

City of Charlotte

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



Meeting Agenda

Monday, January 24, 2022

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 ACTION REVIEW AND
BUSINESS MEETING, CHARLOTTE-MECKLENBURG
GOVERNMENT CENTER, REGULAR MEETING HOSTED
FROM ROOM 267**

This meeting will also 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.

[Council Meeting QAs - January 10 2022](#)

2. Action Review Agenda Overview

Staff Resource(s):

Marcus Jones, City Manager

3. Action Review Items

Charlotte SHOUT! Planning

Staff Resource(s):

Marcus Jones, City Manager

Time: Presentation - 10 minutes; Discussion - 15 minutes

Explanation

- Charlotte Center City Partners will provide an overview of Charlotte SHOUT! planning initiatives.

COVID-19 Federal Stimulus Update

Staff Resource(s):

Shawn Heath, City Manager's Office

Time: Presentation - 10 minutes; Discussion - 15 minutes

Explanation

- Provide an update on proposed American Rescue Plan Act-related investments that are ready for City Council discussion.

2022 Look-Ahead: Housing Initiatives (Deferred)

Staff Resource(s):

Shawn Heath, City Manager's Office

Rebecca Hefner, Housing and Neighborhood Services

Time: Presentation - 10 minutes; Discussion - 15 minutes

Explanation

- Provide an overview of upcoming housing initiatives.

[Charlotte SHOUT! Planning](#)

[COVID-19 Federal Stimulus Update](#)

4. Closed Session (as necessary)

CONSENT

- 5. Consent agenda items 13 through 37 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

6. Charlotte Sister Cities Day

Action:

Mayor Lyles will read a proclamation recognizing February 5, 2022, as Charlotte Sister Cities Day.

PUBLIC FORUM

7. Public Forum

PUBLIC HEARING

8. Public Hearing for Arrival Automotive USA Inc. Business Investment Grant

Action:

- A. **Conduct a public hearing regarding approval of a City of Charlotte Business Investment Grant to Arrival Automotive USA Inc., and**
- B. **Approve the City's share of a Business Investment Grant to Arrival Automotive USA Inc. for a not to exceed amount of \$143,800 over five years.**

Staff Resource(s):

Tracy Dodson, City Manager's Office
Alyssa Brown, Economic Development

Explanation

- On December 6, 2021, Arrival Automotive USA Inc. (Arrival) announced it would expand its existing operations in Charlotte.
- During the weeks of September 27, 2021 and October 4, 2021, City Council indicated their intent to approve this Business Investment Grant (BIG).
- Arrival has committed to a capital investment of \$11,500,000 and creation of 110 jobs to be hired over five years with an average wage of \$54,700.
- In addition to the City's BIG, the Mecklenburg County Board of County Commissioners will vote to approve a BIG in the amount of \$250,677 on February 1, 2022.

Background

- Arrival is a global electric vehicle company headquartered in London, United Kingdom focused on creating zero emission, sustainable transportation solutions.
- On December 9, 2020, Arrival announced its North American headquarters in Charlotte with an investment of \$3,000,000 and 150 jobs.
- On March 17, 2021, Arrival announced the opening of its first electric van microfactory in West Charlotte with an investment of \$41,200,000 and 281 jobs.
- On May 10, 2021, City Council approved a BIG to Arrival for a not to exceed amount of \$657,094 over seven years.
- Arrival's new Charlotte investment will be the first microfactory in the U.S. to assemble battery modules.
- Arrival also signed a Memorandum of Understanding with the City of Charlotte to collaborate on strategies to achieve the Strategic Energy Action Plan.

Business Investment Grant

- The general terms and conditions of this grant include:
 - Actual grant payments are based on the value of the investment as appraised by the Mecklenburg County Tax Office.
 - Property taxes due from Arrival must be paid before a grant payment is made.
 - If Arrival removes the investment from Charlotte during the grant term, it shall pay back 100 percent of the investment grant paid to date.
 - If Arrival moves the investment from Charlotte within five years of the end of the Business Investment Program (BIP) grant term, a portion of the grant must be repaid as follows:
 - Within one year of the end of the BIP Term - 90 percent of grant payments,
 - Within two years of the end of the BIP Term - 75 percent of grant payments,
 - Within three years of the end of the BIP Term - 60 percent of grant payments,
 - Within four years of the end of the BIP Term - 45 percent of grant payments, and
 - Within five years of the end of the BIP Term - 30 percent of grant payments.

Fiscal Note

Funding: Business Investment Grant

POLICY

9. City Manager's Report

[01.24.22 City Manager's Memo](#)

BUSINESS

10. 2022 City Bridge Inspection Contracts

Action:

- A. **Approve a contract in the amount of \$110,153.82 with Rummel, Klepper & Kahl, L.L.P. for the inspection of bridges not qualifying for federal funds,**
- B. **Approve a contract in the amount of \$847,394.77 with Rummel, Klepper & Kahl, L.L.P. for the inspection of bridges that qualify for federal funds administered by the North Carolina Department of Transportation,**
- C. **Adopt a resolution authorizing the City Manager to execute a Municipal Agreement with the North Carolina Department of Transportation to share the cost of inspecting 184 City-maintained bridges and culverts in the amount of \$677,915.82, and**
- D. **Adopt a budget ordinance appropriating \$677,915.82 from the North Carolina Department of Transportation for bridge inspections into the General Capital Projects Fund.**

Staff Resource(s):

Liz Babson, Transportation

Geoff Sloop, Transportation

Explanation

- The Federal Highway Administration (FHWA) mandates that bridges and culverts be inspected every two years.
- Bridges are inspected for structural adequacy, safety, and functionality.
- Bridges that are greater than 20 feet in length qualify for federal reimbursement of 80 percent of the cost of inspections.
- The North Carolina Department of Transportation (NCDOT) administers the reimbursement process on behalf of FHWA.
- The intergovernmental arrangement constitutes multiple agreements and contracts that must be approved by the City Council.
- On October 20, 2021, the City issued a Request for Qualifications (RFQ); seven responses were received.
- Rummel, Klepper & Kahl, L.L.P. best meets the City's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- This is the first part of the 2022 Bridge Inspection Program. Over the next two years, City Council will see contracts for the design and construction of needed repairs related to these inspection contracts.

Action A

- The contract with Rummel, Klepper & Kahl, L.L.P. is for the inspection of 40 City-maintained bridges and culverts that do not qualify for federal reimbursement.
- The City is responsible for 100 percent of the costs associated with the inspection and maintenance of these bridges and culverts.
- The City's costs are included in previously-approved 2020 Bond funds.

Actions B, C, and D

- The contract with Rummel, Klepper & Kahl, L.L.P. is for the inspection of 184 City-maintained bridges that qualify for federal reimbursement.
- The total cost for inspections is \$847,394.77.
 - FHWA will reimburse the City for 80 percent of the total cost of inspections, which is \$677,915.82.
 - The City is responsible for 20 percent of the total cost, which is \$169,478.95.

Charlotte Business INclusion

Action A

The City negotiated subcontracting goals after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business Inclusion Policy). Rummel, Klepper & Kahl, L.L.P. has committed 12.00% (\$13,218) of the total contract amount to the following certified firm:

- Alpha and Omega Group (SPSF) (\$4,406) (bridge inspection services)
- MI Engineering, PLLC (SPSF) (\$4,406) (bridge inspection services)
- Simpson Engineering Associates (SPSF) (\$4,406) (bridge inspection services)

Disadvantaged Business Enterprise (DBE)Action B

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: General Capital Investment Plan and Federal Highway Administration Funds

Attachment(s)

Resolution

Budget Ordinance

List of Non-Qualifying Bridges

List of Qualifying Bridges

[Bridge Inspections Resolution](#)

[BO 2022 Bridges](#)

[2022 Non-Qualifying Bridge List](#)

[2022 Qualifying Bridge List](#)

11. Support a North Carolina Department of Transportation Safety Project

Action:

Adopt a resolution supporting a North Carolina Department of Transportation safety project on NC 24/27 (Albemarle Road) at Reddman Road to improve traffic safety in support of the Vision Zero Action Plan.

Staff Resource(s):

Liz Babson, Transportation
Angela Berry, Transportation

Explanation

- The North Carolina Department of Transportation (NCDOT) conducted an evaluation of crash history at the intersection of Albemarle Road and Reddman Road.
- The evaluation revealed a history of angle crashes for vehicles exiting a driveway immediately west of Reddman Road.
- NCDOT proposed the installation of a concrete median on Albemarle Road west of Reddman Road to restrict left turns to and from the driveway entrance.
- NCDOT will fully fund the cost of these improvements.
- The project requires a resolution of support for the use of NCDOT High Hazard Elimination funding.
- The project supports the Vision Zero Action Plan by advancing a safe transportation system for all users.
- NCDOT anticipates beginning design in Fiscal Year 2022.
- This intersection is in Council District 5.

Fiscal Note

Funding: North Carolina Department of Transportation

Attachment(s)

Map

Resolution

[NC24-27 Reddman Island](#)

[FY22 Resolution for Albemarle & Reddman](#)

12. Amend the Interlocal Agreement with the Water and Sewer Authority of Cabarrus County

Action:

Adopt a resolution amending the Water and Sewer Interlocal Agreement with the Water and Sewer Authority of Cabarrus County to implement and jointly fund the Rocky River Regional Wastewater Treatment Plant Expansion project.

Staff Resource(s):

Angela Charles, Charlotte Water
David Czerr, Charlotte Water
Ron Hargrove, Charlotte Water

Explanation

- This amendment will modify the existing Water and Sewer Interlocal Agreement with the Water and Sewer Authority of Cabarrus County (WSACC) to partially fund the Rocky River Regional Wastewater Treatment Plant (RRWWTP) Expansion project in Cabarrus County.
- The interlocal agreement with WSACC enables Charlotte Water to collect, convey, and treat wastewater at the RRRWWTP.
- Charlotte Water has requested an additional three million gallons per day treatment allocation from the RRRWWTP needed to support growth and flow projections from Mecklenburg County.
- This project will increase the RRWWTP treatment capacity and enable the plant to accommodate the Charlotte Water request.
- The Charlotte Water cost share for the project is approximately \$54,000,000.

Charlotte Business INclusion

This is an interlocal agreement and is exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Map
Resolution

[Map-Amend the Interlocal Agreement with the Water and Sewer Authority of Cabarrus County](#)

[Resolution-Amend the Interlocal Agreement with the Water and Sewer Authority of Cabarrus County](#)

CONSENT

13. Governor's Highway Safety Program Grant for Traffic Safety - Driving While Impaired Task Force

Action:

Adopt a resolution authorizing the City to apply and accept a grant award in the amount of \$204,424 from the Governor's Highway Safety Program for the Driving While Impaired Task Force.

Staff Resource(s):

Johnny Jennings, Police
Jonathan Wally, Police
John Reibold, Police

Explanation

- The Charlotte-Mecklenburg Police Department (CMPD) has been invited to apply for a Fiscal Year 2023 Governor's Highway Safety Program (GHSP) grant for the Driving While Impaired (DWI) Task Force.
- The grant will fund 25 percent of the DWI Task Force's personnel and training costs for six officers and one sergeant in the amount of \$204,424. The City will provide 75 percent matching funds in the amount of \$613,272 from CMPD's operating budget.
- GHSP requires that City Council adopt a resolution authorizing CMPD to apply for and accept the grant funding.
- The grant is for a one-year term from October 1, 2022 through September 30, 2023.
- This grant has been awarded annually for the previous nine years. In total, the GHSP has provided over \$3,624,600 in funding for the DWI Task Force.

Fiscal Note

Funding: General Grants Fund and Police Operating Budget

Attachment(s)

Resolution

[Local Government Resolution FY23 NCGHSP DWI Task Force \(2021-37\)](#)

14. Governor's Highway Safety Program Grant for Traffic Safety - Law Enforcement Liaison

Action:

Adopt a resolution authorizing the City to accept a grant award of in the amount of \$25,000 from the North Carolina Governor's Highway Safety Program.

Staff Resource(s):

Johnny Jennings, Police

Jonathan Wally, Police

John Reibold, Police

Explanation

- The Charlotte-Mecklenburg Police Department has been awarded a \$25,000 grant from the Governor's Highway Safety Program (GHSP), which provides the following:
 - \$17,500 to purchase five additional LIDAR radar units used in police vehicles and radar speed signs to help enforce speed limit laws, and
 - \$7,500 for the Regional Law Enforcement Liaison's travel, training, and meeting expenses.
- The grant is for a one-year term from October 1, 2022, through September 30, 2023.
- GHSP requires that City Council pass a resolution authorizing the acceptance of the grant funding.
- No matching funds are required from the City.

Fiscal Note

Funding: General Grants Fund

Attachment(s)

Resolution

[Local Government Resolution FY23 NCGHSP Regional LEL \(2021-36\)](#)

15. Underground Traffic Signal Communications Locating Services

Action:

- A. **Approve a unit price contract with RDL Private Utility Locating, LLC (MBE, SBE) for underground locating 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):

Liz Babson, Transportation

Ashley Boenisch, Transportation

Explanation

- To prevent property damage and human injury, the Underground Utility Safety and Damage Prevention Act requires Charlotte Department of Transportation (CDOT) to locate its underground infrastructure prior to excavation activities commencing.
- CDOT responds to approximately 70,000 locate service requests annually. Approximately 19,500 of those requests require on-site locate services. As construction and telecommunication needs increase and infrastructure upgrades continue, these requests are anticipated to increase.
- CDOT underground infrastructure includes approximately 275 miles of underground fiber optic cables and copper communication lines in conduit. These communication lines support traffic signal operations to improve traffic flow and the ability to provide emergency vehicle preemption.
- This contract will provide additional resources that will supplement CDOT staff with performing underground locating service requests.
 - The contractor will be responsible for an estimated 14,500 locating requests outside of the Uptown area.
- On August 31, 2021, the City issued a Request for Proposals (RFP); three responses were received.
- RDL Private Utility Locating, LLC best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$450,000.

Charlotte Business INclusion

RDL Private Utility Locating, LLC is a City-certified MBE and 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 or SBEs certified to perform the scopes of work that the City regards as realistic opportunities for subcontracting.

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

Fiscal Note

Funding: General Capital Investment Plan

16. Site Preparation for Pre-Construction Utility Relocations

Action:

- A. Approve contracts for site preparation for pre-construction utility relocations for an initial term of three years to the following:**
- VHM Contracting, LLC,
 - Full Source Construction & Consulting, Inc., and
- B. Authorize the City Manager to renew the contracts for up to two, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

Phil Reiger, General Services

Kay Elmore, General Services

Explanation

- The purpose of these contracts is to provide advance site prep for private utility relocations on an as-needed basis on City construction projects. The advance site prep work is necessary to remove obstacles out of the private utility's way prior to utilities being relocated for the construction projects.
- The work includes but is not limited to:
 - Removing or relocating fences, sheds, sidewalk panels, lawn ornamentals, mailboxes, driveways, etc.;
 - Replacing missing sidewalks and driveways;
 - Regrading lawns and landscaping;
 - Developing/grading swales to accommodate future relocations;
 - Removing trees and stumps, as required; and
 - Miscellaneous work as needed to relocate public and private utilities.
- On October 5, 2021, the City issued a Request for Proposals (RFP); two responses were received.
- These two firms best meet the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual aggregate expenditures are estimated to be \$1,500,000.

Charlotte Business INclusion

VHM Contracting, LLC is a City-certified MBE. Full Source Construction and Consulting, Inc. 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 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

17. Professional Engineering Services for Various Storm Water Services Projects

Action:

- A. Approve unit price contracts with the following companies for engineering services for an initial term of three years:**
- **Armstrong Glen, PC,**
 - **D&A Wolverine, PLLC (SBE),**
 - **Dewberry Engineers, Inc.,**
 - **ESP Associates, Inc.,**
 - **Hazen and Sawyer, P.C.,**
 - **HDR Engineering, Inc. of the Carolinas,**
 - **Labella Associates, P.C.,**
 - **Land Design, Inc.,**
 - **NV5 Engineers and Consultants, Inc.,**
 - **STV Engineers, Inc., and**
- B. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

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

Explanation

- These contracts will provide engineering analysis and design services for storm drainage improvement projects ranging from single-property repairs to area-based drainage solutions.
- On August 16, 2021, the City issued a Request for Qualifications (RFQ); 21 responses were received.
- The companies selected are the best qualified firms to meet the City's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- Annual aggregate expenditures are estimated to be \$5,000,000.

Charlotte Business INclusion

D&A Wolverine, PLLC is a City-certified SBE.

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

Armstrong Glen, PC

- Center Line Locating, LLC (WBE, SBE) (utility location)
- Survey and Mapping Control, Inc. (SBE) (field surveying)

D&A Wolverine, PLLC (SBE)

- Avioimage Mapping Services, Inc. (SBE) (aerial imagery photogrammetry)
- Center Line Locating, LLC (WBE, SBE) (utility location and subsurface utility engineering)
- POB Engineering, PLLC (MBE, SBE) (field services and related planning & design)
- Survey and Mapping Control, Inc. (SBE) (field surveying)
- Sweetwater Utility Exploration, LLC (WBE, SBE) (utility location)

Dewberry Engineers, Inc.

- Avioimage Mapping Services, Inc. (SBE) (aerial imagery photogrammetry)
- Center Line Locating, LLC (WBE, SBE) (pipe video)
- Froehling & Robertson, Inc. (MBE) (geotechnical engineering and environmental consulting)
- Plott Hound Engineering, LLC (SBE) (engineering)
- Sweetwater Utility Exploration, LLC (WBE, SBE) (utility location)

ESP Associates, Inc.

- Barry Lambert Engineering, PC (SBE) (structural engineering)
- Center Line Locating, LLC (WBE, SBE) (utility location and subsurface utility engineering)
- The Survey Company, Inc. (SBE) (field surveying)

Hazen and Sawyer, P.C.

- Stewart Engineering, Inc. (MBE) (geotechnical assessments, field surveying, utility location)
- Survey and Mapping Control, Inc. (SBE) (field surveying)
- Sweetwater Utility Exploration, LLC (WBE, SBE) (utility location)

HDR Engineering, Inc. of the Carolinas

- CES Group Engineers, LLP (WBE) (field surveying and subsurface utility engineering)
- Gavel and Dorn Engineering, PLLC (SBE) (utility engineering and plan preparation)
- Stewart Engineering, Inc. (MBE) (field surveying, subsurface utility engineering, geotechnical services)
- Utility Coordination Consultants, LLC (SBE) (utility coordination)

Labella Associates, P.C.

- Center Line Locating, LLC (WBE, SBE) (utility location)
- Dunbar Geomatics Group PLLC (SBE) (field surveying)
- Survey and Mapping Control, Inc. (SBE) (field surveying)
- Sweetwater Utility Exploration, LLC (WBE, SBE) (utility location)

Land Design, Inc.

- Barry Lambert Engineering, PC (SBE) (structural engineering)
- Tidemark Land Services Inc. (SBE) (field surveying)

NV5 Engineers and Consultants, Inc.

- Avioimage Mapping Services, Inc. (SBE) (aerial topographic mapping)
- Capstone Civil Engineering, Inc. (MBE, SBE) (subsurface investigations and geotechnical engineering services)
- Carolina Wetland Services, Inc. (WBE, SBE) (stream stabilization and assessments, vegetation selection, site assessments, invasive plant management)
- Hinde Engineering, Inc. (SBE) (utility relocation coordination and design)

STV Engineers, Inc.

- Froehling & Robertson, Inc. (MBE) (geotechnical engineering)
- Hinde Engineering, Inc. (SBE) (utility coordination)
- Stewart Engineering, Inc. (MBE) (field surveying)

Fiscal Note

Funding: Storm Water Capital Investment Plan

18. Utility Coordination Services

Action:

- A. Approve unit price contracts with the following companies for utility coordination services for an initial term of three years:**
- **STV Incorporated dba: STV Engineers Inc,**
 - **Utility Coordination Consultants Inc (SBE),**
 - **Volkert Inc, 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):

Angela Charles, Charlotte Water
Mike Davis, Storm Water Services

Explanation

- These contracts will provide for coordination between the City and private utility companies and assist with resolving locational conflicts associated with storm drainage projects.
- When private utility relocation is necessary to resolve locational conflicts for storm drainage installation, these contracts will provide coordination of the relocation needs.
- On October 6, 2021, the City issued a Request for Proposals (RFP); eight responses were received.
- The companies selected best meet the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual aggregate expenditures are estimated to be \$600,000.

Charlotte Business INclusion

Utility Coordination Consultants, Inc. is a City-certified SBE.

Per the 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 provisions of (a) - No subcontracting opportunities.

Fiscal Note

Funding: Storm Water Capital Investment Plan

19. McAlpine Creek Wastewater Treatment Plant Process Improvements Construction Administration

Action:

- A. **Approve a contract for \$2,250,000 with CDM Smith Inc. for McAlpine Creek Wastewater Treatment Plant Process Improvements project construction administration and inspection services, and**
- B. **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

David Czerr, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- This contract will provide construction and inspection engineering services for construction upgrades to several facilities at the McAlpine Creek Wastewater Treatment Plant, located in the Town of Pineville (adjacent to Council District 7).
- Primary components include construction of a new waste activated sludge (WAS) equalization structure, pump station, and a new odor control system and duct work.
- The project is needed to allow for equalization and multi-plant blending of WAS for future enhancements in biosolids treatment.
- On May 23, 2018, the City issued a Request for Qualifications (RFQ) for the Regional Biosolids Conveyance project, which includes force main, pumping stations, and equalization structures needed for regionalized biosolids management; two responses were received.
- CDM Smith Inc. was 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.
- The project is anticipated to be complete by first quarter 2024.

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). CDM Smith Inc. has committed 4.18% (\$94,000) of the total contract amount to the following certified firm(s):

- Froehling & Robertson, Inc. (MBE) (\$90,000) (construction materials testing, inspections)
- Richa Graphics (MBE, SBE) (\$4,000) (printing, reproductions)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

20. Vest Water Treatment Plant Concrete Repairs

Action:

Approve a contract in the amount of \$1,326,663 to the lowest responsive bidder CROM, LLC for the Vest Water Treatment Plant Concrete Repairs project.

Staff Resource(s):

Angela Charles, Charlotte Water

Ron Hargrove, Charlotte Water

John Huber, Charlotte Water

Explanation

- This contract provides for flow control and concrete restorative repairs to multiple areas of the Vest Water Treatment Plant (Council District 1).
- On November 8, 2021, the City issued an Invitation to Bid (ITB); no bids were received.
 - NC General Statute Section 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 December 21, 2021, the ITB was re-issued; one bid was received.
- CROM, LLC was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by third quarter 2024.

Charlotte Business INClusion

Per the 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 provisions of (a) - No subcontracting opportunities.

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

21. Water and Sanitary Sewer Service Installations

Action:

Approve a contract in the amount of \$5,293,489.30 to the lowest responsive bidder, Fuller & Co. Construction, LLC (SBE) for water and sanitary sewer service installations.

Staff Resource(s):

Angela Charles, Charlotte Water
David Czerr, Charlotte Water
Keri Cantrell, Charlotte Water

Explanation

- This contract is for small diameter water and sanitary sewer service installations and service dismantlement.
- On November 4, 2021, the City issued an Invitation to Bid (ITB); two bids were received.
 - NC General Statute Section 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 November 30, 2021, the ITB was re-issued; two bids were received.
- Fuller & Co. Construction, LLC was selected as the lowest responsive, responsible bidder.

Charlotte Business INclusion

Fuller & Co. Construction, 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 not subcontracting opportunities identified for the contract; or (b) there are no SBEs or MBEs certified to perform the scopes of work that the City regards as realistic opportunities for subcontracting.

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

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

22. CATS Hi-Rail Bucket Trucks

Action:

Approve a contract in the amount of \$819,504.32 to the lowest responsive bidder Altec Industries Inc. for the purchase of two hi-rail bucket trucks.

Staff Resource(s):

John Lewis, Jr., CATS
Allen C. Smith, CATS

Explanation

- Rail bucket trucks are essential to maintaining the overhead catenary system for revenue service during preventative maintenance for CATS' LYNX light rail system.
- These vehicles will ensure safe, reliable transportation along the rail alignment to address any power-related issues and will transport employees along the alignment during incidents that may have caused traffic congestion.
- On September 22, 2020, the City issued an Invitation to Bid; three bids were received.
- Altec Industries Inc. was selected as the lowest responsible, responsive bidder.

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 Capital Investment Plan

23. Airport Facility Lease - 3101 Piper Lane

Action:

Approve a facility lease with Host International, Inc. for a warehouse facility located at 3101 Piper Lane for a term through June 30, 2030.

Staff Resource(s):

Haley Gentry, Aviation
Ted Kaplan, Aviation

Explanation

- The City owns a warehouse facility located at 3101 Piper Lane that consists of 16,869 square feet of office and 21,815 square feet of warehouse.
- Host International, Inc. (Host) desires to lease this facility from the City to consolidate existing leases at the Airport in this facility to streamline its operations. The facility will accommodate anticipated future growth.
- Host will redirect many of its deliveries to this facility which will reduce traffic congestion at the terminal loading dock and enhance security.
- The annual facility rent, ground rent, and airport services fees for the facility are estimated to be \$296,490.
- The term of this lease runs concurrently with Host's food and beverage concession agreement with the City.
- This activity is occurring on the Airport property located in Council District 3.

Fiscal Note

Funding: Revenue from the lease agreement will be deposited within Aviation's Operating Budget.

24. Airport Part 150 Noise Compatibility Study

Action:

- A. **Approve a contract in the amount of \$1,349,360 with Landrum & Brown, Inc. for a Federal Aviation Regulation Part 150 Noise Compatibility Study Update, and**
- B. **Authorize 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

- Federal Aviation Regulation, Part 150, Airport Noise Compatibility Planning, is the primary Federal regulation guiding and controlling planning for aviation noise compatibility on and around airports.
- The Part 150 Noise Compatibility Study will update the Noise Compatibility Program that was last revised in 1998. This program provides recommendations for reducing, minimizing, and/or mitigating aircraft noise and conflicts related to noise abatement, land use mitigation, and implementation measures.
- This update will identify current and future noise and land use impacts and work to develop solutions within the Federal Aviation Administration's framework.
- On March 2, 2020, the City issued a Request for Qualifications (RFQ); 13 responses were received.
- Landrum & Brown, 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 RFQ requirements.
- The Part 150 Study allows Aviation eligibility for grants to implement recommendations.
- This activity is occurring on Airport property located in Council District 3.

Disadvantaged Business Enterprise

The City negotiates subcontracting participation after the firm is selected for this service contract. Landrum & Brown has committed 14.76% (\$199,136) of the total contract amount to the following certified firm:

- Sharp & Company (DBE) (\$199,136) (develop stakeholder outreach program)

Fiscal Note

Funding: Aviation Capital Investment Plan

25. AT&T Beacon Tower Lease Extension

Action:

Authorize the City Manager to approve a lease amendment with New Cingular Wireless PCS, LLC for an additional five-year term for a telecommunications antenna on the Airport's rotating beacon tower.

Staff Resource(s):

Haley Gentry, Aviation

Ted Kaplan, Aviation

Explanation

- On June 14, 2006, City Council approved a five-year contract with New Cingular Wireless PCS, LLC to lease adjacent land and attach telecommunications antennas on the Airport's rotating beacon tower.
- City Council has previously approved two, five-year lease extensions dated February 1, 2011, and November 12, 2015.
- New Cingular Wireless PCS, LLC's existing lease expired on October 31, 2021.
- This amendment will extend the lease term five years, beginning November 1, 2021.
- Annual rent is \$58,000 with three percent annual escalations.
- The total five-year lease value is \$307,929.90.
- This activity is occurring on airport property located in Council District 3.

Fiscal Note

Funding: Revenue will be deposited into Aviation's Operating Fund

26. Federal Aviation Administration Reimbursement Agreement

Action:

- A. **Authorize the City Manager to execute a reimbursement agreement with the Federal Aviation Administration for the reconfiguration of runway status lights,**
- B. **Authorize the City Manager to execute a reimbursement agreement with the Federal Aviation Administration for the establishment of communication and surface detection coverage, and**
- C. **Authorize the City Manager to amend the agreements consistent with the purpose for which the agreements were approved.**

Staff Resource(s):

Haley Gentry, Aviation

Jack Christine, Aviation

Background

- Aviation is currently in the design phase for the North End Around Taxiway (NEAT), which will increase operational efficiency and enhance safety by reducing runway crossings for Runway 18C-36C.
- These agreements will provide for necessary Federal Aviation Administration (FAA) staff to support construction efforts to implement the proposed modifications and systems.
- This activity is occurring on airport property located in Council District 3.

Explanation

Action A

- Certain taxiways will be reconfigured as part of the NEAT project, which will require re-configuration of the Runway Safety Light system.
- This agreement will provide FAA engineering guidance, technical assistance, and review of design drawings and specifications for the relocation work.
- Aviation will reimburse the FAA for the cost of the work, which is estimated at approximately \$363,340.

Action B

- This project requires the establishment of a new Radio Transmitter and Receiver (RTR) site to provide radio communication with aircraft and Airport Surface Detection System (ASDE-X) coverage to the new taxiway surfaces.
- This agreement will cover construction and electronics tasks associated with establishing the new RTR site and relocating ASDE-X Remote Unit #1, including power and fiber optic connectivity.
- The FAA will provide new radio equipment and antennas at no cost.
- Aviation will reimburse the FAA for the cost of the work, which is estimated at approximately \$1,173,828.

Fiscal Note

Funding: Aviation Capital Investment Plan

27. Pest Control Services

Action:

- A. Approve a contract with Clegg’s Termite & Pest Control, LLC for pest control 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
John Lewis, Jr., CATS
Allen C. Smith, CATS

Explanation

- The City requires pest control services at various Aviation and CATS facilities to provide a safe environment for customers, employees, and business partners.
- The goal of pest control is to eliminate the food, water, and shelter available to pests while minimizing the use of chemicals.
- On October 19, 2021, the City issued an Invitation to Bid; six bids were received.
- On December 13, 2021, City Council approved a pest control services contract with Sustainable Pest Systems, Inc.
- Sustainable Pest Systems, Inc. opted to withdraw from contract due to inability to meet minimum requirements of scope.
- Clegg’s Termite & Pest Control, LLC was then selected as the next lowest responsive, responsible bidder.
- Services provided within the scope of the contract contribute to the overall performance, safety, and cleanliness of City facilities.
- Annual expenditures are estimated to be \$161,835.

Charlotte Business INclusion

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

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

Fiscal Note

Funding: Aviation Operating Budget and CATS Operating Budget

28. Terminal Public Address System Maintenance

Action:

- A. **Authorize the City Manager to approve price adjustments and amend the City's contract with Charlotte Sound & Visual Systems, Inc. (SBE) consistent with the purpose for which the contract was approved, and**
- B. **Authorize the City Manager to purchase such additional software licenses, services, hardware, maintenance, and support as required to maintain the system for as long as the City uses the system.**

Staff Resource(s):

Haley Gentry, Aviation

Mike Hill, Aviation

Explanation

- During the ongoing renovations at the Airport, the analog Public Address System is being upgraded to a digital Public Address System. It is critical to Airport operations that the Public Address System remains functional during this upgrade through maintenance and support.
- On November 14, 2018, the City issued a Request for Proposals (RFP) for public address system maintenance services. The City received one response.
- Charlotte Sound & Visual Systems, Inc. was selected as the vendor that meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- The City Manager authorized a contract with Charlotte Sound & Visual Systems, Inc. on April 12, 2019, to provide, implement, and maintain a Public Address System.
- The initial contract has a three-year term with optional annual renewals for as long as the City continues to use the service. The contract cost-to-date is approximately \$385,000.
- Charlotte Sound & Visual Systems, Inc. is able to provide this work under the scope of the existing contract.
- The Airport is requesting authority to continue using this contract for additional costs associated with the installation and maintenance of the upgraded digital Public Address System.
- Annual expenditures are estimated to be \$120,000.

Charlotte Business INclusion

Charlotte Sound & Visual Systems, Inc. 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 or SBEs certified to perform the scopes of work that the City regards as realistic opportunities for subcontracting.

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

Fiscal Note

Funding: Aviation Operating Budget

29. Enterprise Backup System

Action:

- A. Authorize the use of American Rescue Plan Act funds to purchase an updated enterprise backup system, using an existing City unit price contract with SHI International Corp., and**
- B. Authorize the City Manager to purchase such additional software licenses, services, hardware, maintenance and support as required to maintain the system for as long as the City uses the system.**

Staff Resource(s):

Reenie Askew, Innovation and Technology
Jonathan Webster, Innovation and Technology

Explanation

- The City's enterprise backup system is key to enabling the City's data protection, business continuity, and disaster recovery strategies.
- On December 9, 2019, City Council approved competitively-solicited unit price contracts with various vendors, including SHI International Corp, for technology products and associated services for an initial term of three years with two optional one-year renewals.
- This action approves the use of American Rescue Plan Act (ARPA) funds for the enterprise backup system project through an existing unit price contract with SHI International Corp.
- The current enterprise backup system was acquired three years ago via a five-year "Flex-on-demand" subscription expiring in 2023.
- The City needs to identify, purchase, and implement a new enterprise backup solution at least six to twelve months before the current subscription expires to allow time to implement and transition to the new system.
- ARPA funding approved for this purchase supports the transition to the new system.
- The updates to the City's technology infrastructure will support the City's pandemic operational needs with telework as a means of mitigating and preventing the spread of COVID-19.
- Total ARPA expenditures are estimated to be \$512,000.

Charlotte Business INClusion

Per Charlotte Business INClusion Policy: Part C: Section 2.1(a) The City shall not establish Subcontracting Goals for Contracts where: (a) there are not subcontracting opportunities identified for the Contract; or (b) there are no SBEs or MBEs 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

American Rescue Plan Act

30. Resolution of Intent to Abandon Sears Road

Action:

- A. Adopt a Resolution of Intent to abandon Sears Road, and
- B. Set a Public Hearing for February 28, 2022.

Staff Resource(s):

Liz Babson, Transportation
Krystal Bright, Transportation

Explanation

- NC General Statute Section 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 road is located in Council District 3.

Petitioners

City of Charlotte - Aviation

Attachment(s)

Map
Resolution

[2021-43A Sears Road Airport Abandonment Map](#)

[2021-43A Resolution of Intent 01.24.2022](#)

31. Resolution of Intent to Abandon Unopened Lotus Lane

Action:

- A. Adopt a Resolution of Intent to abandon unopened Lotus Lane, and**
- B. Set a Public Hearing for February 28, 2022.**

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 right-of-way is located in Council District 3.

Petitioners

Joe Horowitz (Elmington Capital)

Attachment(s)

Map
Resolution

[2021-27A Unopened Lotus Lane Abandonment Map](#)

[2021-27A Reolution of Intent 01.24.2022](#)

PROPERTY TRANSACTIONS

32. Aviation Property Transactions - 7924 Douglas Drive

Action: Approve the following Acquisition: Aviation Master Plan

The property is acquired in accordance with Federal Regulations in 49 C.F.R. Part 24 that implement the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration Reimbursement.

Project: Aviation Master Plan

Owner(s): Larry E. Biggers (deceased) & Helen G. Biggers

Property Address: 7924 Douglas Drive

Total Parcel Area: 0.689 acres

Property to be acquired by Easements: N/A

Structures/Improvements to be impacted: Single-family Dwelling

Landscaping to be impacted: Grass, small shrubs

Zoned: R-3

Use: Single-family Residential

Parcel Identification Number(s): 141-221-19

<https://polaris3g.mecklenburgcountync.gov/#mat=196878&pid=14122119&qisid=14122119>

Purchase Price: \$258,000, and all relocation benefits in compliance with Federal, State or Local regulations.

Council District: 3

33. Charlotte Water Property Transaction - Ashe Plantation Phase II, Parcel #1

Action: Approve the following Acquisition: Ashe Plantation Phase II, Parcel #1

Project: Ashe Plantation Phase II

Owner(s): Anthony William Simera and Ashley Marie Jennings

Property Address: 8636 Quarters Lane

Total Parcel Area: 37,759.61 sq. ft. (0.867 ac.)

Property to be acquired by Easements: 8,574.41 sq. ft. (0.197 ac.) in Fee Simple

Structures/Improvements to be impacted: None

Landscaping to be impacted: Naturally wooded

Zoned: R

Use: Residential

Tax Code: 197-173-06

<https://polaris3g.mecklenburgcountync.gov/#mat=207482&pid=19717306&qisid=19717306>

Purchase Price: \$60,000

Council District: Town of Mint Hill (adjacent to Council District 5)

34. Charlotte Water Property Transactions - North Tryon Pressure Zone Boundary Change and 960 Zone N-S Transmission Main (Hidden Valley), Parcel #203

Action: Approve the following Condemnation: North Tryon Pressure Zone Boundary Change and 960 Zone N-S Transmission Main (Hidden Valley), Parcel #203

Project: North Tryon Pressure Zone Boundary Change and 960 Zone N-S Transmission Main (Hidden Valley), Parcel #203

Owner(s): North Corridor, LLC

Property Address: 5415 Equipment Drive

Total Parcel Area: 106,722 sq. ft. (2.45 ac.)

Property to be acquired by Easements: 13,112 sq. ft. (0.30 ac.) in Permanent Utility Easement, plus 3,300 sq. ft. (0.08 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Numerous shrubs, small trees, medium trees, and large trees

Zoned: B-2

Use: Commercial

Tax Code: 047-011-37

<https://polaris3g.mecklenburgcountync.gov/#mat=149434&pid=04701137&qisid=04701137>

Appraised Value: \$120,075

Property Owner's Concerns: The property owner is concerned about the amount of compensation offered and the potential impacts to the property. The City is unable to reach an agreement with the property owner.

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: 4

35. Charlotte Water Property Transactions - North Tryon Pressure Zone Boundary Change and 960 Zone N-S Transmission Main (Hidden Valley), Parcel #204

Action: Approve the following Condemnation: North Tryon Pressure Zone Boundary Change and 960 Zone N-S Transmission Main (Hidden Valley), Parcel #204

Project: North Tryon Pressure Zone Boundary Change and 960 Zone N-S Transmission Main (Hidden Valley), Parcel #204

Owner(s): Charles Paul Harrison

Property Address: 5425 and 5435 Equipment Drive

Total Parcel Area: 167,270.40 sq. ft. (3.84 ac.)

Property to be acquired by Easements: 6,260 sq. ft. (0.14 ac.) in Permanent Utility Easement, plus 720 sq. ft. (0.02 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: B-2

Use: Commercial

Tax Code: 047-011-19

<https://polaris3g.mecklenburgcountync.gov/#mat=518211&pid=04701119&gisid=04701119>

Appraised Value: \$30,700

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: 4

36. Property Transactions - Dixie River Road WM Extension, Parcel #12

Action: Approve the following Condemnation: Dixie River Road WM Extension, Parcel #12

Project: Dixie River Road WM Extension, Parcel #12

Program: Dixie River Road WM Extension

Owner(s): Weldon Potts Jr and Willene Potts

Property Address: 6908 Dixie River Road

Total Parcel Area: 33,107 sq. ft. (0.76 ac.)

Property to be acquired by Easements: 3,096 sq. ft. (0.071 ac.) Utility Easement, 2,996 sq. ft. (0.069 ac.) Waterline Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-5

Use: Single-family Residential

Tax Code: 141-161-17

<https://polaris3g.mecklenburgcountync.gov/#mat=178471&pid=14116117&qisid=14116117>

Appraised Value: \$7,225

Property Owner's Concerns: The property owner is concerned about the potential impacts to the property.

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

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

Council District: Adjacent to Council District 3

37. Property Transactions - Eight-inch Sanitary Sewer to serve 540 Lakenheath Lane, Parcel #3, 4

Action: Approve the following Acquisition Eight-inch Sanitary Sewer to serve 540 Lakenheath Lane, Parcel #3, 4

Project: Eight-inch Sanitary Sewer to serve 540 Lakenheath Lane, Parcel #3, 4

Program: Eight-inch Sanitary Sewer to serve 540 Lakenheath Lane

Owner(s): Barbara Faulkner Williams and J. Andrew Williams

Property Address: 616 Bubbling Well Road and 549 Lakenheath Lane

Total Parcel Area: 135,754 sq. ft. (3.11 ac.)

Property to be acquired by Easements: 1,961 sq. ft. (0.045 ac.) Sanitary Sewer Easement, 1,240 sq. ft. (0.028 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: N/A

Zoned: R-15

Use: Single-family Residential

Tax Code: 227-027-64, 227-027-66

<https://polaris3g.mecklenburgcountync.gov/#mat=163261&pid=22702764&qsid=22702764>

<https://polaris3g.mecklenburgcountync.gov/#mat=150542&pid=22702766&qsid=22702766>

Purchase Price: \$10,000

Council District: Adjacent to Council District 6 and 7

Adjournment

REFERENCES

38. 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.

39. 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.

40. 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.