recovery Facility Southern Access Bridge](#)

## 31. Ultraviolet Disinfection System Replacement Parts

### **Action:**

- A. **Approve the purchase of ultraviolet disinfection system replacement parts by the sole source exemption,**
  
- B. **Approve contracts with Xylem Water Solutions U.S.A., Inc. and Suez Treatment Solutions for the purchase of ultraviolet disinfection system replacement parts for the term of five years, and**
  
- C. **Authorize the City Manager to amend the contracts consistent with the purpose for which the contracts were approved.**

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

Angela Charles, Charlotte Water  
Ron Hargrove, Charlotte Water

### **Sole Source Exemption**

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

### **Explanation**

- This contract will provide replacement bulbs and parts needed for preventive maintenance and repair of ultraviolet systems installed within wastewater treatment plants to disinfect sanitary sewer flow.
- The ultraviolet systems were previously installed within the plants through competitively bid construction projects.
- Annual expenditures are estimated to be \$650,000.

### **Charlotte Business INclusion**

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

### **Fiscal Note**

Funding: Charlotte Water Operating Budget



## 32. CATS Light Rail Vehicle Parts

### Action:

- A. Approve the purchase of LYNX Light Rail vehicle parts by the sole source exemption,
- B. Approve a contract with SCHUNK CARBON TECHNOLOGY LLC for up to \$150,000 for the purchase of parts for a term of five years, and
- C. Authorize the City Manager to renew the contract for up to two, one-year renewal 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

### **Sole Source Exemption**

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

### **Explanation**

- SCHUNK CARBON TECHNOLOGY LLC is the Original Equipment Manufacturer of the LYNX Light Rail vehicle pantograph equipment.
- The parts and services that are being purchased under this contract are for replacement parts and inventory stock spares to maintain LYNX Light Rail vehicle pantograph equipment.
- Annual expenditures are estimated to be \$30,000.

### **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**

CATS Operating Budget

### 33. CATS Light Rail Vehicles and Equipment

**Action:**

- A. Approve the purchase of parts for CATS Light Rail vehicles and wayside equipment by the sole source exemption,
- B. Approve a contract with LB Foster Rail Technologies, Corp for up to \$325,000 for the purchase of parts and services for the term of five years, and
- C. Authorize the City Manager to renew the contract for up to two, one-year renewal 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

**Sole Source Exemption**

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

**Explanation**

- LB Foster Rail Technologies, Corp is the Original Equipment Manufacturer (OEM) of light rail vehicles (LRVs) and track lubricating equipment installed on the LYNX Blue Line tracks.
- The parts and services that are being purchased under this contract are for replacement parts and inventory stock spares required to maintain the LRVs and tracks.
- Annual expenditures are estimated to be \$65,000.

**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**

CATS Operating Budget

## 34. CATS Vanpool Vehicles

### Action:

- A. **Approve a unit price contract to the lowest responsive bidder JR Elite Transport 2 U LLC for the purchase of vanpool vehicles for an initial term of one year, and**
  
- B. **Authorize the City Manager to renew the contract for up to four, 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**

- Charlotte Area Transit System (CATS) operates vanpools to support commuters who live or work within the service area and share similar commuting schedules.
- CATS has 86 vehicles in its vanpool fleet.
- On May 28, 2021, the City issued an Invitation to Bid; two bids were received.
- JR Elite Transport 2 U LLC was selected as the lowest responsive, responsible bidder.
- Annual expenditures are estimated to be \$598,335.

### **Disadvantaged Business Opportunity (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 Capital Investment Plan

## 35. Engineering Services for South End Station

### **Action:**

- A. Approve a contract in the amount of \$1,902,865 with Kimley-Horn and Associates, Inc. for engineering services to plan and design a new light rail station in South End, and**
- B. Authorize the City Manager to negotiate and execute amendments to the contract consistent with the purpose for which the contract was approved.**

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

John Lewis, Jr., CATS  
Kelly Goforth, CATS  
Todd Thorne, CATS

### **Explanation**

- This contract includes consultant services to plan and design a new light rail station on the LYNX Blue Line between the New Bern and East/West Boulevard Stations (Council District 3).
- The need for this station was identified as a priority in the South End Vision Plan adopted by City Council in 2018.
- The South End Station project is anticipated to include a public-private partnership to fund the future construction of the station.
- On January 8, 2021, the City issued a Request for Qualifications (RFQ); three responses were received.
- Kimley-Horn and Associates, 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.

### **Charlotte Business INclusion**

Established MBE Goal: 4.00%

Committed MBE Goal: 4.64%

Kimley-Horn and Associates has exceeded the established MBE subcontracting goal and has committed 4.64% (\$88,347) of the total contract amount to the following MBE certified firm(s)

(Part C: Section 3 of the Charlotte Business INclusion Policy):

- Translink Consulting, LLC (MBE) (\$32,539) (Transit Planning and Consulting)
- AVCON, Inc. (MBE) (\$55,808) (Electrical and Lighting Consulting)

Established SBE Goal: 6.00%

Committed SBE Goal: 6.58%

Kimley-Horn and Associates has exceeded the established SBE subcontracting goal and has committed 6.58% (\$125,170) of the total contract amount to the following SBE certified firm(s)

(Part C: Section 3 of the Charlotte Business INclusion Policy):

- Hinde Engineering, Inc. (SBE) (\$39,875) (Utilities/Utility Coordination Consulting)
- CES Group Engineers, LLC (WBE, SBE) (\$52,415) (Survey/Mapping/SUE Consulting)
- Boyle Consulting Engineers, PLLC (SBE) (\$32,880) (Geotechnical Engineer Consulting)

### **Fiscal Note**

Funding: CATS Capital Investment Plan

### **Attachment**

Map

[Map Engineering Services for South End Station](#)

## 36. Mail Remittance Processing Services

### Action:

- A. Authorize the City Manager to negotiate and approve a unit price contract with Truist Bank for mail remittance processing 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):**

Teresa Smith, Finance  
Susan Walker, Finance

### **Explanation**

- Finance is responsible for managing mail remittance processing functions for water, sewer, and storm water services.
- On May 17, 2021, the City issued a Request for Proposals (RFP); four responses were received.
- Truist Bank best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- 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 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: Finance Operating Budget

## 37. Resolution of Intent to Abandon an Alleyway off Morningside Drive

**Action:**

- A. Adopt a resolution of intent to abandon an alleyway off Morningside Drive, and**
- B. Set a public hearing for October 11, 2021.**

**Staff Resource(s):**

Liz Babson, Transportation  
Krystal Bright, Transportation

**Explanation**

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The alley is located in Council District 1.

**Petitioners**

AABC Morningside, LLC

**Attachment(s)**

Map  
Resolution

[Alleyway Morningside Dr Abandonment Map](#)

[Resolution of Intent 09.13.2021](#)

## 38. Resolution of Intent to Abandon the Alleyway off East Kingston Avenue and South Boulevard

### **Action:**

- A. Adopt a resolution of intent to abandon the alleyway off East Kingston Avenue and South Boulevard, and**
- B. Set a public hearing for October 11, 2021.**

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

Liz Babson, Transportation  
Krystal Bright, Transportation

### **Explanation**

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The alley is located in Council District 3.

### **Petitioners**

White Point Partners, LLC

### **Attachment(s)**

Map  
Resolution

[E Kingston & S Blvd Abandonment Map Revised](#)

[Resolution of Intent 09.13.2021](#)

## 39. Set Public Hearing on Mallard Glen Area Voluntary Annexation

### **Action:**

**Adopt a resolution setting the public hearing for October 11, 2021, for the Mallard Glen 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 122.21-acre "Mallard Glen" site is located along the east side of Interstate 85, the west side of Interstate 485, and north of West Mallard Creek Church Road.
  - The property is currently vacant.
  - The petitioner has plans to develop 275 single family units.
  - The property is zoned R-3 which allows for single family residential uses.
  - The property is located adjacent to City Council District 4.
  - The petitioned area consists of two parcels: parcel identification numbers 029-111-06 and 029-111-02.

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

- The annexation is consistent with the City's 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

[Mallard Glen Area Annexation Map](#)

[Resolution for Mallard Glen Area Annexation](#)



## 40. Meeting Minutes

**Action:**

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

- June 21, 2021 Zoning Meeting, and
- June 28, 2021 Business 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

### 41. In Rem Remedy 2417 Kendrick Drive

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

**Public Purpose:**

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

**Policy:**

- Housing and Neighborhood Development and Community Safety

**The In Rem Remedy items were initiated from 3 categories:**

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

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

**Public Safety: 2417 Kendrick Drive, Council District 3**

**Action:**

**Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2417 Kendrick Drive (Neighborhood Profile Area 119).**

**Attachment(s)**

In Rem Packet for 2417 Kendrick Drive

[2417 Kendrick Dr](#)

## 42. Property Transactions - I-85 North Bridge, Parcel #3

**Action:** Approve the following Acquisition: I-85 North Bridge, Parcel #3

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

**Project:** I-85 North Bridge, Parcel #3

**Program:** I-85 North Bridge

**Owner(s):** CELLCO Partnership

**Property Address:** 8921 Research Drive

**Total Parcel Area:** 274,907 sq. ft. (6.31 ac.)

**Property to be acquired by Fee:** 10,278 sq. ft. (0.24 ac.)

**Property to be acquired by Easements:** 4,035 sq. ft. (0.093 ac.) Overhead Utility Easement, 1,054 sq. ft. (0.024 ac.) Storm Drainage Easement, 11,501 sq. ft. (0.264 ac.) Sidewalk Utility Easement, 13,039 sq. ft. (0.299 ac.) Temporary Construction Easement, 408 sq. ft. (0.009 ac.) Waterline Easement

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

**Landscaping to be impacted:** None

**Zoned:** RE-2

**Use:** Research District

**Tax Code:** 047-401-04

<https://polaris3g.mecklenburgcountync.gov/#mat=474504&pid=04740104&qisid=04740104>

**Purchase Price:** \$103,075

**Council District:** 4

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

**Action:** Approve the following Acquisition: JW Clay Boulevard Blvd Streetscape, Parcel #18

**Project:** JW Clay Boulevard Streetscape, Parcel #18

**Program:** JW Clay Boulevard Streetscape

**Owner(s):** Walden Court of Delaware LLC

**Property Address:** 9207 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:** Business

**Tax Code:** 047-291-43

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

**Purchase Price:** \$100,000

**Council District:** 4

## 44. Property Transactions - JW Clay Boulevard Streetscape, Parcel #20

**Action:** Approve the following Acquisition: JW Clay Boulevard Streetscape, Parcel #20

**Project:** JW Clay Boulevard Streetscape, Parcel #20

**Program:** JW Clay Boulevard Streetscape

**Owner(s):** CS Shoppes at University Place LLC

**Property Address:** 8956 J M Keynes Drive

**Total Parcel Area:** 15,706 sq. ft. (0.36 ac)

**Property to be acquired by Easements:** 1,034 sq. ft. (0.024 ac.) Sidewalk Utility Easement, 2,643 sq. ft. (0.061 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** Trees, bushes, and bed prep

**Zoned:** TOD-CC

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

**Tax Code:** 047-272-09

<https://polaris3g.mecklenburgcountync.gov/#mat=610848&pid=04727209&qisid=04727209>

**Purchase Price:** \$26,000

**Council District:** 4

## 45. Property Transactions - JW Clay Boulevard Streetscape, Parcel #22

**Action:** Approve the following Acquisition: JW Clay Boulevard Streetscape, Parcel #22

**Project:** JW Clay Boulevard Streetscape, Parcel #22

**Program:** JW Clay Boulevard Streetscape

**Owner(s):** CH Retail Fund II and Charlotte The Pointe LLC

**Property Address:** 8944 J M Keynes Drive

**Total Parcel Area:** 225,707 sq. ft. (5.18 ac.)

**Property to be acquired by Easements:** 55 sq. ft. (0.001 ac.) Sidewalk Utility Easement, 7,669 sq. ft. (0.176 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** TOD-CC

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

**Tax Code:** 047-272-10

<https://polaris3g.mecklenburgcountync.gov/#mat=564044&pid=04727210&qsid=04727210>

**Purchase Price:** \$37,300

**Council District:** 4

## 46. Property Transactions - North Davidson Street 2401, Parcel #2

**Action:** Approve the following Acquisition: North Davidson Street 2401, Parcel #2

**Project:** North Davidson Street 2401, Parcel #2

**Program:** North Davidson Street 2401

**Owner(s):** Gambills LLC

**Property Address:** 2401 North Davidson Street

**Total Parcel Area:** 95,780 sq. ft. (2.20 ac.)

**Property to be acquired by Easements:** 937 sq. ft. (0.022 ac.) Storm Drainage Easement, 568 sq. ft. (0.013 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** TOD-NC

**Use:** Transit Oriented District - Neighborhood Center

**Tax Code:** 083-051-04

<https://polaris3g.mecklenburgcountync.gov/#mat=82264&pid=08305104&qisid=08305104>

**Purchase Price:** \$28,525

**Council District:** 1

## 47. Property Transactions - Shade Valley Road Realignment and Roundabout, Parcel #14

**Action:** Approve the following Condemnation: Shade Valley Road Realignment and Roundabout, Parcel #14

**Project:** Shade Valley Road Realignment and Roundabout, Parcel #14

**Program:** Shade Valley Road Realignment and Roundabout

**Owner(s):** Lerner and Company Real Estate

**Property Address:** 5007 and 5009 Monroe Road

**Total Parcel Area:** 37,658 sq. ft. (0.86 ac.)

**Property to be acquired by Fee:** 781 sq. ft. (0.02 ac.) Fee Simple

**Property to be acquired by Easements:** 2,026 sq. ft. (0.047 ac.) Sidewalk Utility Easement, 4,049 sq. ft. (0.093 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** Various plantings

**Zoned:** O-6 (CD)

**Use:** Office District

**Tax Code:** New PID 161-051-14 not showing in Polaris. Old PID 161-051-36  
<https://polaris3g.mecklenburgcountync.gov/#mat=240222&pid=16105136&qsid=16105136>

**Appraised Value:** \$55,950

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

**City's Response to Property Owner's Concerns:** The City explained the rationale of the design and how it meets the objectives for the project and 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:** 5

## Adjournment



## REFERENCES

## 48. 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.

## 49. 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.

## 50. 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.