

# **City of Charlotte**

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



## **Meeting Agenda**

**Monday, February 28, 2022**

**Council Chamber**

### **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, 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.

### **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.

[2022-2-28 Council Agenda QA](#)

### **2. Action Review Agenda Overview**

**Staff Resource(s):**

Marcus Jones, City Manager

### 3. Action Review Items

#### **SAFE Charlotte Grant Funding**

**Staff Resource(s):**

Federico Rios, Housing and Neighborhood Services  
Julia Martin, City Manager's Office

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

**Explanation**

- Provide an update on the SAFE Charlotte grant.

#### **Charlotte Business INclusion Program Update**

**Staff Resource(s):**

Phil Reiger, General Services  
Steven Coker, General Services  
Thomas E. Powers III, City Attorney's Office

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

**Explanation**

- Provide an update on the 2022 Disparity Study.

[SAFE Charlotte Grant Funding](#)

[CBI Program Update](#)

### 4. Closed Session (as necessary)

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

*Call to Order*

*Introductions*

*Invocation*

*Pledge of Allegiance*

## **PUBLIC FORUM**

### **5. Public Forum**

## **CONSENT**

- 6. Consent agenda items 23 through 61 may be considered in one motion except for those items removed by a Council member. Items are removed by notifying the City Clerk.**

Consideration of Consent Items shall occur in the following order:

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

## **PUBLIC HEARING**

## 7. Public Comment on the Charlotte Future 2040 Policy Map

### **Action:**

**Receive public comment on the Charlotte Future 2040 Policy Map.**

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

Alyson Craig, Planning, Design, and Development

Alysia Osborne, Planning, Design, and Development

### **Explanation**

- The City of Charlotte released the first draft of the Charlotte Future 2040 Policy Map (Policy Map) on October 13, 2021, and a second draft on January 18, 2022.
- This action requests to receive public comment for the Final Recommended Draft of Policy Map (third draft), released February 21, 2022.
- The Policy Map is a companion document to the Charlotte Future 2040 Comprehensive Plan (Comprehensive Plan), which was adopted by Charlotte City Council on June 21, 2021.
- The Policy Map translates the Comprehensive Plan's place-based policies to specific geographies throughout the community and provides guidance for the type and intensity of development that is appropriate.
- Public input has been received on the first and second drafts of the Policy Map. Staff will continue to collect comments on the third draft prior to Council action requested on March 28, 2022.
- The final recommended draft Policy Map is available at:  
<https://charlotte.maps.arcgis.com/apps/webappviewer/index.html?id=4dc02a1a85974085af7b36c33474efe0>

### **Background**

- The Comprehensive Plan, adopted June 2021, addresses how future growth and development will shape the Charlotte community, and how the built city can better reflect and advance community values around topics like equity, transportation, quality of life, economic development, jobs, affordable housing, health, safety, and sustainability.
- The Policy Map, a companion document to the Comprehensive Plan, provides citywide direction for how to align projected growth with infrastructure capacity, distribute opportunities to underserved areas, and protect established neighborhoods.
- The Comprehensive Plan and Policy Map are the guiding documents that direct the City's long-range planning efforts. After adoption of the Policy Map, the Charlotte Planning, Design & Development Department will kick off the Community Area Planning process to provide more refined and neighborhood specific planning guidance.
- The Policy Map was developed using a new land use classification system called Place Types and a three-step process which evaluated existing land uses and building form, approved entitlements, and recommended future land use.
- Development of the Policy Map included three phases of engagement. Throughout the project, there have been over 2,000 interactions and over 6,000 voices shared through approximately 15 different methods of engagement.
  - The first phase of engagement focused on understanding which Place Types were most and least desirable where residents live, work, and play. Staff attended 99 events, received 4,750 survey responses, and had 1,939 interactions with community members.
  - In the second phase of engagement, the first draft of the Policy Map was released in an online informational meeting, watched by 833 viewers. Staff conducted 37 virtual community conversations and held 40 in-person office hours to collect over 960 comments on the first draft Policy Map.
  - In the third phase of engagement, the second draft of the Policy Map was released



online. Staff conducted 23 Listening Sessions with individual community members, totaling 18 hours, and 2 Community Conversations attended by 35 participants. 412 comments were received on the second draft Policy Map through the online comment application and other available methods such as email, phone, and library comment forms.

- The Policy Map will be updated and revised on a bi-annual basis. Minor amendments, changes that are consistent with the mapping approach, will be sponsored by staff and processed every six months. Major amendments, changes that are not consistent with the mapping approach, can be sponsored by the public and processed bi-annually. Approved rezonings will be considered for an update to the Policy Map.
- Additional information can be found on the Charlotte Future 2040 Comprehensive Plan website at: <https://cltfuture2040.com/>.

## 8. Public Hearing on SouthPark Municipal Service District

### **Action:**

**Conduct a public hearing to receive comments on the proposed SouthPark Municipal Service District.**

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

Tracy Dodson, City Manager's Office

### **Policy**

- State law allows cities to create municipal service districts (MSDs) to promote economic development and provide services at a higher level in the district than provided for the entire city.
- Urban development and redevelopment areas are one of the municipal services for which a district can be created.
- MSDs are funded through an assessment on all property owners within the district boundaries. All the money raised by the MSD assessment must be spent on district enhancement programs.
- The City of Charlotte currently has MSDs in Center City, South End, and University City.

### **Explanation**

- In 2016, members of SouthPark's business community began discussions to create an MSD in the SouthPark area to enhance the economic vitality of the area.
- SouthPark Community Partners is the leading business and community advocacy group for the creation of the SouthPark MSD. This group of business and community leaders have participated in SouthPark studies and intend to lead efforts to enhance the SouthPark community. City of Charlotte staff have served as support to the group as they explore the establishment of an MSD.
- Since 2000, there have been several studies completed to address the future of SouthPark. The creation of an MSD would be an action towards implementing recommendations from the various studies. Beginning with the 2016 Urban Land Institute's (ULI) SouthPark: Envisioning a More Walkable, Multimodal, Future for SouthPark, implementation strategies in each plan have recommended the use of an MSD as an effective and appropriate tool to support a successful vision for SouthPark. Completed SouthPark Studies include:
  - 2000: Charlotte City Council's SouthPark Small Area Plan,
  - 2010: City of Charlotte's Centers, Corridors, and Wedges Growth Framework,
  - 2016: ULI SouthPark: Envisioning a More Walkable, Multimodal, Future for SouthPark,
  - 2018: City of Charlotte's Comprehensive Neighborhood Improvement Program (CNIP), and
  - 2019: The Loop Framework Plan.
- Following a review of several options, the proposed boundaries of the SouthPark MSD are focused on the commercial core of the area. The boundary follows along the edge of the commercial core, excluding the single-family neighborhoods.
- The proposed MSD tax rate would be 4 cents per \$100 in valuation, which would generate an estimated \$1,350,000 annually. This funding would be used to hire administrative personnel; provide advocacy, marketing, and promotion efforts; enhance safety; fund capital investments; and support other economic development initiatives identified through the previously completed SouthPark studies.
- The SouthPark Community Partners has requested that the SouthPark MSD be effective beginning on July 1, 2022. To meet this request and enable the City to follow required statutory guidelines, staff proposed the following process for considering creation of this district:
  - December 13, 2021 - City Council authorized staff to prepare the MSD report,
  - January 28, 2022 - The City notified affected property owners,
  - January 28, 2022 - The City finalized and distributed the MSD report,
  - February 28, 2022 - City Council conducts a public hearing on proposed MSD,
  - March 28, 2022 - City Council reviews proposed MSD, and
  - April 11, 2022 - City Council conducts its second review of the proposed MSD and action is requested on proposed MSD.
- The timing of this process is also designed to coincide with the Fiscal Year 2023 budget process as

the MSD tax rates and revenues must be included in the total City budget estimates. This process is similar to the process for creating the University City MSD in 2003.

- The City is required to prepare an MSD finding of need (FON) report before conducting the public hearing. This report documents proposed district boundaries, tax rate, and plan for providing services. The report was completed and made available through the City Clerk's Office beginning on January 28, 2022. It was also distributed to Council and key stakeholders.

### **Boundaries**

- The SouthPark MSD boundary follows property lines and includes commercial properties south of Scofield Road and Wickersham Road, west of Sharon Road and Cameron Valley Parkway, north of Sharon View Road, and east of Park South Drive.
- State law outlines several guidelines for determining boundaries of municipal service districts. Properties within the SouthPark MSD boundaries must satisfy at least one of the following guidelines:
  - Location in or surrounding existing or redeveloping concentrations of retail, office, or significant employment-generating uses;
  - Surrounding major institutional uses, such as a university or hospital; and
  - Location within 1,500 feet of major transportation and transit corridors, except for residential parcels which must be within 150 feet.
- The MSD boundaries generally exclude individually owned residential properties in the SouthPark area. However, a small number of residential properties are included, primarily in cases where residential units are incorporated into upper floors of mixed-use projects. The individually owned residential properties proposed to be included in the SouthPark MSD are Lofts at Morrison, Morrison 721, Penthouse at Phillips Place, Piedmont Row, and Trianon. Combined, these residential properties contain 421 units and comprise 2.7 percent of the total property valuation of the proposed MSD area. The MSDs in Center City, South End, and University City contain residential properties within their boundaries.

### **Future Actions**

- To provide short-term organizational support for the establishment of the SouthPark MSD, the City intends to partner with SouthPark Community Partners during the "pilot year" to provide the outlined services via a Procurement Waiver.
- SouthPark Community Partners is a non-profit organization that has been created to administer these services pending Council approval of the district.
- A formal RFP process to select a contract provider will be issued in a timely manner to be completed prior to the start of year two.

### **Community Input**

- SouthPark Community Partners recommended the proposed boundaries, tax rate, and preliminary work plan for a SouthPark MSD, following engagement and support during several planning initiatives focusing on the SouthPark neighborhood that have been completed since 2016.
- In March 2021, SouthPark Community Partners began a four-week process to gauge local interest.
- SouthPark Community Partners has received letters of support for the creation of the MSD from both large and small property owners, as well as South Park Association of Neighborhoods, a non-profit organization established in 2017 to advocate on the area's residential neighborhoods.
- As part of the public notification process, nearly 750 letters were sent in late January 2022 to all property owners within the district notifying them of the proposed MSD and the date, time, and location of the public hearing.
- A legal notice about the public hearing and map of the area was published in The Mecklenburg Times on February 8, 2022 and February 15, 2022.
- The FON report documenting the MSD proposal is also available in the City Clerk's office and digitally.

### **Attachment(s)**

Municipal Service District Map

FON Report on SouthPark MSD

SouthPark MSD Workplan

[SouthPark District Map](#)

[FON Report on SouthPark MSD](#)

[South Park MSD WorkPlan](#)

## 9. Public Hearing on Proposed Amendments to the City's Plans for Housing and Community Development

### **Action:**

**Conduct a public hearing on proposed amendments to the City's Fiscal Year 2020 Housing and Urban Development Consolidated Plan and the Fiscal Year 2021 Annual Action Plan.**

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

Shawn Heath, City Manager's Office

Rebecca Hefner, Housing and Neighborhood Services

### **Policy**

- The U.S. Department of Housing and Urban Development (HUD) mandates the development of a five-year Consolidated Plan and an Annual Action Plan to receive federal funding for housing and community development activities.
- When the City wishes to change activities related to HUD funding or receives new HUD funding, HUD requires that the City adopt a substantial amendment to its plans to reflect the changes.
- As part of the amendment process, the City is required to conduct a public hearing to provide residents the opportunity to comment on the proposed amendments.

### **Explanation**

#### **New Funding**

- In response to the COVID-19 Pandemic, Congress passed the American Rescue Plan Act (ARPA) providing the City a total of \$11,566,783 in federal funding through the HOME Investment Partnerships Program (HOME).
- The City proposes to use the funds to assist individuals and households who are homeless, at risk of homelessness, and other vulnerable populations experiencing housing instability across the city. Services provided will include temporary housing subsidies and supportive services for qualifying households.
- These proposed activities were developed with input received by community stakeholders and nonprofit professionals directly working with vulnerable populations.

#### **Change in Activities**

- On November 22, 2021, City Council approved \$1,400,000 in HUD HOME funds to be used as down payment assistance to create affordable homeownership opportunities in partnership with Habitat for Humanity of the Charlotte Region (Habitat). This requires an update to the City's written documentation related to the use of HUD funds and review through the Consolidated Plan amendment process.
- The updated documentation will reflect Habitat's down payment assistance activities, update required restrictions related to HOME program funding, and will also include technical corrections recommended by legal counsel.

### **Community Input**

- The amendment is currently available for public comment and advertised in general circulation newspapers.

### **Next Steps**

- Request Council action to approve the amendments at the March 28 Council business meeting.

### **Attachment(s)**

Fiscal Year 2020 Consolidated Plan Amendment - Draft Executive Summary

Fiscal Year 2021 Annual Action Plan Amendment - Draft HOME ARPA Allocation Plan

[Consolidated Plan Amendment - Executive Summary](#)

[Charlotte HOME-ARP-Allocation-Plan-draft \(004\)](#)

## 10. Public Hearing on a Resolution to Close Sears Road

### Action:

- A. Conduct a public hearing to close Sears Road, and
- B. Adopt a resolution and close Sears Road.

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

Liz Babson, Transportation  
Anthony Mendez, Transportation

### **Explanation**

- NC General Statute Section 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation (CDOT) received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from the 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 3.

### **Petitioner**

City of Charlotte - Aviation

### **Right-of-Way to be Abandoned**

Sears Road

### **Reason**

Per the petition submitted by City of Charlotte - Aviation, the abandonment would allow for recombination of the surrounding parcels owned by the City of Charlotte - Aviation. The City has no objections.

### **Notification**

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

### Adjoining property owner(s)

City of Charlotte (Aviation) - No objections

### City Departments

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

### **Attachment(s)**

Map  
Resolution

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

[2021-43A Resolution to Close 02.28.2022](#)

[2021-43A Legal Description - Exhibit B](#)

## 11. Public Hearing on a Resolution to Close Unopened Lotus Lane

### Action:

- A. Conduct a public hearing to close unopened Lotus Lane, and
- B. Adopt a resolution and close unopened Lotus Lane.

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

Liz Babson, Transportation  
Anthony Mendez, Transportation

### **Explanation**

- NC General Statute Section 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation (CDOT) received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The 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 right-of-way to be closed is located in Council District 3.

### **Petitioner**

Joe Horowitz (Elmington Capital)

### **Right-of-Way to be Abandoned**

Unopened Lotus Lane

### **Reason**

Per the petition submitted by Joe Horowitz (Elmington Capital), the abandonment of the unopened right-of-way will allow for future redevelopment of the site. The City has no objections.

### **Notification**

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

### Adjoining property owner(s)

Trotter Properties, LLC - No objections  
Charlotte Mecklenburg Board of Education - No objections

### City Departments

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

### **Attachment(s)**

Map  
Resolution

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

[2021-27A Resolution to Close 02.28.2022](#)



## **POLICY**

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

[02.28.22 City Manager's Memo](#)

## 13. City Code Update

### **Action:**

**Adopt an ordinance amending the City Code by adding language specific to criminal enforcement.**

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

Patrick Baker, City Attorney's Office

Lina James, City Attorney's Office

### **Explanation**

- In September 2021, the NC General Assembly enacted Session Law 2021-138, Senate Bill 300 (SB 300) which, among other changes, made four revisions in how all cities enforce ordinances:
  - Eliminated criminal enforcement as a default option (that is, enforcement as a misdemeanor or infraction);
  - Prohibited criminal enforcement in certain areas of regulation;
  - Required introduction of proposed amendments at one meeting and Council adoption of specific criminal enforcement language at a separate meeting; and
  - Created two new defenses against criminal prosecution of ordinance violations.
- The law was effective on December 1, 2021, and applies to offenses and violations committed on or after that date.
- SB 300 did not impact the civil enforcement tools available to cities such as civil citations, civil fines/penalties, and court orders.
- On February 14, 2022, staff introduced and presented this legislation to City Council with proposed ordinance recommendations; Council directed the City Attorney's Office to bring final recommendations to Council at the February 28, 2022 Business Meeting.
- Certain prohibited sections/chapters may be revised as part of the UDO process, including revisions to conform to SB300.
- Proposed amendments would be effective upon Council adoption.

### **Proposed Amendments**

- The following sections eliminate criminal enforcement as prohibited by SB 300:
  - Chapter 6 - Business and Trades
    - Sexually Oriented Businesses
    - Tryon Street Vendors
    - Towing
    - Hotels and Motels
  - Chapter 13 - Licenses (business permits)
  - Chapter 18 - Stormwater
    - Stream Clearing
    - Solar Collectors\*
    - Cisterns and Rain Barrels\*
  - Chapter 19 - Streets, Sidewalks, and Other Public Places and Zoning Ordinance
    - Building Setback Lines
    - Curb Cuts Regulation
  - Chapter 21 - Trees
  - Chapter 22 - Vehicles for Hire
    - Taxis
  - Zoning Ordinance
    - Outdoor Advertising
  - Zoning Ordinance and Other Chapters
    - Land Use (planning & regulation ordinances)
  - \*Solar Collectors and Cisterns and Rain Barrels are not specifically addressed in Chapter 18, but are eliminated from criminal enforcement in SB300 for future reference.
- The City Attorney recommends revisions to the General Penalties Section of the Code and the following sections were identified to restore criminal enforcement as an option:

- Chapter 3 - Animals
  - Animal Bites
  - Biting or Attacking Animals
  - Nuisance
- Chapter 4 - Aviation
  - Commercial Permits
  - Ground Transportation and Permits
- Chapter 6 - Business and Trades
  - Dancehalls (permits, minors)
- Chapter 8 - Fire Prevention and Protection
  - Fire Code Violations
- Chapter 10 - Health and Sanitation
  - Public Health Nuisances
- Chapter 14 - Motor Vehicles and Traffic
  - Playing or Loitering About Railroad Property
- Chapter 15 - Offenses and Miscellaneous Provisions
  - Shooting (within city limits)
  - Possession of Dangerous Weapons (on City property)
  - State of Emergency
  - Noise
  - Youth Protection/Juveniles
  - Carnivals
  - Camping (on public property)
  - Kindling Bonfires (on City property)

**Attachment(s)**

Ordinance - Blackline draft

[Draft Ordinance](#)

**BUSINESS**

## 14. Secondary Public Safety Answering Point Funding Program

### Action:

- A. Adopt a resolution ratifying an Interlocal Agreement between the Charlotte-Mecklenburg Police Department and Mecklenburg Emergency Medical Services Agency, a secondary Public Safety Answering Point for the 911 system, for an initial term of two years, and-**
- B. Authorize the City Manager to renew the agreement for up to one, two-year term and to amend the agreement consistent for the purpose for which the agreement was approved.**

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

Johnny Jennings, Police  
David Robinson, Police  
Stephanie Isbell, Police

### **Explanation**

- The North Carolina 911 Board distributes funds collected through the state's 911 service charge to the Public Safety Answering Point (PSAP).
- The Charlotte-Mecklenburg Police Department is a primary PSAP for answering 911 calls. Mecklenburg Emergency Medical Services Agency (MEDIC) and the Charlotte Fire Department are secondary PSAP agencies.
- The North Carolina 911 Board (Board) created a program in 2014 that distributes funds to the secondary agencies through their primary agency.
  - The Board requires all PSAPs with a secondary agency in the 911 system to enter into a contract with the Board in order to receive funding.
  - On August 26, 2019, City Council approved a three-year contract with the Board. The contract will automatically renew for two additional one-year terms.
- The Board also requires an Interlocal Agreement between the primary and secondary agencies in the same system to define and assign responsibilities for answering and responding to 911 calls. The agreement must be signed by the Executive Director of the Board.
  - In order to receive funding, the Charlotte-Mecklenburg Police Department must have signed agreements with both MEDIC and the Charlotte Fire Department. City Council approval is needed to ratify an Interlocal Agreement with MEDIC, as it is external to the City.
- The Interlocal Agreement will have an initial term of two years (July 1, 2021-June 30, 2023) and will automatically renew for one additional two-year term.
- The Board determines the amount of funding provided to secondary agencies by a formula based on call volume to each individual agency.
- Funding is used to pay for technology, furniture, and supplies needed to successfully operate the 911 system. This includes phone systems, teletypewriter devices, consoles, radios, furniture (desks/chairs/cabinets), Computer Aided Dispatching software, recording systems, computer workstations, backup power supplies (generators/uninterruptible power supplies), and printers.
- Funding to secondary agencies will not affect funding for the primary agency.

### **Charlotte Business INclusion**

This is an Interlocal Agreement and is exempt (Part A: Appendix 1. 27 of the Charlotte Business INclusion Policy).

### **Attachment(s)**

Resolution  
MEDIC Secondary PSAP Agreement

[RESOLUTION- SECONDARY PSAP FUNDING AGREEMENTS- CFD- MEDIC rev 2.7.2022](#)

[911 Board Secondary PSAP Funding Agreement Charlotte Medic](#)

## 15. Installment Financing Agreement for Charlotte Water and Storm Water Vehicles and Equipment

### Action:

- A. **Adopt a resolution approving an installment financing agreement up to \$11,500,000 for the purchase and delivery of vehicles and equipment,**
- B. **Authorize City officials to take the necessary actions to complete the financing, including the execution and delivery of various documents to complete the agreement, and**
- C. **Adopt a budget ordinance appropriating \$1,500,000 from the proceeds of the installment financing to the Storm Water Operating Fund.**

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

Teresa Smith, Finance  
Matthew Hastedt, Finance  
Angela Charles, Charlotte Water

### **Explanation**

- This action authorizes the City to enter into an installment financing agreement for up to \$11,500,000 to finance vehicles and equipment for Charlotte Water and Storm Water Services, including cars, trucks, heavy equipment, and laboratory equipment. Charlotte Water will receive up to \$10,000,000 and Storm Water will receive up to \$1,500,000 in proceeds.
- The City's obligation to repay the debt will be secured by a security interest in the vehicles and equipment.
- This action will authorize the City Manager and the Authorized Officers named in the resolution to take necessary actions to complete the financing and related documentation for the life of the debt.

### **Fiscal Note**

Funding: Charlotte Water and Storm Water Debt Service Funds

### **Attachment(s)**

Resolution  
Budget Ordinance

[Resolution - Installment Financing Contract \(WS Equipment\)](#)

[Storm Water Services Budget Ordinance](#)

## 16. Construct West Mallard Creek Church Road Shared-Use Path and Appropriate Private Developer Funds

### Action:

- A. **Approve a contract in the amount of \$1,467,641.07 to the lowest responsive bidder DOT Construction, Inc. for the West Mallard Creek Church Road Shared-Use Path project, and**
- B. **Adopt a budget ordinance appropriating \$22,847 in private developer funds from Crescent Communities for the West Mallard Creek Church Road Shared-Use Path project to the General Capital Projects fund.**

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

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

### **Explanation**

#### Action A

- This project will add a bicycle and pedestrian concrete path on West Mallard Creek Church Road (approximately 0.75 miles) in Council District 4.
- Work will include a 12-foot concrete shared-use path, curb and gutter, curb ramps, drainage infrastructure, and asphalt pavement.
- On December 30, 2021, the City issued an Invitation to Bid; four bids were received.
- DOT Construction, Inc. was selected as the lowest responsive, responsible bidder.
- The total project cost is estimated at \$3,485,000. The project funding breakdown is:
  - City Sidewalk and Pedestrian Safety and Neighborhood Transportation Programs: \$1,612,000;
  - Federal Surface Transportation Block Grant Program Direct Attributable: \$600,000;
  - State Transportation Alternatives Program: \$1,073,000; and
  - State Transportation Alternatives Program Direct Attributable: \$200,000.
- The project is anticipated to be complete by fourth quarter 2023.

#### Action B

- This action appropriates \$22,847 in private developer contributions for sidewalk improvements for the City's West Mallard Creek Church Road Shared-Use Path project in Council District 4.
- These developer improvements are required by the City's zoning requirements. The private developer is providing funds to the City for the City to make these improvements.
- These funds must be appropriated prior to the City's initiation of construction.
- NC General Statute Section 160A-309 authorizes the City to contract with a developer or property owner for public improvements that are adjacent or ancillary to a private land development project when the City determines that coordination of separately constructed public improvements would be impracticable.

### **Disadvantage Business Enterprise**

#### Action A

Established DBE Goal: 12.00%  
Committed DBE Goal: 12.44%

DOT Construction, Inc. exceeded the established subcontracting goal and has committed 12.44% (\$182,515) of the total contract amount to the following certified firms:

- Streeter Trucking Company (DBE) (\$10,000) (hauling)
- Clear Creek of Salisbury, Inc. (DBE) (\$172,515) (concrete)

### **Fiscal Note**

Funding: Private Developer Contributions and General Capital Investment Plan

**Attachment(s)**

Map

Budget Ordinance

[Map Construct West Mallard Creek Church Road Shared Use Path](#)[Budget Ordinance-West Mallard Creek Church Road Shared Use Path](#)**17. Extension to a Ground Lease for Affordable Housing****Action:**

**Adopt a resolution approving an extension to the option for a ground lease on property located on DeWitt Lane and South Boulevard (parcel identification numbers 149-012-47 and 149-012-51) through December 31, 2022, with DreamKey Partners, Inc. (formerly Charlotte-Mecklenburg Housing Partnership, Inc.).**

**Staff Resource(s):**

Shawn Heath, City Manager's Office

Phil Reiger, General Services

Greg Crawford, General Services

**Explanation**

- On July 22, 2019, City Council approved a ground lease transaction and granted DreamKey Partners, Inc. (formerly Charlotte-Mecklenburg Housing Partnership, Inc.) an exclusive option to a ground lease for property on DeWitt Lane and South Boulevard (parcel identification numbers 149-012-47 and 149-012-51) upon certain terms, conditions, and affordability restrictions for the development of South Village Apartments at Scaleybark (South Village). The ground lease was approved in conjunction with a \$3,000,000 Housing Trust Fund allocation for the South Village development.
- Charlotte-Mecklenburg Housing Partnership/DreamKey Partners, Inc. (DreamKey) entered into an option to a ground lease agreement (Option) on August 2, 2019, which terminated June 30, 2020.
- The delay was due to the City encountering a covenant during due diligence which restricted the use of the property as intended by DreamKey.
- The City and DreamKey negotiated with neighboring property owners abutting the buffer to obtain their respective release of the covenant; these efforts were completed in September 2021.
- Since the covenant issue has been resolved, DreamKey is requesting the deadline to exercise the Option and close on the ground lease be extended to December 31, 2022.
- The extension of the deadline requires adoption of a new resolution.

**Attachment(s)**

Map

Resolution

[Map Extension to a Ground Lease for Affordable Housing.pdf](#)[Resolution](#)



## 18. Independence Boulevard Busway Restoration

**Action:**

**Adopt a resolution authorizing the City Manager to negotiate and execute a Municipal Agreement with the North Carolina Department of Transportation for design and construction of modifications to the busway entrance and exit on Independence Boulevard in the amount of \$750,000.**

**Staff Resource(s):**

John Lewis, Jr., CATS  
Kelly Goforth, CATS  
David McDonald, CATS

**Explanation**

- The Independence Boulevard busway was closed during the construction of the Hawthorne Lane Bridge for the CityLYNX Gold Line Phase 2 project and was anticipated to remain closed while the North Carolina Department of Transportation (NCDOT) converted the busway to a toll facility as part of the Independence Boulevard widening project.
- NCDOT funding shortfalls have significantly delayed the busway conversion to a toll facility, leaving the busway needing interim work to restore busway operation.
- The project will modify the entrance and exit of the busway near the Hawthorne Lane Bridge to restore busway operation (Council District 1).
- NCDOT will manage and execute the work under this municipal agreement, and the busway will be reopened to CATS and emergency vehicle use by the end of the year.

**Fiscal Note**

Funding: CATS Capital Investment Plan

**Attachment(s)**

Resolution

[Resolution - Independence Busway Restoration](#)

## 19. National League of Cities Inclusive Entrepreneurship Grant

### Action:

- A. **Accept a grant in the amount of \$15,000 from the National League of Cities for lowering barriers for Hispanic entrepreneurs at any stage of business, and**
  
- B. **Adopt a budget ordinance appropriating \$15,000 from the National League of Cities to the Neighborhood Development Grants Fund.**

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

Tracy Dodson, City Manager's Office  
Christi Floyd, Economic Development

### **Explanation**

- The National League of Cities (NLC) City Inclusive Entrepreneurship program asks city leaders to commit to an inclusive economic development policy, program, or practice over the course of one year.
- Participating cities receive technical assistance in a cohort learning environment and up to \$15,000 in implementation funding.
- The City committed to the cohort focused on lowering barriers for Hispanic entrepreneurs at any stage of business and will concentrate on the Albemarle Road/Central Avenue Corridor located in Council District 5, which is one of the six Corridors of Opportunity and has a high concentration of Hispanic business owners.
- Funds will be used to engage the services of Prospera, a nonprofit organization specialized in providing bilingual assistance to Hispanic entrepreneurs trying to establish or expand their business, and the Latin American Chamber. Local technical assistance providers will collect information and data from Hispanic business owners along the Albemarle Road/Central Avenue Corridor through a series of listening sessions and networking events that will be held in Spanish.
- The data will be used to create a project, program, and/or service that will be designed to address needs of the Hispanic business owners in that corridor.
- The grant is a one-time payment of \$15,000 from the NLC and must be expended by August 2022.

### **Fiscal Note**

Funding: Neighborhood Development Grants Fund

### **Attachment(s)**

Budget Ordinance

[Budget Ordinance NLC](#)

## 20. Appointment to the Bicycle Advisory Committee

**Action:**

**Appoint residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a partial term beginning upon appointment and ending December 31, 2024.
  - Dustin Branham, nominated by Council members Driggs, Eiselt, Graham, Phipps, and Watlington.
  - Lindsay McCleary, nominated by Council members Ajmera, Egleston, Johnson, and Newton.

**Attachment(s)**

Bicycle Advisory Committee Applications

## 21. Appointment to the Charlotte International Cabinet

**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, 2024.
  - Paula Broadwell, nominated by Council members Driggs and Eiselt.
  - Tenessa Moore, nominated by Council members Ajmera, Johnson, and Phipps.

**Attachment(s)**

Charlotte International Cabinet Applications

## 22. Appointment 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 three-year term beginning March 9, 2022, and ending March 8, 2024.
  - Najam Usmani, nominated by Council members Ajmera, Driggs, Egleston, and Phipps.

**Attachment(s)**

Community Relations Committee Applications

## CONSENT

### 23. Crushed Stone for Construction Projects

**Action:**

- A. Approve a unit price contract with the lowest responsive bidder Martin Marietta Materials Inc. for the purchase of crushed stone 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):**

Phil Reiger, General Services

Kay Elmore, General Services

**Explanation**

- Crushed stone is used in street paving projects, grading projects, storm water repair projects, and water and sewer line projects.
- This Citywide contract will be primarily used by the Charlotte Department of Transportation, Charlotte Water, and Aviation.
- The contract is based on estimated quantities of 13 different types and sizes of crushed stone and sand.
- On December 7, 2021, the City issued an Invitation to Bid; three bids were received.
- Martin Marietta Materials Inc. was selected as the lowest responsive, responsible bidder.
- Annual expenditures are estimated to be \$1,300,000.
  - Picked up by City: \$834,258, and
  - Delivered by vendor: \$465,742.

**Charlotte Business INclusion**

Established MWSBE Goal: 10.00%

Committed MWSBE Goal: 21.00%

Martin Marietta Materials Inc. has committed 21.00% or \$97,806 of the estimated first-year contract amount for crushed stone to be delivered by the vendor to the following certified firm: (Part D: Section 2 of the Charlotte Business INclusion Policy):

- Express Logistics Services (MBE, SBE) (\$97,806) (Hauling)

**Fiscal Note**

Funding: Various Departments' Operating Budgets

## 24. Landscape Maintenance Services for CATS

### **Action:**

- A. Approve a contract with Champion Landscapes Inc. for landscaping and maintenance services for the CATS South Corridor Light Rail Transit South 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  
David Wolfe, General Services  
John Lewis, Jr., CATS

### **Explanation**

- This contract will include continuous landscape maintenance services for City-owned facilities and properties (park and ride lots, parking decks, and surface lots) along the CATS South Corridor Light Rail Transit South from Scaleybark Road to I-485/South Boulevard in Council Districts 1, 3, and 6.
- Work will include grounds maintenance, turf maintenance, shrub maintenance, groundcover maintenance, perennial maintenance, trash and debris removal, storm debris pickup, irrigation maintenance/repair/operation, snow and ice removal, tree maintenance and mulching, and pesticide and herbicide application.
- On December 10, 2021, the City issued a Request for Proposals (RFP); two responses were received.
- Champion Landscapes Inc. best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$190,555.

### **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: CATS Operating Budget

## 25. Roof Replacement for Sweden Road Equipment Services Building

**Action:**

**Approve a contract in the amount of \$599,500 to the lowest responsive bidder Interstate Roofing Company, Inc. for the Equipment Services Building Roof Replacement Project.**

**Staff Resource(s):**

Phil Reiger, General Services

David Wolfe, General Services

John Mrzygod, General Services

**Explanation**

- This project includes the replacement of several existing roof areas of the Equipment Services (Fleet Management) Building located at 4600 Sweden Road in Council District 3.
- On December 16, 2021, the City issued an Invitation to Bid; three bids were received.
- Interstate Roofing Company, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by fourth quarter 2022.

**Charlotte Business INClusion**

Per Charlotte Business INClusion Policy: Part B: Section 2.3, 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 the 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

## 26. Professional Engineering Services for Storm Drainage Improvement Projects

### Action:

- A. **Approve a contract in the amount of \$1,300,000 with D&A Wolverine, PLLC (SBE) for planning services for the Bayswater Storm Drainage Improvement Project,**
- B. **Approve a contract in the amount of \$640,000 with ESP Associates, Inc. for planning services for the East 4th Storm Drainage Improvement Project, and**
- C. **Approve a contract in the amount of \$1,150,000 with ESP Associates, Inc. for design services for the Fox Run Storm Drainage Improvement Project.**

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

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

### **Explanation**

- Professional engineering services will evaluate infrastructure and reported storm drainage concerns to determine and design needed improvements to the existing drainage system.
- Specific planning tasks include, but are not limited to:
  - Site assessment activities,
  - Hydrologic and hydraulic analyses,
  - Determination of alternatives to address the applicable drainage issues,
  - Recommendations of a preferred solution, and
  - Evaluation of downstream impacts.
- Specific design tasks include, but are not limited to:
  - Design of repairs and/or improvements,
  - Preparation of construction documents, and
  - Construction administration.
- On August 23, 2019, the City issued a Request for Qualifications (RFQ); 35 responses were received. Twenty firms were selected to receive contracts.
- D&A Wolverine, PLLC and ESP Associates, Inc. were among those selected as 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.
- Additional contracts from this RFQ process will be coming forward for Council action once the projects are defined.

### Action A

- The Bayswater Storm Drainage Improvement Project is bordered by Sharon Amity Road to the north, Campbell Creek to the south, Lawrence Orr Road to the east and Venedale Road to the west, in Council District 5.

### Action B

- The East 4th Storm Drainage Improvement Project runs along East 4th Street from Barnette Place to Little Sugar Creek, in Council District 1.

### Action C

- The Foxrun Storm Drainage Improvement Project is bordered by Rama Road to the north, McAlpine Creek to the south, Monroe Road to the east and Burlwood Road and Rama Road to the west, in Council Districts 5 and 6.

### **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 has identified certified firms to be utilized as the project evolves and committed 10.00% of the total contract amount to the following certified firms:

Action A

D&A Wolverine, PLLC

- Avioimage Mapping Services, Inc., (SBE) (aerial mapping, photogrammetry, GIS, CAD, surveying, and related services)
- Centerline Locating, LLC. (WBE, SBE) (utility locating and SUE)
- Survey & Mapping Control Inc., (SBE) (surveying, mapping, easements, plats, and related services)
- Sweetwater Utility Exploration LLC., (WBE, SBE) (utility locating, soft digs, coordination, reporting, and related services)

Action B

ESP Associates, Inc.

- Barry Lambert Engineering, PC (SBE) (structural engineering)
- Centerline Locating, LLC. (WBE, SBE) (utility locating and SUE)

Action C

ESP Associates, Inc.

- Barry Lambert Engineering, PC (SBE) (structural engineering)
- Centerline Locating, LLC. Firm (WBE, SBE) (utility locating and SUE)
- The Survey Company Inc. (SBE) (land surveying)

**Fiscal Note**

Funding: Storm Water Capital Investment Plan

**Attachment(s)**

Bayswater Map

East 4th Map

Fox Run Map

[Valleyview-Bayswater Map](#)

[East 4th Map](#)

[Fox Run Map](#)



## 27. Asphalt and Concrete Cleaning Services

### **Action:**

- A. Approve a unit price contract with American Pavement Cleaning Services, Inc. (SBE) for asphalt and concrete cleaning services for an initial term of two years, and**
  
- B. Authorize the City Manager to renew the contract for up to three one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

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

Angela Charles, Charlotte Water

Jackie Jarrell, Charlotte Water

Scott Clark, Charlotte Water

### **Explanation**

- This contract will provide street, driveway, and sidewalk cleaning services after completion of Charlotte Water maintenance and repair projects.
- On October 26, 2021, the City issued a Request for Proposals (RFP); one response was received.
- American Pavement Cleaning Services, Inc. meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$200,000.

### **Charlotte Business INclusion**

American Pavement Cleaning Services, 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 provisions of (a) - No subcontracting opportunities.

### **Fiscal Note**

Funding: Charlotte Water Operating Budget

## 28. Belt Filter Press Replacement Parts

### **Action:**

- A. Approve the purchase of belt filter press replacement parts and services by the sole source exemption,**
- B. Approve a contract with Alfa Laval Inc. for the purchase of belt filter press replacement parts and services for a term of five years, and**
- C. Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.**

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

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

### **Sole Source Exemption**

- NC General Statute Section 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 compatibility is the overriding consideration.
- City Council approval is required for any purchases made under the sole source exception.

### **Explanation**

- This contract will provide replacement parts and services for the repair and reconditioning of Klampress belt filter press machines at the wastewater treatment plants.
- Annual expenditures are estimated to be \$1,000,000.

### **Charlotte Business INclusion**

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

### **Fiscal Note**

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

## 29. Idlewild Road Water Supply Project Construction

### **Action:**

**Approve a guaranteed maximum price of \$15,094,214 to R.H. Price, Inc. for Design-Build construction services for the Idlewild Road Water Supply Project.**

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

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

### **Explanation**

- R.H. Price, Inc. has developed a guaranteed maximum price (GMP) for construction of the second segment of the Idlewild Road Water Supply project. This project will provide resiliency to eastern Charlotte (Council District 5).
- On April 27, 2020, City Council approved a contract for \$1,470,755 with R.H. Price, Inc. for Design-Build design services. Based on the design, a GMP for construction services was developed.
- On November 9, 2020, City Council approved a GMP of \$4,962,881.39 to R.H. Price, Inc. for construction of a water main along Monroe Road as part of an intersection project, a sidewalk project along North Sharon Amity Road, and a portion of the Idlewild Road Water Supply project that overlaps with the sidewalk project.
- The project is anticipated to be complete by second quarter 2024.

### **Charlotte Business INclusion**

The City negotiates participation for Design-Build contracts after the firm is selected and scopes of work are defined for design and construction services (Part G: Section 2.7 of the Charlotte Business INclusion Policy). R.H. Price, Inc. has committed \$1,517,100 or approximately 10.05% of the total contract for Design-Build construction services to the following certified firms:

- Trull Contracting, LLC (WBE, SBE) (\$940,000) (asphalt paving and concrete)
- Mohawk Traffic Services, LLC (SBE) (\$170,000) (traffic control)
- MTS Trucking, Inc. (MBE, SBE) (\$165,000) (hauling)
- Sanders Constructors, Inc. (SBE) (\$85,000) (clearing)
- Martin Landscaping Co., Inc. (MBE, SBE) (\$82,000) (seeding and restoration)
- Yellow Duck Marketing, LLC (WBE, SBE) (\$31,800) (public communications)
- Capstone Civil Engineering, Inc. (MBE, SBE) (\$25,800) (materials testing)
- Erosion Defence (SBE) (\$17,500) (silt fence installation)

### **Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

### **Attachment(s)**

Map

[Map-Idlewild Road Water Supply Project Construction](#)

## 30. Sanitary Sewer Cleaning and Inspection Services

### Action:

- A. Approve unit price contracts with the following companies for sanitary sewer cleaning and inspection services for an initial term of two years:**
- **Champion Cleaning Specialists, Inc. dba CCSI,**
  - **Duke's Root Control, Inc.,**
  - **EnviroWaste Services Group, Inc.,**
  - **Pipe Pros LLC (SBE), and**
- B. Authorize the City Manager to renew the contracts for up to three, 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

Jackie Jarrell, Charlotte Water

David Czerr, Charlotte Water

### **Explanation**

- These contracts will provide regular cleaning and closed-circuit television inspection services of the sanitary sewer system throughout the Charlotte Water service area.
- On December 16, 2021, the City issued a Request for Proposals (RFP); six 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 \$1,650,000.

### **Charlotte Business INclusion**

Pipe Pros 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 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 and Charlotte Water Operating Budget

## 31. Water and Sanitary Sewer Repair Inspection Services

### **Action:**

- A. Approve a unit price contract with DiCon Consulting, PC (SBE) for water and sanitary sewer repair inspection services for an initial term of one year, and**
- B. Authorize the City Manager to renew the contract for up to three, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

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

Angela Charles, Charlotte Water

Jackie Jarrell, Charlotte Water

Scott Clark, Charlotte Water

### **Explanation**

- This contract will provide water and sanitary sewer repair inspection services throughout the Charlotte Water system.
- On November 12, 2021, the City issued a Request for Proposals (RFP); three responses were received.
- DiCon Consulting, PC 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**

DiCon Consulting, PC 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 provisions of (a) - No subcontracting opportunities.

### **Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

## 32. Water and Sanitary Sewer Service Installations

### Action:

- A. **Approve a unit price contract to the lowest responsive bidder Dallas 1 Construction, LLC for water and sanitary sewer service installations contract #1 for an initial term of one year,**
- B. **Approve a unit price contract to the lowest responsive bidder State Utility Contractors, Inc. for water and sanitary sewer service installations contract #2 for an initial term of one year, and**
- C. **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  
David Czerr, Charlotte Water  
Keri Cantrell, Charlotte Water

### **Explanation**

- These contracts are for large diameter water and sanitary sewer service installations, service dismantlement, and short main line extensions.

### Action A

- On January 7, 2022, the City issued an Invitation to Bid (ITB); one bid was 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 February 2, 2022, the ITB was re-issued; two bids were received.
- Dallas 1 Construction, LLC was selected as the lowest responsive, responsible bidder.
- The renewals allow for possible price adjustments based on the Engineering News Record Construction Cost Index.
- Annual expenditures are estimated to be \$8,382,891.

### Action B

- On January 7, 2022, the City issued an Invitation to Bid (ITB); one bid was 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 February 3, 2022, the ITB was re-issued; no bids were received.
- On February 14, 2022, the ITB was re-issued; one bid was received.
- State Utility Contractors, Inc. was selected as the lowest responsive, responsible bidder.
- The renewals allow for possible price adjustments based on the Engineering News Record Construction Cost Index.
- Annual expenditures are estimated to be \$13,153,646.

### **Charlotte Business INclusion**

#### Action A

Established MSBE Goal: 5.00%  
Committed MSBE Goal: 5.37%

Dallas 1 Construction, LLC exceeded the established MSBE subcontracting goal and has committed 5.37% (\$450,000) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- AMP Utility Distribution Services, LLC (SBE, WBE) (\$425,000) (water and sanitary sewer service materials)
- Love Family First, LLC (MBE, SBE) (\$15,000) (traffic control services)
- Gavel & Dorn Engineering, PLLC (SBE) (\$5,000) (soil density testing)
- Sun King Trucking, LLC (MBE, SBE) (\$5,000) (hauling)

**Action B**

Established MSBE Goal: 5.00%

Committed MSBE Goal: 5.01%

State Utility Contractors, Inc. exceeded the established MSBE subcontracting goal and has committed 5.01% (\$659,000) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INCLUSION Policy):

- AMP Utility Distribution Services, LLC (SBE, WBE) (\$537,000) (material supply)
- Fuller & Co. Construction, LLC (SBE) (\$80,000) (bore and jack)
- RAM Pavement Services, Inc. (SBE) (\$20,000) (asphalt)
- Gavel & Dorn Engineering, PLLC (SBE) (\$12,000) (soil density)
- Buffkin Trucking (MBE, SBE) (\$10,000) (hauling)

**Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

### 33. Minivans for CATS Paratransit Non-Revenue Support

**Action:**

- A. Approve a unit price contract to the lowest responsive bidder Ilderton Conversion of High Point for the purchase of paratransit non-revenue support minivans 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 City's business needs and the purpose for which the contract was approved.**

**Staff Resource(s):**

John Lewis, Jr., CATS

Allen C. Smith III, CATS

Jennifer Fehribach, CATS

**Explanation**

- CATS Special Transportation Services (STS) uses a fleet of 85 paratransit cutaway vans to provide transportation for residents with disabilities who are unable to use the fixed-route bus or rail service. STS provides complementary paratransit service equivalent to the fixed-route bus and rail service.
- Non-revenue minivans that support paratransit revenue service have reached the end of their useful life and require replacement. STS currently has eight non-revenue support minivans in the CATS STS fleet.
- On October 19, 2021, CATS issued an Invitation to Bid; two bids were received.
- Ilderton Conversion of High Point was selected as the lowest responsive, responsible bidder.
- Total expenditures in the first year are estimated to be \$202,520 and \$106,780 thereafter.

**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



## 34. Airport South Crossfield Taxiway Construction Change Order

**Action:**

**Approve change order #1 for \$542,592.40 to Thalle Construction Company Inc. for the deicing pad and South Crossfield Taxiway Project Package 1.**

**Staff Resource(s):**

Haley Gentry, Aviation  
Jack Christine, Aviation

**Explanation**

- The South Crossfield Taxiway Project will increase airfield operational efficiency with the construction of a new cross-field taxiway connecting the center and eastern-most runway. This project includes the extension of Taxiway F and the relocation of existing deicing pads from the cargo area to the south end of the center runway.
- On November 9, 2020, City Council approved a contract in the amount of \$51,157,084.53 with Thalle Construction Company Inc. for the deicing pad and South Crossfield Taxiway Project Package 1 for earthwork and utilities.
- This change order will provide changes to the construction of the regional detention basin to address North Carolina Department of Environmental Quality dam safety comments regarding water quantity requirements associated with current and future development.
- The new total of the contract, including this amendment, will be \$51,699,676.93.
- This activity is occurring on airport property located in Council District 3.

**Disadvantaged Business Enterprise**

All additional work involved in this amendment will be performed by Thalle Construction Company Inc. and their existing sub-contractors.

**Fiscal Note**

Funding: Aviation Capital Investment Plan

## 35. Bond Issuance Approval for Evoke Living at Morris Field

### **Action:**

**Adopt a resolution granting INLIVIAN's request to issue multi-family housing revenue bonds, in an amount not to exceed \$19,500,000, to finance the development of Evoke Living at Morris Field.**

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

Shawn Heath, City Manager's Office  
Rebecca Hefner, Housing and Neighborhood Services

### **Explanation**

- This action will not obligate the City financially or impact the Capital Investment Plan and is requested to satisfy Section 147(f) of the Internal Revenue Code of 1986, which requires the issuance of housing bonds to be approved by the local governmental unit with jurisdiction over the area where the development is located.
- INLIVIAN is requesting that City Council adopt a resolution authorizing the issuance of multi-family housing revenue bonds for Evoke Living at Morris Field, a 132-unit new construction affordable housing development to be developed, owned, and operated by Morris Field Housing LLC, a North Carolina limited liability company, or an affiliated or related entity.
- The development will be located at 3628 Morris Field Drive in Council District 3 and will serve households earning up to 80 percent of the Area Median Income (AMI) with income averaging 60 percent of AMI for the entire development. Of the 132 new units, 26 will serve households that earn 30 percent of AMI or less.
- This action further supports City Council's April 26, 2021, approval of a \$3,000,000 Housing Trust Fund allocation to this development.
- The INLIVIAN bonds, not to exceed \$19,500,000, will be used to finance land acquisition and construction of the development.

### **Background**

- The developer applied for four percent low-income housing tax credits and housing bond allocation capacity from the North Carolina Housing Finance Agency to finance the land acquisition and construction of the development.
- The North Carolina Housing Finance Agency approved a four percent tax credit and a bond allocation capacity totaling \$19,500,000 for the development. Tax credit and bond allocations are subject to federal income limits and set-aside rules and include deed restrictions.
- INLIVIAN, as a public housing authority, is duly authorized to issue housing bonds to finance developments that serve persons of low and moderate income, including developments in which it does not have a direct interest.

### **Attachment(s)**

City of Charlotte Resolution for Evoke Living at Morris Field

INLIVIAN Resolution for Evoke Living at Morris Field

[City Bond Resolution Evoke Living At Morris Field 022822](#)

[INLIVIAN Resolution Evoke Living at Morris Field](#)

## 36. Set a Public Hearing on the Charlotte Quartermaster Depot and Area Missile Plant Historic Landmark Designation

### **Action:**

**Adopt a resolution setting a public hearing for March 28, 2022, to consider historic landmark designation for the property known as the "Charlotte Quartermaster Depot and Area Missile Plant" (Parcel Identification Numbers 079-031-02, 079-031-05, 079-031-07, 079-031-08, 079-031-10, and 079-031-11).**

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

Alyson Craig, Planning, Design, and Development  
Dave Pettine, Planning, Design, and Development

### **Explanation**

- The City has received a recommendation from the Charlotte-Mecklenburg Historic Landmarks Commission (HLC) to designate the Charlotte Quartermaster Depot and Area Missile Plant as a local historic landmark.
- Public hearings are required prior to City Council action on designation requests.
- The Charlotte Quartermaster Depot and Area Missile Plant is located in Council District 1 and consists of the following properties: 1824 Statesville Avenue, 200 Camp Road, 201 Camp Road, 270 Camp Road, 300 Camp Road, 301 Camp Road, 330 Camp Road, 701 Keswick Avenue, 1701 North Graham Street, and 1801 North Graham Street.
- Designation of this property could significantly contribute to its long-term preservation.
- The area comprising the Charlotte Quartermaster Depot and Area Missile Plant includes property listed under Parcel Identification Numbers (PIDs) 079-031-02, 079-031-05, 079-031-07, 079-031-08, 079-031-10, and 079-031-11, and the recommended designation would include the exterior of the building at 701 Keswick Avenue, and the exteriors and interiors of all other structures and the land associated with the tax parcels.
- The property is zoned U MUD-O.
- The property is owned by Camp Landowner LP (PIDs 079-031-02 and 079-031-05), Camp Gama Goat Property Owner LP (PID 079-031-07), Camp B3BAY1 Property Owner LP (PID 079-031-08), and Camp 201 Property Owner LP (PID 079-031-10 and 079-031-11).
- Based on the current value, the potential amount of deferrable taxes would be approximately \$47,918 for the City of Charlotte taxes and \$84,921 for Mecklenburg County taxes.

### **Attachment(s)**

Information Sheet  
Resolution

[Quartermaster Depot - Information Sheet](#)

[Quartermaster Depot - Public Hearing Resolution](#)

## 37. Set a Public Hearing on the McDonald's Cafeteria and Mini-Center Historic Landmark Designation

### **Action:**

**Adopt a resolution setting a public hearing for March 28, 2022, to consider historic landmark designation for the property known as the "McDonald's Cafeteria and Mini-Center" (Parcel Identification Number 069-126-25).**

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

Alyson Craig, Planning, Design, and Development  
Dave Pettine, Planning, Design, and Development

### **Explanation**

- The City has received a recommendation from the Charlotte-Mecklenburg Historic Landmarks Commission (HLC) to designate the McDonald's Cafeteria and Mini-Center as a local historic landmark.
- Public hearings are required prior to City Council action on designation requests.
- The McDonald's Cafeteria and Mini-Center is located at 2023 Beatties Ford Road in Council District 2.
- Designation of this property could significantly contribute to its long-term preservation.
- The McDonald's Cafeteria and Mini-Center is listed under Parcel Identification Number 069-126-25, and the recommended designation would include the exterior of the structure and the land associated with the tax parcel.
- The property is zoned B-1.
- The property is owned by E-Fix Development Co. LLC.
- Based on the current value, the potential amount of deferrable taxes would be approximately \$860.76 for the City of Charlotte taxes and \$1,525.43 for Mecklenburg County taxes.

### **Attachment(s)**

Information Sheet  
Resolution

[McDonalds Cafeteria - Information Sheet](#)

[McDonalds Cafeteria - Public Hearing Resolution](#)

## **38. Resolution of Intent to Abandon Unopened Right-of-Way between 3427 and 3439 Oakwood Avenue**

### **Action:**

- A. Adopt a Resolution of Intent to abandon unopened right-of-way between 3427 and 3439 Oakwood Avenue, and**
  
- B. Set a public hearing for March 28, 2022.**

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

Liz Babson, Transportation

Anthony Mendez, 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 right-of-way is located in Council District 1.

### **Petitioners**

Vista Development and Construction Group, LLC

### **Attachment(s)**

Map

Resolution

[2021-39A Unopened ROW btw 3427 & 3439 Oakwood Ave Abandonment Map](#)

[2021-39A Reolution of Intent 02.28.2022](#)

## PROPERTY TRANSACTIONS

### 39. Aviation Property Transactions - Barry Drive and Verns Avenue

**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):** Rodney H. Dellinger

**Property Address:** Barry Drive and Verns Avenue

**Total Parcel Area:** 0.567 acres and 0.431 acres (Total 0.998 acres for both parcels)

**Property to be acquired by Easements:** N/A

**Structures/Improvements to be impacted:** None - Vacant lots

**Landscaping to be impacted:** N/A

**Zoned:** R-3

**Use:** Single-family Residential

**Parcel Identification Number(s):** 055-369-54 and 055-369-55

<https://polaris3g.mecklenburgcountync.gov/#pid=05536954&qisid=05536954>

<https://polaris3g.mecklenburgcountync.gov/#pid=05536955&qisid=05536955>

**Purchase Price:** \$260,000, and all relocation benefits in compliance with Federal, State or Local regulation

**Council District:** 3

## 40. Aviation Property Transactions - Greenvalley Road and Lakeview Road

**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):** Roy Jerome Stilwell and Mary Lou Stilwell

**Property Address:** Greenvalley Road and Lakeview Road

**Total Parcel Area:** 17.600 acres and 1.331 acres (Total 18.931 acres - vacant)

**Property to be acquired by Easements:** N/A

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

**Landscaping to be impacted:** None

**Zoned:** R-3

**Use:** Single-family Residential

**Parcel Identification Number(s):** 141-231-09 and 141-232-01

<https://polaris3g.mecklenburgcountync.gov/#pid=14123109&qsid=14123109>

<https://polaris3g.mecklenburgcountync.gov/#pid=14123201&qsid=14123201>

**Purchase Price:** \$1,100,000.00, and all relocation benefits in compliance with Federal, State or Local regulations.

**Council District:** 3

## 41. Charlotte Water Property Transactions - Charlotte Airport Area Waterline Progressive Design-Build Project (Old Dowd Road 24" WM Connect), Parcels #6 and 7

**Action:** Approve the following Condemnation: Charlotte Airport Area Waterline Progressive Design-Build Project (Old Dowd Road 24" WM Connect), Parcels #6 and 7

**Project:** Charlotte Airport Area Waterline Progressive Design-Build Project (Old Dowd Road 24" WM Connect), Parcels #6 and 7

**Owner(s):** CeeU, LLC fka CU, LLC

**Property Address:** 4580 and 4540 Business Center Drive

**Total Parcel Area:** 318,990 sq. ft. (7.32 ac.)

**Property to be acquired by Easements:** 24,599 sq. ft. (0.57 ac.) in Waterline Easement, plus 11,826 sq. ft. (0.27 ac.) in Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** R-3

**Use:** Single Family Residential

**Tax Code:** 055-353-35 and 055-353-13

<https://polaris3g.mecklenburgcountync.gov/#mat=581392&pid=05535335&qsid=05535335>

<https://polaris3g.mecklenburgcountync.gov/#mat=133176&pid=05535313&qsid=05535313>

**Appraised Value:** \$57,750

**Property Owner's Concerns:** None

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

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

**Council District:** 3



## 42. Charlotte Water Property Transactions - Charlotte Airport Area Waterline Progressive Design-Build Project (Old Dowd Road 24" WM Connect), Parcel #12

**Action:** Approve the following Condemnation: Charlotte Airport Area Waterline Progressive Design-Build Project (Old Dowd Road 24" WM Connect), Parcel #12

**Project:** Charlotte Airport Area Waterline Progressive Design-Build Project (Old Dowd Road 24" WM Connect), Parcel #12

**Owner(s):** Hospitality Concepts, Inc., Ramesh B Gokal, Surandra Odahv, Naman I, LLC, and Naman II, LLC

**Property Address:** 2943 Kanimbla Drive

**Total Parcel Area:** 521,849 sq. ft. (11.98 ac.)

**Property to be acquired by Easements:** 39,564 sq. ft. (0.91 ac.) in Waterline Easement, plus 18,566 sq. ft. (0.43 ac.) in Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** B-D

**Use:** Commercial

**Tax Code:** 055-351-19

<https://polaris3g.mecklenburgcountync.gov/#mat=96084&pid=05535119&qsid=05535119>

**Appraised Value:** \$83,000

**Property Owner's Concerns:** None

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

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

**Council District:** 3

### 43. Charlotte Water Property Transactions - Charlotte Airport Area Waterline Progressive Design-Build Project (Old Dowd Road 24" WM Connect), Parcel #13

**Action:** Approve the following Condemnation: Charlotte Airport Area Waterline Progressive Design-Build Project (Old Dowd Road 24" WM Connect), Parcel #13

**Project:** Charlotte Airport Area Waterline Progressive Design-Build Project (Old Dowd Road 24" WM Connect), Parcel #13

**Owner(s):** JJP Little Rock, LLC

**Property Address:** 2540 Little Rock Road

**Total Parcel Area:** 72,745 sq. ft. (1.67 ac.)

**Property to be acquired by Easements:** 7,647 sq. ft. (0.18 ac.) in Waterline Easement, plus 5,308 sq. ft. (0.12 ac.) in Temporary Construction Easement

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

**Landscaping to be impacted:** Medium evergreen trees, medium flowering trees, and ground cover shrubs

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

**Use:** Commercial

**Tax Code:** 055-351-34

<https://polaris3g.mecklenburgcountync.gov/#mat=87091&pid=05535134&qisid=05535134>

**Appraised Value:** \$161,300

**Property Owner's Concerns:** 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:** 3

#### 44. Charlotte Water Property Transactions - North Tryon Pressure Zone Boundary Change and 960 Zone N-S Transmission Main (WT Harris-Plott Road Water Transmission), Parcel #24

**Action:** Approve the following Condemnation: North Tryon Pressure Zone Boundary Change and 960 Zone N-S Transmission Main (WT Harris-Plott Road Water Transmission), Parcel #24

**Project:** North Tryon Pressure Zone Boundary Change and 960 Zone N-S Transmission Main (WT Harris-Plott Road Water Transmission), Parcel #24

**Owner(s):** Bernard Franklin Armstrong, Jr. sole beneficiary under the Estate of Bernard Franklin Armstrong Sr.

**Property Address:** 7037 Lawyers Road

**Total Parcel Area:** 103,706 sq. ft. (2.38 ac.)

**Property to be acquired by Easements:** 9,146 sq. ft. (0.21 ac.) in Permanent Utility Easement, plus 4,700 sq. ft. (0.11 ac.) in Temporary Construction Easement

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

**Landscaping to be impacted:** Wooded area with mature trees

**Zoned:** O-1

**Use:** Office

**Tax Code:** 109-181-12

<https://polaris3g.mecklenburgcountync.gov/#mat=181366&pid=10918112&qsid=10918112>

**Appraised Value:** \$43,725

**Property Owner's Concerns:** None

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

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

**Council District:** 5

## 45. Charlotte Water Property Transactions - North Tryon Pressure Zone Boundary Change and 960 Zone N-S Transmission Main (WT Harris-Plott Road Water Transmission), Parcel #36

**Action:** Approve the following Condemnation: North Tryon Pressure Zone Boundary Change and 960 Zone N-S Transmission Main (WT Harris-Plott Road Water Transmission), Parcel #36

**Project:** North Tryon Pressure Zone Boundary Change and 960 Zone N-S Transmission Main (WT Harris-Plott Road Water Transmission), Parcel #36

**Owner(s):** Reliance Trust Company, as Trustee of Thomas E. Teeter Revocable Living Trust

**Property Address:** Trysting Road

**Total Parcel Area:** 10,361 sq. ft. (0.24 ac.)

**Property to be acquired by Easements:** 132 sq. ft. (0.00 ac.) in Permanent Utility Easement, plus 2,842 sq. ft. (0.06 ac.) in Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** R-3

**Use:** Single Family Residential

**Tax Code:** 109-011-27

<https://polaris3g.mecklenburgcountync.gov/#pid=10901127&qisid=10901127>

**Appraised Value:** \$225

**Property Owner's Concerns:** None

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

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

**Council District:** 5

## 46. Charlotte Water Property Transactions - Upper Little Sugar Creek Trunk Sewer Atrium Segment, Parcel #003

**Action:** Approve the following Acquisition: Upper Little Sugar Creek Trunk Sewer Atrium Segment, Parcel #003

**Project:** Upper Little Sugar Creek Trunk Sewer Atrium Segment, Parcel #003

**Owner(s):** Eric Blankenship and Katherine Blankenship

**Property Address:** 1610 Lombardy Circle

**Total Parcel Area:** 6,963 sq. ft.

**Property to be acquired by Easements:** 1,069 sq. ft. (0.025 ac.) in Sanitary Sewer Easement

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

**Landscaping to be impacted:** None

**Zoned:** R-22MF

**Use:** Town House SFR

**Parcel Identification Number(s):** 153-021-38

<https://polaris3g.mecklenburgcountync.gov/#mat=552333&pid=15302138&qisid=15302138>

**Purchase Price:** \$25,000

**Council District:** 1

## 47. Property Transactions - Davidson-Jordan Place Intersection, Parcel #16

**Action:** Approve the following Acquisition: Davidson-Jordan Place Intersection, Parcel #16

**Project:** Davidson-Jordan Place Intersection, Parcel #16

**Program:** Davidson-Jordan Place Intersection

**Owner(s):** SRP 2514 NODA LLC

**Property Address:** 2514 North Davidson Street

**Total Parcel Area:** 17,837 sq. ft. (0.41 ac.)

**Property to be acquired by Easements:** 2,654 sq. ft. (0.061 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** TOD-NC

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

**Tax Code:** 083-065-01

<https://polaris3g.mecklenburgcountync.gov/#mat=85743&pid=08306501&qisid=08306501>

**Purchased Price:** \$93,525

**Council District:** 1

## 48. Property Transactions - Monroe Road Streetscape, parcel #46

**Action:** Approve the following Acquisition: Monroe Road Streetscape, parcel #46

**Project:** Monroe Road Streetscape, parcel #46

**Program:** Monroe Road Streetscape

**Owner(s):** Gerald S. Dudley Jr

**Property Address:** 4820 Monroe Road

**Total Parcel Area:** 12,743 sq. ft. (0.29 ac.)

**Property to be acquired by Easements:** 85 sq. ft. (0.002 ac.) Bus Stop Improvement Easement, 1,081 sq. ft. (0.025 ac.) Sidewalk Utility Easement, 688 sq. ft. (0.016 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** Tree

**Zoned:** O-2

**Use:** Office District

**Tax Code:** 161-082-14

<https://polaris3g.mecklenburgcountync.gov/#mat=137543&pid=16108214&qisid=16108214>

**Purchase Price:** \$23,725

**Council District:** 5

## 49. Property Transactions - Monroe Road Streetscape, parcel #63

**Action:** Approve the following Condemnation: Monroe Road Streetscape, parcel #63

**Project:** Monroe Road Streetscape, parcel #63

**Program:** Monroe Road Streetscape

**Owner(s):** EP 5101 LLC

**Property Address:** 2020 Eaton Road and 5101 Monroe Road

**Total Parcel Area:** 26,287 sq. ft. (0.60 ac.)

**Property to be acquired by Easements:** 84 sq. ft. (0.002 ac.) Bus Stop Improvement Easement, 856 sq. ft. (0.02 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** None

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

**Use:** Office District

**Tax Code:** 161-063-01

<https://polaris3g.mecklenburgcountync.gov/#mat=142435&pid=16106301&qisid=16106301>

**Appraised Value:** \$4,025

**Property Owner's Concerns:** None

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

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

**Council District:** 5



## 50. Property Transactions - Pebblestone SDIP, parcel #2

**Action:** Approve the following Condemnation: Pebblestone SDIP, parcel #2

**Project:** Pebblestone SDIP, parcel #2

**Program:** Pebblestone SDIP

**Owner(s):** HVM/Creekwood Limited Partnership

**Property Address:** 0 Village Lake Drive

**Total Parcel Area:** 71,438 sq. ft. (1.64 ac.)

**Property to be acquired by Easements:** 26,052 sq. ft. (0.598 ac.) Storm Drainage Easement

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

**Landscaping to be impacted:** None

**Zoned:** B-2

**Use:** Business District

**Tax Code:** 191-071-53

<https://polaris3g.mecklenburgcountync.gov/#pid=19107153&qisid=19107153>

**Appraised Value:** \$725

**Property Owner's Concerns:** None

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

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

**Council District:** 6

## 51. Property Transactions - Sharon Rd Sidewalk (Bramwyck to Chandwort), parcel #4

**Action:** Approve the following Acquisition: Sharon Rd Sidewalk (Bramwyck to Chandwort), parcel #4

**Project:** Sharon Rd Sidewalk (Bramwyck to Chandwort), parcel #4

**Program:** Sharon Rd Sidewalk (Bramwyck to Chandwort)

**Owner(s):** Emmanuel Isanda

**Property Address:** 6212 Sharon Road

**Total Parcel Area:** 19,900 sq. ft. (0.46 ac.)

**Property to be acquired by Easements:** 558 sq. ft. (0.013 ac.) Sidewalk Utility Easement, 2,818 sq. ft. (0.065 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 179-101-08  
<https://polaris3g.mecklenburgcountync.gov/#mat=164446&pid=17910108&gisid=17910108>

**Purchase Price:** \$10,000

**Council District:** 6

## 52. Property Transactions - Sharon Rd Sidewalk (Bramwyck to Chandwort), parcel #9

**Action:** Approve the following Condemnation: Sharon Rd Sidewalk (Bramwyck to Chandwort) parcel #9

**Project:** Sharon Rd Sidewalk (Bramwyck to Chandwort), parcel #9

**Program:** Sharon Rd Sidewalk (Bramwyck to Chandwort)

**Owner(s):** Philip R. Bridgeman and Katie S. Bridgeman

**Property Address:** 6132 Sharon Road

**Total Parcel Area:** 16,480 sq. ft. (0.38 ac.)

**Property to be acquired by Easements:** 282 sq. ft. (0.006 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 179-099-27

<https://polaris3g.mecklenburgcountync.gov/#mat=162729&pid=17909927&qisid=17909927>

**Appraised Value:** \$375

**Property Owner's Concerns:** The property owner is concerned about 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:** 6

## 53. Property Transactions - Sharon Rd Sidewalk (Bramwyck to Chandwort), parcel #12

**Action:** Approve the following Condemnation: Sharon Rd Sidewalk (Bramwyck to Chandwort) parcel #12

**Project:** Sharon Rd Sidewalk (Bramwyck to Chandwort), parcel #12

**Program:** Sharon Rd Sidewalk (Bramwyck to Chandwort)

**Owner(s):** Harry Phillip Bowen and Duoying Wu

**Property Address:** 6120 Sharon Road

**Total Parcel Area:** 14,416 sq. ft. (0.33 ac.)

**Property to be acquired by Easements:** 431 sq. ft. (0.01 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 179-099-25

<https://polaris3g.mecklenburgcountync.gov/#mat=479703&pid=17909925&qisid=17909925>

**Appraised Value:** \$650

**Property Owner's Concerns:** The property owner is concerned about the design of the project.

**City's Response to Property Owner's Concerns:** The City was able to redesign to accommodate some of the property owner's design requests.

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

**Council District:** 6

## 54. Property Transactions - XCLT Craighead to Tryon, parcel #1

**Action:** Approve the following Condemnation: XCLT Craighead to Tryon, parcel #1

**Project:** XCLT Craighead to Tryon, parcel #1

**Program:** XCLT Craighead to Tryon

**Owner(s):** 3826 Raleigh Street LLC

**Property Address:** 3800 and 3826 Raleigh Street

**Total Parcel Area:** 210,422 sq. ft. (3.36 ac.)

**Property to be acquired by Easements:** 3,937 sq. ft. (0.09 ac.) Greenway Easement, 10,883 sq. ft. (0.25 ac.) Utility Easement, 274 sq. ft. (0.006 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:** 091-072-01

<https://polaris3g.mecklenburgcountync.gov/#mat=347658&pid=09107201&gisid=09107201>

**Appraised Value:** \$370,125

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

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

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

**Council District:** 1

## 55. Property Transactions - XCLT Craighead to Tryon, parcel #3

**Action:** Approve the following Condemnation: XCLT Craighead to Tryon, parcel #3

**Project:** XCLT Craighead to Tryon, parcel #3

**Program:** XCLT Craighead to Tryon

**Owner(s):** Triple Crown LLC

**Property Address:** 3934 Raleigh Street and 453 East Craighead Road

**Total Parcel Area:** 201,537 sq. ft. (4.63 ac.)

**Property to be acquired by Easements:** 3,122 sq. ft. (0.072 ac.) Greenway Easement, 836 sq. ft. (0.019 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:** 091-072-02

<https://polaris3g.mecklenburgcountync.gov/#mat=558671&pid=09107202&gisid=09107202>

**Appraised Value:** \$63,375

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

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

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

**Council District:** 1

## 56. Property Transactions - XCLT Craighead to Tryon, parcel #5

**Action:** Approve the following Condemnation: XCLT Craighead to Tryon, parcel #5

**Project:** XCLT Craighead to Tryon, parcel #5

**Program:** XCLT Craighead to Tryon

**Owner(s):** Trailhead 4100 Owner LLC

**Property Address:** 4100 Raleigh Street

**Total Parcel Area:** 146,168 sq. ft. (3.36 ac.)

**Property to be acquired by Easements:** 147 sq. ft. (0.003 ac.) Greenway Easement

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

**Landscaping to be impacted:** None

**Zoned:** TOD-M(O)

**Use:** Transit Oriented Development - Mixed use, Optional

**Tax Code:** 091-072-04

<https://polaris3g.mecklenburgcountync.gov/#mat=586867&pid=09107204&gisid=09107204>

**Appraised Value:** \$3,725

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

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

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

**Council District:** 1

## 57. Property Transactions - XCLT Craighead to Tryon, parcel #6

**Action:** Approve the following Condemnation: XCLT Craighead to Tryon, parcel #6

**Project:** XCLT Craighead to Tryon, parcel #6

**Program:** XCLT Craighead to Tryon

**Owner(s):** Trailhead 530 Owner LLC

**Property Address:** 530 East Sugar Creek Road

**Total Parcel Area:** 196,070 sq. ft. (4.50 ac.)

**Property to be acquired by Easements:** 1,446 sq. ft. (0.033 ac.) Greenway Easement, 564 sq. ft. (0.013 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** TOD-M(O)

**Use:** Transit Oriented Development - Mixed use, Optional

**Tax Code:** 091-071-04

<https://polaris3g.mecklenburgcountync.gov/#pid=09107104&qisid=09107104>

**Appraised Value:** \$32,825

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

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

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

**Council District:** 1



## 58. Property Transactions - XCLT Craighead to Tryon, parcel #11 and 12

**Action:** Approve the following Acquisition: XCLT Craighead to Tryon, parcel #11 and 12

**Project:** XCLT Craighead to Tryon, parcel #11 and 12

**Program:** XCLT Craighead to Tryon

**Owner(s):** Lion Services Inc

**Property Address:** 151 Dorton Street and 4600 North Tryon Street

**Total Parcel Area:** 362,470 sq. ft. (8.32 ac.)

**Property to be acquired by Easements:** 21,963 sq. ft. (0.504 ac.) Greenway Easement, 160 sq. ft. (0.004 ac.) Utility Easement, 14,377 sq. ft. (0.330 ac.) Temporary Construction Easement.

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

**Landscaping to be impacted:** None

**Zoned:** TOD-TR

**Use:** Transit Oriented Development - Transit Transition

**Tax Code:** 091-051-43, 091-051-33

<https://polaris3g.mecklenburgcountync.gov/#mat=45534&pid=09105143&qisid=09105143>  
<https://polaris3g.mecklenburgcountync.gov/#mat=360170&pid=09105133&qisid=09105133>

**Purchase Price:** \$562,125

**Council District:** 1

## 59. Property Transactions - XCLT Orr Road to Rocky River Road, parcel #2

**Action:** Approve the following Condemnation: XCLT Orr Road to Rocky River Road, parcel #2

**Project:** XCLT Orr Road to Rocky River Road, parcel #2

**Program:** XCLT Orr Road to Rocky River Road

**Owner(s):** Storage Trust Properties LP

**Property Address:** 5748 North Tryon Street

**Total Parcel Area:** 154,606 sq. ft. (3.55 ac.)

**Property to be acquired by Easements:** 2,200 sq. ft. (0.051 ac.) Utility Easement, 1,448 sq. ft. (0.033 ac.) Sidewalk Utility Easement, 587 sq. ft. (0.013 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** I-2

**Use:** Industrial

**Tax Code:** 049-011-20

<https://polaris3g.mecklenburgcountync.gov/#mat=155136&pid=04901120&gisid=04901120>

**Appraised Value:** \$30,050

**Property Owner's Concerns:** The property owner is concerned about the design of the project 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:** 4

## 60. Property Transactions - XCLT Orr Road to Rocky River Road, parcel #6

**Action:** Approve the following Condemnation: XCLT Orr Road to Rocky River Road, parcel #6

**Project:** XCLT Orr Road to Rocky River Road, parcel #6

**Program:** XCLT Orr Road to Rocky River Road

**Owner(s):** Storage Trust Properties LP

**Property Address:** 5729, 5732, 5735 and 5737 Orr Road

**Total Parcel Area:** 95,739 sq. ft. (2.19 ac.)

**Property to be acquired by Easements:** 187 sq. ft. (0.004 ac.) Utility Easement, 34 sq. ft. (0.001 ac.) Sidewalk Utility Easement, 1,856 sq. ft. (0.043 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** I-2

**Use:** Industrial

**Tax Code:** 049-021-12

<https://polaris3g.mecklenburgcountync.gov/#mat=614747&pid=04902112&gisid=04902112>

**Appraised Value:** \$3,050

**Property Owner's Concerns:** The property owner is concerned about the design of the project 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:** 4

## 61. Property Transactions - XCLT Orr Road to Rocky River Road, parcel #24

**Action:** Approve the following Condemnation: XCLT Orr Road to Rocky River Road, parcel #24

**Project:** XCLT Orr Road to Rocky River Road, parcel #24

**Program:** XCLT Orr Road to Rocky River Road

**Owner(s):** Jeffrey L. Murphy and Heather D. Freeman

**Property Address:** 800 Autumnwood Lane

**Total Parcel Area:** 165,313 sq. ft. (3.80 ac.)

**Property to be acquired by Easements:** 19,862 sq. ft. (0.456 ac.) Greenway Easement, 17,204 sq. ft. (0.395 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 049-162-03

<https://polaris3g.mecklenburgcountync.gov/#pid=04916203&qisid=04916203>

**Appraised Value:** \$61,125

**Property Owner's Concerns:** The property owner is concerned about the design of the project 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:** 4

## Adjournment

## REFERENCES

## 62. 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.

## 63. 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.

## 64. 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.