

City of Charlotte

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



Meeting Agenda

Monday, March 13, 2023

Council Chamber

City Council Business Meeting

Mayor Vi Lyles

Mayor Pro Tem Braxton Winston II

Council Member Dimple Ajmera

Council Member Danté Anderson

Council Member Tariq Scott Bokhari

Council Member Ed Driggs

Council Member Malcolm Graham

Council Member Reneé Johnson

Council Member LaWana Mayfield

Council Member James Mitchell

Council Member Marjorie Molina

Council Member Victoria Watlington

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

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.

[2023-03-13 Council Agenda QA](#)

2. Consent agenda items 26 through 48 may be considered in one motion except for those items removed by a Council member. Items are removed by notifying the City Clerk.

Time: 5 minutes

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.

3. Action Review Agenda Overview

Staff Resource(s):

Marcus Jones, City Manager

4. Action Review Items

SAFE Charlotte Update - Alternatives to Violence

Staff Resource(s):

Federico Rios, Housing and Neighborhood Services

Time: Presentation - 10 minutes; Discussion - 20 minutes

Explanation

- Receive an update on the Alternatives to Violence program.

CATS Review Status Update

Staff Resource(s):

Liz Babson, City Manager's Office

Brent Cagle, CATS

Time: Presentation - 10 minutes; Discussion - 20 minutes

Explanation

- Receive an update on status of CATS evaluation.

Social Districts

Staff Resource(s):

Debbie Smith, Transportation

Time: Presentation - 5 minutes; Discussion - 15 minutes

Explanation

- Receive an update on Social Districts.

[03.13.2023 Action Review 1 - ATV](#)

[03.13.2023 Action Review 2 - Management Partners Update](#)

[03.13.2023 Action Review 3 - Social Districts](#)

5. 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

6. Public Forum

AWARDS AND RECOGNITIONS

7. Public Procurement Month Proclamation

Action:

Mayor Lyles will read a proclamation recognizing March 2023 as Public Procurement Month.

8. Brain Injury Awareness Month

Action:

Council member Johnson will read a proclamation recognizing March 2023 as Brain Injury Awareness Month.

PUBLIC HEARING

9. Public Hearing on proposed Charter Amendments to Ordinance to Change the Form of Government

Action:

Conduct a public hearing on Council's adopted resolution of intent to consider changing the form of government by amending the City Charter by ordinance to:

- Increase the terms of the office of Mayor and City Councilmembers from two years to four years,
- Stagger the election terms,
- Add an additional district member, and
- Adopt the Ordinance amending the City Charter by Ordinance be effective upon approval by a vote of the people.

Committee Chair:

Dimple Ajmera, Budget, Governance and Intergovernmental Relations

Staff Resource(s):

Patrick Baker, City Attorney's Office

Lina James, City Attorney's Office

Explanation

- On February 13, 2023, City Council voted to adopt a resolution of intent to change the form of government by amending the city charter by ordinance to increase the terms of office of the Mayor and Councilmembers from two years to four years; stagger the election terms; add and additional district member and to make any such amendments to the City Charter subject to a vote of the people.
- On February 13, 2023, Council also voted to call a public hearing on the proposed amendments to the City Charter and the hearing must be held within 45 days of adoption.
- A public hearing is required by law when City Council adopts a resolution of intent to consider changing the form of government. A notice of public hearing shall be published at least once not less than 10 days before the public hearing and shall contain a summary of the proposed amendments.
- As required by law, the city published notice that a public hearing will be held on March 13, 2023.
- The published notice states that the public will take notice that the City Council will conduct a public hearing concerning a proposed ordinance amending the Charter of the City of Charlotte, as set forth in Chapter 2 of the Session Law 2000-26 of North Carolina and N.C.G.S. §160A-101 and §160A-102, as amended:
 - 1) To change the length of terms of office of the members of the Charlotte City Council from two years to four years;
 - 2) Term of office of the mayor; at least two years, but no more than four years (N.C.G.S. 160A-101 (8));
 - 3) Term of office of Councilmembers; from two to four years (N.C.G.S. 160A-101 (4)); and
 - 4) If staggered election terms, bifurcate by office and set timeframe for when staggering begins (i.e., mayor, at-large, or districts) (N.C.G.S. 160A-101(4)).
- It is proposed that at the regular municipal election to be held in 2025, that the (Mayor and At-large or all District Councilmembers) candidates shall be elected for four-year terms, while the (district Councilmembers or the Mayor and At-large) candidates shall be elected for two-year terms. At the regular municipal election to be held in (2027), and every four years thereafter that the (Mayor and At-large or the District Councilmembers) candidates shall be elected to serve for four-year terms. At the regular municipal election to be held in (2029) and every four years thereafter, the Mayor and all City Councilmembers shall be elected for four-year terms; and to change the number of Councilmembers from 11 to 12 per N.C.G.S. 160A-101.
- Following the public hearing, the City Council may consider adoption of the proposed City Charter amendments by Ordinance to implement what is proposed in the resolution of intent at its next

regular meeting to be held on Monday May 8, 2023 at 5:00 pm in the Charlotte-Mecklenburg Government Center.

10. Public Hearing and Decision on Garrison Road Industrial Phase 1 Area Voluntary Annexation

Action:

- A. Conduct a public hearing for Garrison Road Industrial Phase 1 Area voluntary annexation, and**
- B. Adopt an annexation ordinance with an effective date of March 13,2023, to extend the corporate limits to include this property and assign it to the adjacent City Council District 3.**

Staff Resource(s):

Alyson Craig, Planning, Design, and Development
Holly Cramer, Planning, Design, and Development

Explanation

- Public hearings to obtain community input are required prior to City Council taking action on annexation requests.
- A petition has been received from the owners of this 149.7-acre property located west of Interstate 485 along Garrison Road in southwestern Mecklenburg County.
- The property is owned by Garrison Road Holding, LLC.
- The site is currently vacant with some single-family residential uses, and it is zoned I-1(CD), which allows for light industrial uses as further specified in a conditional site plan.
- The petitioned area consists of five parcels; parcel identification numbers: 141-291-05, 141-291-03, 141-291-02, 141-291-01, and 141-181-65.
- The property is located within Charlotte's extraterritorial jurisdiction and shares boundaries with current city limits.
- The intent of the annexation is to enable the development of five Class A industrial buildings totaling 1,212,840 square feet of light industrial uses within Charlotte's municipal boundaries.

Consistent with City Council Policies

- The annexation is consistent with voluntary annexation policy approved by City Council on March 24, 2003; more specifically this annexation:
 - Will not adversely affect the city's ability to undertake future annexations.
 - Will not have undue negative impact on city finances or services; and
 - Will not result in a situation where unincorporated areas will be encompassed by new city limits

Attachment(s)

Map (GIS)
Map (Survey)
Annexation Ordinance

[Garrison Road Industrial Phase 1 Area Annexation Map](#)

[Garrison Road Industrial Phase 1 Area Annexation Survey](#)

[Garrison Road Industrial Phase 1 Area Annexation Ordinance](#)

11. Public Hearing and Decision on River District Preserve East Area Voluntary Annexation

Action:

- A. Conduct a public hearing for River District Preserve East Area voluntary annexation, and
- B. Adopt an annexation ordinance with an effective date of March 13, 2023, to extend the corporate limits to include this property and assign it to the adjacent City Council District 3.

Staff Resource(s):

Alyson Craig, Planning, Design, and Development
Holly Cramer, Planning, Design, and Development

Explanation

- Public hearings to obtain community input are required prior to City Council taking action on annexation requests.
- A petition has been received from the owners of this 70.96-acre property located in southwestern Mecklenburg County, south of Sadler Road and west of Dixie River Road.
- The property is owned by Crescent River District, LLC
- The site is currently vacant and is zoned MX-2, which allows for residential mixed-use development.
- The petitioned area consists of one parcel; parcel identification number: 113-281-49.
- The property is located within Charlotte's extraterritorial jurisdiction and shares boundaries with current city limits.
- The intent of the annexation is to enable the development of 125 single family homes on the site.

Consistent with City Council Policies

- The annexation is consistent with voluntary annexation policy approved by City Council on March 24, 2003; more specifically this annexation:
 - Will not adversely affect the city's ability to undertake future annexations;
 - Will not have undue negative impact on city finances or services; and
 - Will not result in a situation where unincorporated areas will be encompassed by new city limits

Attachment(s)

Map (GIS)
Map (Survey)
Annexation Ordinance

[River District Preserve East Annexation Map](#)

[River District Preserve East Annexation Survey 8.5 x 11](#)

[River District Preserve East Area Annexation Ordinance](#)

POLICY

12. City Manager's Report

[03.13.2023 City Manager's Memo](#)

[03.13.2023 City Managers Report - City Real Estate](#)

13. Amend City Council's Resolution on Boards and Commissions

Action:

- A. Adopt a revised resolution on Boards and Commissions to establish a remote participation policy for members of certain boards, committees and commissions of the City of Charlotte, and**
- B. Adopt a revised resolution amending the Code of Ethics, Gift Policy and Disclosure Requirements for members of all boards, committees, and commissions of the City of Charlotte.**

Staff Resource(s):

Patrick Baker, City Attorney's Office
Stephanie Kelly, City Clerk's Office

ExplanationAction A

- In 1997, Council adopted a resolution establishing attendance policies and related requirements for boards and commissions, which resolution was amended in subsequent years, most recently in 2019.
- On October 10, 2022, City Council amended its Rules of Procedure to provide remote participation options for councilmembers in City Council Committee meetings only. This authorization permits committee members to participate remotely and vote on the business of the meeting. Members of city-appointed boards, committees and commissions have requested similar remote participation options.
- Proposed revisions to the Boards and Commissions resolution establishes a Remote Participation section which provide guidelines for when members of city-appointed boards, committees, or commissions may participate remotely in meetings. The resolution also revises the section on Attendance requirements by providing that remote participation fulfills a member's attendance requirements.
- The Remote Participation section only applies to boards, committees, or commissions whose members serve in an advisory capacity only.
- Boards, committees or commissions that hold quasi-judicial hearings, such as the Civil Service Board and the Citizens Review Board, or boards, committees or commissions that engage in final decision-making duties, such as the Arts and Culture Advisory Board and the Charlotte Regional Visitors Authority, shall continue to meet in person for quasi-judicial hearings or when taking final votes on matters that create legal obligations for the city.
- The attached list of current city-appointed boards, committees and commissions identifies which ones may allow remote participation for its members based on the function of the board and role of its members.

Action B

- Previously, the Code of Ethics, Gift Policy and Disclosure Requirements (Ethics Policy) for members of boards, committees, and commissions was consistent with the Ethics Policy for Mayor and Council.
- On February 22, 2021, City Council adopted a resolution revising the Ethics Policy for Mayor and City Council.
- This action updates the Ethics Policy for members of boards, committees, and commissions to be generally consistent with the previously adopted revisions for Council's Ethics Policy, as appropriate.
- The proposed revisions clarify the requirements for reporting and reviewing potential ethics-related concerns; substantive revisions are limited to Part A, Part B, and Part D of the Code of Ethics. Specific revisions include:
 - Conflict of Interest - if any potential for conflict of interest arises, board, committee, and commission members shall seek advice of the City Attorney, or designee, where (revised Part A, Section 3.b.):

- Matters before the board may present a conflict of interest under any applicable law or policy; or
 - Board, committee, or commission members' connections with a contractor or subcontractor relates to city business; or
 - Board, committee, or commission members' business or property interests disclosed on their Statements of Economic Interest may be the subject of city business; and
 - Obligation to disclose potential conflict is on the board, committee, or commission member, not the contractor, subcontractor, or city.
- Gift Policy (revised Part B, Definitions) - expanded applicability to cover all boards, committees, and commissions, including ad hoc boards and committees appointed by the Mayor or City Council.
 - Complaint and Review Process (revised Part D, Sections 1 and 2):
 - Creates new *prima facie* allegation standard for complaints: facts in the complaint, if true, must be sufficient to establish an alleged violation
 - *Prima facie* allegation may include complaints of: business connections posing potential conflicts; misappropriation of city resources; criminal or fraudulent activity, or any harassment; and
 - City Attorney may refer violations of law (criminal or fraudulent) to appropriate agency.
 - Authorizes initial review by City Attorney or designee and permits submission of amended complaint; and
 - Requires excusal of board member from participation in board business while an ethics complaint is under investigation.

Attachment(s)

Revised Boards and Commissions Resolution for Remote Participation

Boards and Commissions Remote Participation Eligibility

Revised Resolution of the Charlotte City Council Amending the Code of Ethics for Members of Boards, Committees, and Commissions of the City of Charlotte

[Boards and Commissions Resolution for Remote Participation Black through](#)

[Boards and Commissions Remote Participation Eligibility](#)

[Code of Ethics for Board Members Resolution Black through](#)

BUSINESS

14. Polk Park Partnership Framework

Action:

Approve the Polk Park Partnership Framework to support a group of civic leaders who will partner with Charlotte Center City Partners to lead the fundraising, design, construction, and renaming of Polk Park, located at the corner of Trade Street and Tryon Street.

Staff Resource(s):

Phil Reiger, General Services

Explanation

- The city owns the pocket park at the corner of the Trade Street and Tryon Street, Polk Park, and for years has been working on plans to improve the park with hopes of finding a funding partner.
- The city has received a proposal from a group of civic leaders to privately fund, redesign, renovate, and rename the park.
- The park's water feature is inoperable and cost prohibitive to fix, landscaping is overgrown within the space and as a result, lacks adequate lighting.
- A newly renovated park would be a place of renewed public engagement, consistent with the context of its urban surrounding and complimentary to the properties around it.
- Significant public engagement is planned to ensure all stakeholders are informed of the city's intent to redevelop the park. The city and Charlotte Center City Partners will partner in providing special care to the families of those honored at the current park.
- Charlotte Center City Partners, in support of the civic leaders group, has agreed to facilitate the many parties and processes needed to complete the project.

Proposed Framework

- The Polk Park Partnership Framework (Framework) has been developed to help define initial steps, roles, and responsibilities.
- City staff will keep City Council engaged by providing periodic updates through the public engagement and design process.
- The Framework defines four items: Public Engagement, City's Contribution, Park Design, and Park Construction.

Engagement:

- Public Engagement will be led by Charlotte Center City Partners (CCCP). This will include the development of a stakeholder group comprised of community leaders and stakeholders.

City's Contribution:

- There is no interest in keeping or repurposing any elements of the current park. Therefore, to address the immediate maintenance and public safety issues the park should be demolished as soon as public engagement is complete.
- The city's contribution to the project will be the demolition of the current park at an estimated cost of \$350,000.
- The adjacent property owner has agreed to fund the installation of artificial turf as an interim measure while the new park is being designed. This space can be programmed and continue to be used during the interim period.

Park Design:

- CCCP will facilitate the private donors, stakeholders, and city staff to collaborate on a new design.
- The design will take into consideration the cost of long-term maintenance, public safety, and utilize native plant species that are accustomed to living in the southeast.
- The design will be compatible with the urban environment and should enhance the surrounding development.
- Because with city will take over maintenance of the park once complete, the city's General Services Director will serve as a member of the design committee and will ensure the final design is consistent with the city requirements.

Park Construction:

- The responsible private party shall procure and pay all contractors required to complete the work. A performance bond and all applicable insurance must be required to ensure that all parties are sufficiently assured that the work will be completed, and all liability is accounted for.
- The city shall be indemnified and listed as an additional insured on the insurance policy.
- All permitting, construction management, and construction inspection will be the responsibility of the responsible private party.
- The city retains the right to inspect the site to ensure that the responsible private party is building the park according to the approved plans and the quality of the workmanship meets the city standards to accept for future maintenance.

Fiscal Note

Funding: General Capital Investment Plan

15. Accept Additional Opioid Litigation Settlement Funding

Action:

- A. Adopt a resolution approving a Supplemental Agreement for Additional Funds from Additional Settlements of Opioid Litigation settlement funds with the State of North Carolina regarding proceeds relating to wave two of settlements of the opioid litigation and any subsequent settlement funds that may be allocated to the city as a result of the opioid crisis, and**
- B. Authorize the City Manager, or his designee, to negotiate and execute all documents necessary to complete the second wave of opioid litigation settlements.**

Staff Resource(s):

Ryan Bergman, Strategy and Budget Director
Lina James, City Attorney's Office

Explanation

- In 2021, representatives of NC local governments, the NC County Commissioners, and the NC Department of Justice negotiated a Memorandum of Agreement (MOA) to provide for the equitable distribution of proceeds resulting from national settlements of the Opioid litigation to the State of North Carolina and to individual local governments.
 - City Council adopted a resolution approving this MOA on September 27, 2021, and received a briefing on recommended allowable uses for the funding on December 12, 2022.
- Additional national opioid litigation settlements have been reached with pharmacies including CVS, Walgreens, Walmart, Allergan, and Teva; to receive proceeds from these additional settlement funds, the city must execute separate MOAs or supplemental agreements with the State prior to accepting additional proceeds.
- These additional settlement agreements are projected to award \$606.9 million in proceeds to the state and local governments in North Carolina to respond to the opioid public health crisis.
 - The city was allocated \$8,035,361 from the original settlement agreements and is projected to receive an additional \$6,432,128 from the new additional litigation settlements, for a total of \$14,467,489.
 - These funds are scheduled to be paid in annual installments over the next 15 years. Though payment amounts vary between years, the city's annual average payment is estimated to be \$964,499.

Fiscal Note

Funding: National Opioid Settlement Fund

Attachment(s)

Resolution
Supplemental Agreement for Additional Funds
FAQ on Wave Two Settlement Funds

[Opioid Settlement Resolution](#)

[Supplemental Agreement for Additional Funds](#)

[FAQ on Wave Two Settlement Funds](#)

16. Direct Proceeds from the Opioid Litigation Settlement Funds to Mecklenburg County

Action:

- A. **Adopt a budget ordinance appropriating proceeds of \$1,050,000 from the State's National Opioid Litigation Settlement Fund to the City's National Opioid Litigation Settlement Fund,**
- B. **Adopt a resolution authorizing the City Manager, or his designee, to negotiate and execute interlocal agreements with Mecklenburg County to pool the City's and County's share of the National Opioid Litigation Settlement Fund proceeds including proceeds from future settlement funds, and**
- C. **Authorize the City Manager, or his designee, to negotiate and execute all documents related to directing additional proceeds from the City's National Opioid Litigation Settlement Fund as authorized by the supplemental agreements.**

Staff Resource(s):

Ryan Bergman, Strategy and Budget Director
Lina James, City Attorney's Office

Explanation

- In 2021, the North Carolina Department of Justice (NCDOJ) entered into two national opioid litigation settlement agreements on behalf of local government with the largest pharmaceutical manufacturers and distributors (McKesson, Cardinal Health, and AmerisourceBergen, and Johnson & Johnson) which resulted in payments of \$757.7 million to the state and local governments in North Carolina to respond to the opioid public health crisis.
- Additional national opioid litigation settlements have been reached with pharmacies including CVS, Walgreens, Walmart, Allergan, and Teva.
- These additional settlement funds are projected to award approximately \$606.9 million to the state and local governments in North Carolina to respond to the opioid public health crisis.
- The City has been allocated a total of \$14,467,489 through these settlement funds. These proceeds are scheduled to be paid in annual installments over the next 15 years, with an estimated annual average payment of \$964,499.
 - Mecklenburg County has been allocated a total of \$58,430,874, with an estimated annual average payment of \$3,895,392.
- The Memorandum of Agreement (MOA) and supplemental agreements for additional funds governing these settlement proceeds states that it must be used for opioid remediation activities. It also authorizes NC cities to redirect their share of settlement proceeds to their county counterparts.
- On December 12, 2022, staff presented City Council with recommended uses for this funding. Staff recommended partnering with Mecklenburg County to invest the City's share of settlement proceeds in two specific permitted uses included in the MOA: recovery housing support and employment-related services.
 - These two uses most closely align to the city's core services.
 - Partnering with the county allows the city to utilize existing county services and pool resources for a greater overall impact.
- The city, like other municipalities allocated funds through the MOA and SAAF, may elect to have these funds given directly to the county in which they are located.
- Through notice to NCDOJ execution of an interlocal agreement, the city will be able to direct its share of the opioid litigation settlement fund proceeds to Mecklenburg County and provide the county with guidance on how the city's portion of the funds should be spent in accordance with the permitted uses included in the MOA.
- This action will apply to all funding allocated to the city through the MOA and supplemental

- agreements or any amendments or sub-agreements made to the MOA and supplemental agreements.
- If the city enters into and is eligible to receive and redirect settlement proceeds from other national opioid litigation settlements to the county, the city will negotiate the interlocal agreement to include such terms.

Fiscal Note

Funding: National Opioid Settlement Fund (Fund 2696)

Attachment(s)

Budget Ordinance

Resolution

Proposed Interlocal Agreement

[Opioid Fund Budget Ordinance](#)

[Opioid Settlement Resolution for ILA](#)

[Opioid Settlement Interlocal Agreement](#)

17. Bee City USA Initiative

Action:

Adopt a resolution to designate the City of Charlotte as a Bee City USA affiliate to demonstrate the city's support for sustaining native bees and other pollinators in a healthy local ecosystem.

Staff Resource(s):

Shawn Heath, Housing and Neighborhood Services
Jonathan Hill, Housing and Neighborhood Services
Erin Oliverio, General Services

Explanation

- Bee City USA is an initiative of the Xerces Society, an international nonprofit organization that protects the natural world through the conservation of invertebrates like bees and other pollinators.
- Pollinators are a vital part of a healthy ecosystem and are responsible for the reproduction of almost 90 percent of all flowering plant species, including important food sources such as fruit, nut, and vegetable plants.
- Pollinators have experienced population declines due to a combination of habitat loss, poor nutrition, pesticides, diseases, and changes in climate.
- Bee City USA helps communities raise awareness of the contribution of native bees and other pollinators by providing a framework for communities to come together to conserve native pollinators through healthy, pollinator-friendly habitats.
- The city currently supports pollinators and healthy pollinator habitats by providing educational materials and opportunities to the community through volunteer partnerships, and through the installation and maintenance of pollinator gardens on city-owned property such as Historic Elmwood Cemetery, Old City Hall, the Charlotte-Mecklenburg Government Center, and various CMPD locations.
- As a Bee City USA affiliate, the city, facilitated by the Keep Charlotte Beautiful Committee, will join over 150 municipalities and universities across the country working to support pollinators.
- The resolution designates staff to work with community partners to advance the Bee City affiliation commitments including:
 - Publicizing the Bee City USA program,
 - Hosting educational events and/or pollinator habitat plantings/restoration,
 - Developing a list of recommended native plants,
 - Creating or expanding pollinator-friendly habitats, and
 - Working with the city's Landscape Management division to identify improvements to pest management policies and practices as they relate to pollinator conservation
- The resolution is required to become a Bee City USA affiliate.

Attachment(s)

Resolution

[Bee City Resolution](#)

18. Lease of City-Owned Property at the Belmont Center

Action:

- A. Adopt a resolution to approve a fixed term lease agreement with Jeffrey Neale Jackson for office space within the Belmont Center (parcel identification number 081-101-15), and**
- B. Authorize the City Manager to negotiate and execute all documents necessary to complete the lease of the property.**

Staff Resource(s):

Phil Reiger, General Services

Gregory Crawford, General Services

Explanation

- The Belmont Center is a city-owned neighborhood center that includes office space for city and local nonprofit programs as well as serves as a community meeting space.
- Jeffrey N. Jackson, a Member of the U.S. House of Representatives from North Carolina's 14th District, desires to lease office space in the Belmont Center at 700 Parkwood Avenue, which will serve as his District Office.
- This parcel is zoned O-2 (low to high-rise office buildings), in Council District 1.
- The terms of the lease agreement are as follows:
 - Approximately 1,431 square feet of office space in the Belmont Center;
 - Effective from March 14, 2023 to January 2, 2025 (end of congressional term); and
 - Rent in the amount of \$19.00 per sq. ft. per year (\$2,265.09/month), which is consistent with market rates.

Charlotte Business INclusion

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

Fiscal Note

Funding: Lease revenue will be deposited in the General Operating Budget

Attachment(s)

Map

Resolution

[Map Belmont Center Lease.pdf](#)

[Resolution to Lease](#)

19. Donation from CATS surplus

Action:

- A. Adopt a resolution authorizing the donation of one surplus bus shelter to Lake Wylie Christian Assembly, a nonprofit organization, and**
- B. Authorize the City Manager, or his designee, to execute all necessary agreements and other documents to complete and implement this transaction.**

Staff Resource(s):

Brent Cagle, CATS

Allen C. Smith III, CATS

Explanation

- The Charlotte Area Transit Systems (CATS) currently has a bus shelter that is no longer in condition for continued use by CATS.
- Lake Wylie Christian Assembly, a nonprofit organization incorporated by the State of South Carolina and recognized by the U.S. Department of Treasury as a 501(c)(3) entity under the Internal Revenue Code, has requested the surplus shelter.
- North Carolina General Statute 160A-280 permits the city to convey surplus or obsolete personal property to a nonprofit organization incorporated by one of the United States.
- Equipment that has reached the end of its useful life and has a fair market value less than \$5,000 may be disposed of pursuant to locally authorized methods with no reimbursement required to the Federal Transit Administration (FTA).
- The bus shelter was purchased in January of 2012 for \$8,846.17 and financed, in whole or part, with FTA funds.
- The bus shelter reached the end of its useful life and was removed in November 2022, as it no longer met "state of good repair" requirements set by the FTA.
- Lake Wylie Christian Assembly has agreed to accept the bus shelter in its "as is" condition and will be responsible for transporting the shelter to the desired location.

Attachment(s)

Resolution

[Resolution -Bus Shelter Donation](#)

20. Cherry Park Interlocal Agreement

Action:

- A. Adopt a resolution authorizing the City Manager to negotiate and execute an interlocal agreement with Mecklenburg County to fund improvements to Cherry Park, and**

- B. Adopt a budget ordinance appropriating \$250,000 in private developer funds for infrastructure improvements to the General Capital Projects Fund from Southern Real Estate, Inc.**

Staff Resource(s):

Debbie Smith, Transportation
Ed McKinney, Transportation
Matt Magnasco, Transportation

Explanation

- Rezoning petition 2017-177 (approved by City Council on June 18, 2018) included a developer contribution of \$250,000 to the City of Charlotte for “either traffic improvements or park improvements to the Cherry neighborhood” located in Council District 1.
- The Charlotte Department of Transportation and the Mecklenburg County Park and Recreation Department conducted neighborhood meetings on December 5, 2022, and February 2, 2023, to receive input and identify neighborhood priorities for investments to Cherry Park and traffic calming.
- Based on the neighborhood input, the Mecklenburg County Park and Recreation Department has identified and prioritized park improvements to Cherry Park and will implement these improvements funded by, and limited to, the \$250,000 developer contribution.
- An interlocal agreement is needed for the city to transfer the \$250,000 developer contribution to Mecklenburg County to fund and implement the identified improvements to Cherry Park.
- The developer funding must be appropriated by a budget ordinance before transferring it to the county under the interlocal agreement.

Fiscal Note

Funding: Private Developer Contributions

Attachment(s)

Map
Resolution
Budget Ordinance

[Map - Cherry Park Improvements](#)

[Resolution](#)

[FY 2023 Budget Ordinance - Cherry Park Interlocal Agreement](#)

21. Municipal Agreement for Relocation of Water Infrastructure

Action:

- A. **Adopt a resolution authorizing the City Manager to negotiate and execute a municipal agreement with the North Carolina Department of Transportation for construction of water line relocations, adjustments, and improvements, and**
- B. **Authorize the City Manager to approve the reimbursement request for the actual cost of the utility construction.**

Staff Resource(s):

Angela Charles, Charlotte Water

David Czerr, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- This municipal agreement is for the relocation and replacement of water infrastructure located within the North Carolina Department of Transportation's (NCDOT) highway improvements project (Project U-6092), located at the intersection Davidson-Concord Road and Robert Walker Drive (adjacent to Council District 4).
- As required by the NCDOT's encroachment agreements, the city is financially responsible for the cost to relocate city-owned water lines within the state-maintained right-of-way.
- The city will reimburse the NCDOT for actual construction costs at the conclusion of the project.
- The total estimated city cost of this construction is \$549,010.

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Map

Resolution

[Area Map](#)

[Resolution-Municipal Agreement for Relocation of Water Infrastructure](#)

22. Municipal Agreement for Relocation of Water and Sanitary Sewer Infrastructure

Action:

- A. Adopt a resolution authorizing the City Manager to negotiate and execute a municipal agreement with the North Carolina Department of Transportation for construction of water and sanitary sewer line relocations, adjustments, and improvements, and**
- B. Authorize the City Manager to approve the reimbursement request for the actual cost of the utility construction.**

Staff Resource(s):

Angela Charles, Charlotte Water

David Czerr, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- This municipal agreement is for the relocation and replacement of water and sanitary sewer infrastructure located within the North Carolina Department of Transportation's (NCDOT) highway improvements project (Project U-5108), located along Northcross Drive between Sam Furr Road and Westmoreland Drive in the Towns of Huntersville and Cornelius (adjacent to Council District 4).
- As required by the NCDOT's encroachment agreements, the city is financially responsible for the cost to relocate city-owned water and sanitary sewer lines within the state-maintained right-of-way.
- The city will reimburse the NCDOT for actual construction costs at the conclusion of the project.
- The total estimated city cost of this construction is \$1,397,308.04.

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Map

Resolution

[Area Map](#)

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

23. Resolution Supporting the Edward L. (Ned) Curran Designation of the Interstate 485/Weddington Road Interchange

Action:

Adopt a resolution supporting the Edward L. (Ned) Curran Designation of the Interstate 485/Weddington Road Interchange.

Staff Resource(s):

Debbie Smith, Transportation

Explanation

- Through the adoption of this resolution, Charlotte's City Council indicates its support for the North Carolina Department of Transportation (NCDOT) to vote on the designation of the Edward L. (Ned) Curran Interstate Interchange.
- Local support is required by the North Carolina Board of Transportation to vote on designating the Interstate Interchange located in Charlotte's city limits to the Edward L. (Ned) Curran Interchange.
- The Interchange being designated Edward L. (Ned) Curran interchange is located in the southeast at the edge of the city limits and Council District 7.
- Curran's commercial real estate and accounting career has spanned nearly five decades with a passion for public service that has delivered more equitably inclusive communities within an innovative transportation network.
- Curran made outstanding contributions as
 - Chair of the Charlotte/Mecklenburg 2008 Committee of 21 Road Solutions,
 - Participant in the Charlotte region Fast Lanes study,
 - Chair of the Charlotte Chamber Regional Roads Committee,
 - Board Member of the Charlotte Trolley,
 - Member of the 1-77 Toll lane advisory committee, and
 - Chair of the North Carolina Board of Transportation.
- Curran currently serves as Chair of the Blue Cross Blue Shield of North Carolina Board of Trustees and the corporate Boards of SMC, ARIC and Biltmore Farms. He is a recipient of the Order of the Long Leaf Pine for exemplary service to the State of North Carolina and his communities.

Attachment(s)

Map

Resolution

[Map - Proposed Edward L. \(Ned\) Curran Interstate Interchange](#)

[Resolution Supporting the Edward L. \(Ned\) Curran Designation](#)

BUSINESS - APPOINTMENTS

24. Appointments 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.
 - Keith Joseph, nominated by Council member Johnson and Watlington.
 - Donielle Prophete, nominated by Council member Anderson and Winston.

Attachment(s)

Bicycle Advisory Committee Applications

25. Appointments to the Charlotte Business INClusion Advisory Committee

Action:

Appoint residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a two-year term beginning March 1, 2023, and ending February 28, 2025.
 - Camisha Farris, nominated by Council member Johnson, Mayfield, Mitchell, and Watlington.

Attachment(s)

Charlotte Business INClusion Advisory Committee Applications

CONSENT

26. Metrolina Regional Household Travel Survey

Action:

- A. Authorize the City Manager to negotiate and execute a contract for up to \$1,000,000 with Resource Systems Group, Inc. for Metrolina Regional Household Travel Survey, and**
- B. Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Debbie Smith, Transportation
Anna Gallup, Transportation
Martin Kinnamon, Transportation

Explanation

- The Metrolina Regional Household Travel Survey will be used in conjunction with the 2020 Census data and the 2023 Blue Line Extension Origin Destination Study to update the Metrolina Regional Travel Demand Model.
- The Metrolina Regional Travel Demand Model is a computer modeling tool for evaluating existing and future travel in the Metrolina Region.
- Ongoing data collection, refinement, and updates of the Metrolina Regional Travel Demand Model are necessary to maintain the state-of-the-practice travel demand model as required by the U.S. Department of Transportation for air quality conformity determinations, highway travel forecasts, and transit ridership forecasts.
- The Charlotte Department of Transportation (CDOT) is the custodian of the Metrolina Regional Travel Demand Model for an 11 county, bi-state region. The City of Charlotte is responsible for managing all model related work completed by both staff and consultants.
- The Metrolina Regional Household Travel Survey is jointly funded by the following agencies:
 - North Carolina Department of Transportation (NCDOT),
 - South Carolina Department of Transportation (SCDOT),
 - Cabarrus-Rowan Metropolitan Planning Organization (CRMPO),
 - Charlotte Regional Transportation Planning Organization (CRTPO),
 - Gaston-Cleveland-Lincoln MPO (GCLMPO), and
 - Rock Hill-Fort Mill Area Transportation Study (RFATS).
- The state agencies and local Metropolitan Planning Organizations (MPOs) shares are 80 percent and 20 percent, respectively.
 - The Fiscal Year 2023 and Fiscal Year 2024 reimbursement shares for each state agency are:
 - NCDOT: 72 percent share in the amount of \$720,000.
 - SCDOT: 8 percent share in the amount of \$80,000.
 - The Fiscal Year 2023 and Fiscal Year 2024 reimbursement shares for the MPOs are proportioned based on the 2010 Census population of the MPOs' planning area:
 - CRMPO: 2.927 percent share in the amount of \$29,268
 - GCLMPO: 3.537 percent share in the amount of \$35,372
 - RFATS: 1.854 percent share in the amount of \$18,536
 - CRTPO: 11.682 percent share in the amount of \$116,824
- The City of Charlotte's cost share of CRTPO's proportion, \$14,463, spans the city's Fiscal Year 2023 and 2024 annual budgets. This is consistent with Charlotte's cost share of CRTPO's local match.
- On May 24, 2021, Council approved five-year municipal agreements with NCDOT, SCDOT, and interlocal agreements with Concord, Gastonia, and Rock Hill to reimburse CDOT for specific activities to develop and maintain the Metrolina Regional Model.
- On January 3, 2023, the city issued a Request for Letters of Interest (RFLOI); five responses were received.
- Resource Systems Group, Inc. best meets the city's needs in terms of qualifications, experience,

and responsiveness to RFLOI requirements.

Charlotte Business INclusion

This is a federally funded contract and is exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion policy).

Fiscal Note

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

27. Construct Hidden Valley Firehouse #45

Action:

Approve a contract in the amount of \$10,876,900.00 to the lowest responsive bidder Edison Foard, Inc. for the Charlotte Fire Department Hidden Valley Firehouse #45 project.

Staff Resource(s):

Phil Reiger, General Services
Jennifer Smith, General Services
Kathleen Cishek, General Services
Reginald Johnson, Fire

Explanation

- Firehouse #45 was one of three firehouses identified in the Construct Fire Facilities Program approved in the Fiscal Year 2022 budget.
- This project consists of the construction of a new two-story, three-bay firehouse located at 5800 North Tryon Street in the Hidden Valley community (Council District 4).
- This facility will be a new infill firehouse and will help meet response time standards and alleviate high call volumes for surrounding firehouses.
- On December 20, 2022, the city issued an Invitation to Bid; three bids were received.
- Edison Foard, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by second quarter 2025.

Charlotte Business INclusion

Established MBE Goal: 8.00%
Committed MBE Goal (at time of Proposal): 0.44%
MBE Participation to Date: 2.52%

Edison Foard, Inc. failed to meet the established subcontracting goal but has earned the required Good Faith Efforts (Part C: Section 5 of the Charlotte Business INclusion Policy). Edison Foard, Inc. has committed 0.44% (\$47,830) of the total contract amount to the following certified firm(s):

- Taylor Interiors, LLC (MBE) (\$47,830) (acoustical insulation, joint sealants)

Subsequent to Bid Opening, Edison Foard, Inc. has committed an additional 2.08% (\$226,500) to the following certified firm(s):

- A-1 Glass & Aluminum of NC, Inc. (MBE) (\$226,500) (storefront glass)

Established SBE Goal: 13.00%
Committed SBE Goal (at time of Proposal): 9.49%
SBE Participation to Date: 10.00%

Edison Foard, Inc. failed to meet the established subcontracting goal but has earned the required Good Faith Efforts (Part C: Section 5 of the Charlotte Business INclusion Policy). Edison Foard, Inc. has committed 9.49% (\$1,032,430) of the total contract amount to the following certified firm(s):

- Armstrong Mechanical Services Inc. (SBE) (\$1,025,848) (heating, ventilation, and air conditioning)
- Green's Commercial Cleaning, Inc (SBE) (\$6,582) (final clean)

Subsequent to Bid Opening, Edison Foard, Inc. has committed an additional 0.51% (\$55,129) to the following certified firm(s):

- Skyline Design & Landscape, LLC. (SBE, WBE) (\$55,129) (landscaping)

A further detailed write-up of the Prime's Good Faith Efforts is attached.

Fiscal Note

Funding: General Capital Investment Plan

Attachment(s)

Map

[Map Construct Hidden Valley Firehouse #45.pdf](#)[GFE Attachment -Hidden Valley Firehouse](#)**28. Land Acquisition for Charlotte Fire Department****Action:**

- A. Approve the purchase of up to 7 acres of property located on Dixie River Road (a portion of parcel identification number 141-281-01) in an amount not to exceed \$275,000 from Crescent River District LLC, for the River District Firehouse, and**
- B. Authorize the City Manager to negotiate and execute any documents necessary to complete this transaction.**

Staff Resource(s):

Phil Reiger, General Services

Gregory Crawford, General Services

Reginald Johnson, Fire

Explanation

- In October 2019, Charlotte Fire established a Facilities Master Plan, prioritizing capital improvements for the next two years and outlining facility goals through 2029. The River District Station was identified as a need in this plan.
- The property is zoned MUDD-O (mixed use development, optional) and is located on the eastern side of Dixie River Road (a portion of parcel identification number 141-281-01) in the City of Charlotte's Extraterritorial Jurisdiction. Once annexed, it will be incorporated into City Council District 3.
- On February 21, 2023, the Charlotte-Mecklenburg Planning Commission recommended approval for the City to purchase the land through the mandatory referral process.
- The terms of the transaction are:
 - Purchase Price: \$50,000/acre up to 5.5 acres, exact acreage contingent upon final North Carolina Department of Transportation ROW alignment of Dixie River Road.
 - Any acreage greater than 5.5 will be at no cost to the city.
 - Earnest Money Deposit: \$5,000
 - Due Diligence: 90 days
 - Closing: 30 days from the end of the Due Diligence period
- This transaction is consistent with City Council's adopted City-Owned Real Estate and Facilities Policy.

Fiscal Note

Funding: General Capital Investment Plan

Attachment(s)

Map

[Map Land Acquisition for Charlotte Fire Department.pdf](#)

29. Contracts for Street and Building Maintenance Equipment and Services

Action:

- A. **Approve the purchase of HVAC products, heavy roadway paving equipment, and maintenance services from cooperative contracts,**
- B. **Approve a unit price contract with Trane US, Inc. for the purchase of HVAC products and maintenance services for a term ending August 31, 2027, under OMNIA Partners contract #3341, and**
- C. **Approve a unit price contract with Cemen Tech, Inc. for the purchase of heavy roadway paving equipment and maintenance services for a term ending August 1,2026, under Sourcewell contract #060122-CMT, and**
- D. **Authorize the City Manager to extend the contracts for additional terms as long as the cooperative contracts are in effect, at prices and terms that are the same or more favorable than those offered under the cooperative contracts.**

Staff Resource(s):

Phil Reiger, General Services

Marcy Mars, General Services

Explanation

- These contracts will be utilized for the purchase of HVAC equipment and related products, and heavy roadway paving equipment and maintenance services which are required by city departments to maintain city streets and facilities.
- NC General Statute Section 143-129(e)(3) allows local governments to purchase from formally organized cooperative purchasing contracts.
- A cooperative purchasing agreement results from the consolidation and competitive solicitation of multiple public agency requirements. By aggregating common needs all agencies are able to leverage economies of scale, such as volume discounts, improved terms and conditions, reduced administrative costs, and access to professional and technical expertise.
- Annual expenditures are estimated to be:
 - Trane USA, Inc. \$500,000
 - Cemen Tech. Inc. \$235,000

Charlotte Business INclusion

These are cooperative purchasing contracts and are exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Various Departments' Operating Budget

30. Control System Hardware and Software Support

Action:

- A. Approve unit price contracts with the following companies for water and wastewater process control equipment maintenance for an initial term of two years:**
- **CITI, Inc. (MBE),**
 - **MPG Consulting Services, LLC (MBE, SBE), and**
- B. Authorize the City Manager to renew the contracts for up to one, two-year term 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
Ron Hargrove, Charlotte Water
Travis Hunnicutt, Charlotte Water

Explanation

- These contracts provide maintenance services for the Supervisory Control and Data Acquisition (SCADA) system. This includes all instrumentation, programmable controllers and computer networks that control operational processes at Charlotte Water facilities.
- To ensure consistency, these vendors will also be utilized as subcontractors for projects funded by Charlotte Water's Community Investment Plan.
- On November 16, 2022, the city issued a Request for Proposals (RFP); five responses were received.
- The companies selected best meet the city's needs in terms of demonstrated competence and qualification of professional services in response to the RFP requirements.
- Annual aggregate expenditures are estimated to be \$1,250,000.

Charlotte Business INclusion

CITI, Inc. is a city certified MBE. MPG Consulting Services, LLC is a city certified MBE and SBE. Per Charlotte Business INclusion Policy: Part C: Section 2.1(a) The city shall not establish Subcontracting Goals for Contracts where: (a) there are not subcontracting opportunities identified for the Contract; or (b) there are no SBEs or MBEs certified to perform the scope of work that the city regards as realistic opportunities for subcontracting.

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

Fiscal Note

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

31. Maintenance Services for Laboratory, Water, and Wastewater Analytical Equipment

Action:

- A. Approve unit price contracts with the following companies for analytical equipment maintenance services for an initial term of five years:**
- **Agilent Technologies, Inc.,**
 - **Hach Company,**
 - **PerkinElmer Health Sciences, Inc., and**
- B. Authorize the City Manager to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

Angela Charles, Charlotte Water
Shawn Coffman, Charlotte Water
Ron Hargrove, Charlotte Water

Explanation

- Charlotte Water operates highly specialized and sensitive analytical equipment to monitor water and wastewater quality to protect the public.
- This equipment must be serviced by the manufacturer's certified technicians to maintain warranty coverage, as well as the integrity and reliability of analytical data.
- Waiver of a competitive solicitation process for services may be granted on a limited basis when deemed appropriate and in the city's best interest. A waiver has been approved for these services because extended warranty coverage is only offered by the equipment manufacturer.
- Annual aggregate expenditures are estimated to be \$1,052,000.

Charlotte Business INclusion

This is a contract with a waiver of solicitation for services and is exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Charlotte Water Operating Budget

32. Mallard Creek Wastewater Treatment Plant Improvements

Action:

Approve a guaranteed maximum price of \$28,211,349.00 to PC/Leeper, A Joint Venture for construction manager at risk services for construction of two new equalization tanks and biosolids building improvements for the Mallard Creek Wastewater Treatment Plant Phase 1 Improvements project.

Staff Resource(s):

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

Explanation

- Charlotte Water has initiated a multi-phased program spanning several years within the Mallard Creek Basin (Council District 4), which includes the capacity expansion of the Mallard Creek Wastewater Treatment Plant (WWTP) from 13.1 to 16.0 million gallons per day.
- As a part of this program, PC/Leeper, A Joint Venture has developed a guaranteed maximum price (GMP) for the construction of new equalization tanks and biosolids building improvements at the Mallard Creek WWTP.
- On June 28, 2021, City Council approved a contract for \$964,696 with PC/Leeper, A Joint Venture for preconstruction services.
- On July 11, 2022, and January 10, 2023, City Council approved GMPs totaling \$85,279,103 with PC/Leeper, A Joint Venture for equipment procurement, preliminary construction, and for the construction of a new influent pump station.
- The Mallard Creek WWTP Phase 1 Improvements project is anticipated to be complete by fourth quarter 2025.

Charlotte Business INclusion

The city has established a 10.00% MSBE project goal. Because this is a Construction Manager at Risk project, the Construction Manager has the opportunity to add on Small Business Enterprise (SBE) and Minority Business Enterprise (MBE) firms throughout the life of the Project (Part G: Section 2.3 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

33. Polychlorinated Biphenyl Handling Services

Action:

- A. Approve a unit price contract with Synagro-WWT, Inc. for polychlorinated biphenyl handling services for a term of five years, and**
- B. Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Angela Charles, Charlotte Water
Ron Hargrove, Charlotte Water
Joseph Lockler, Charlotte Water

Explanation

- This contract will provide on-call services for the coordination and execution of additional polychlorinated biphenyl (PCB) handling services for Charlotte Water.
- Task orders may be executed that may include decontamination, hauling, and disposal services.
- On October 19, 2022, the city issued a Request for Proposals (RFP); one response was received.
- Synagro-WWT, Inc. best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$1,000,000.

Background

- On February 6, 2014, wastes containing PCB were illegally discharged to the sanitary sewage collection system that flows to the Mallard Creek Wastewater Treatment Plant (WWTP) and the collection system that flows to the McAlpine Creek WWTP.
- Structures and equipment contaminated with PCB above certain thresholds are regulated by the U.S. Environmental Protection Agency and require decontamination to levels and by methods outlined in the Toxic Substance Control Act (TSCA) and are required to be disposed of in accordance with TSCA.
- This contract supports Charlotte Water's long term remediation strategy for the handling of this pollutant.

Charlotte Business INclusion

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

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

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

34. Water Distribution System Master Plan

Action:

- A. **Approve a contract for up to \$2,388,000 with Black & Veatch for the water distribution system master plan, and**
- B. **Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

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

Explanation

- This contract will provide a water distribution system master plan, which is a system-wide effort to create a strategic framework and long-term investment plan for water distribution and treatment needs.
- The plan will provide growth projections, a current system evaluation, and identify projected needs to support the Charlotte Water service area's continuous growth.
- On August 18, 2022, the city issued a Request for Qualifications (RFQ); six responses were received.
- Black & Veatch is the best qualified firm to meet the city's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- The project is anticipated to be complete by fourth quarter 2025.

Charlotte Business INclusion

The city negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1 (h) of the Charlotte Business INclusion Policy). A 10.00% MSBE subcontracting goal has been committed and Black & Veatch has identified the following firms to be utilized as the project evolves:

- Gavel & Dorn Engineering, PLLC (SBE) (field testing program)
- Stewart Engineering, Inc. (MBE) (demand projections and GIS support)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

35. Airport Terminal Building Renovation Design Services

Action:

- A. Approve a contract in the amount of \$1,326,413 with C Design Inc. for Design Services for the Terminal Building D/E Connector Renovation and Addition project, and**

- B. Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Haley Gentry, Aviation

Jack Christine, Aviation

Explanation

- The Terminal Building D/E Connector Renovation and Addition (DECO) project will renovate and expand the terminal space that connects Concourses D and E, to improve passenger circulation and provide additional floor space for concessions.
- The project will include a new mezzanine level for a passenger club, airfield apron work to include new loading docks, storage space, and a reconfiguration of the tug road to maintain connectivity between Concourses C and E.
- On July 14, 2022, the city issued a Request for Qualifications (RFQ); two responses were received.
- C Design Inc. is the best qualified firm to meet the city's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- This activity is occurring on airport property.

Charlotte Business INclusion

The city negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). C Design Inc. has committed 14.37% (\$190,598) of the total contract amount to the following certified firm(s):

- AME Consulting Engineers (SBE) (\$56,400) (mechanical & electrical engineering)
- Sweetwater Utility Exploration LLC (SBE) (\$26,250) (underground utility exploration)
- Capstone Civil Engineering, Inc. (SBE) (\$58,948) (geotech)
- CES Group Engineers, LLP (WBE) (\$49,000) (surveying and 3D laser scanning)

Fiscal Note

Funding: Aviation Capital Investment Plan

36. American Airlines Leases

Action:

Approve six leases each with a five-year term with American Airlines to accommodate office and warehouse needs.

Staff Resource(s):

Haley Gentry, Aviation

Ted Kaplan, Aviation

Explanation

- American Airlines leases office and warehouse space at the Airport to support its airline operations.
- The American Airlines Lease locations and five-year Lease values include:
 - 4818 Express Drive total of 14,282 square feet. Five-year value \$474,035
 - 4840 Express Drive total of 13,198 square feet. Five-year value \$ 541,125
 - 4812 Express Drive total of 10,800 square feet. Five-year value \$420,645
 - 4734 West Blvd. total of 28,675 square feet. Five-year value \$732,865
 - 5800 Tunnel Rd. total of 17,983 square feet. Five-year value \$534,117.50
 - 4831 Express Drive total of 23,250 square feet. Five-year value \$1,779,375
- These facilities are currently leased by American Airlines.

Charlotte Business INclusion

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

Fiscal Note

Funding: Revenue to be deposited in Airport Operating fund.

37. Fourth Parallel Runway - Early Grading Construction and Construction Materials Testing Services

Action:

- A. **Approve a contract in the amount of \$44,589,894.76 to the lowest responsive bidder ES Wagner Company, LLC for the Fourth Parallel Runway - Early Grading project,**
- B. **Approve a contract in the amount of \$650,000.00 with S&ME, Inc. for construction materials testing and special inspection services in support of the Early Grading for the Fourth Parallel Runway program, and**
- C. **Authorize the City Manager to amend the contract with S&ME, Inc. consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Haley Gentry, Aviation
Jack Christine, Aviation

Background

- Aviation is currently in the preliminary design phase for the Fourth Parallel Runway Program with Aviation Consulting Engineers, LLC, which will enhance airfield capacity and operational efficiency.
- This activity is occurring on airport property.

Explanation

Action A

- This Program consists of numerous individual construction projects. This contract will provide grading activities, such as excavation, hauling, and movement of approximately 2,000,000 cubic yards of material from the future runway footprint into three designated stockpiles.
- The work includes grading, drainage, fencing, erosion and sediment control, tree clearing, temporary traffic control, sanitary sewer installation, a concrete box culvert extension, and duct bank installation.
- On January 9, 2023, the city issued an Invitation to Bid; four bids were received.
- ES Wagner Company, LLC was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by fourth quarter 2025.

Actions B & C

- This contract will provide for quality assurance testing of materials for the Early Grading and Stockpiling construction activities.
- Testing will be performed in general accordance with the applicable FAA, ASTM and/or industry standards, unless noted otherwise.
- On May 18, 2021, the city issued a Request for Qualifications (RFQ); 13 responses were received.
- S&ME, Inc. is the best qualified firm to meet the city's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.

Disadvantaged Business Enterprise

Action A

Established DBE Goal: 14.00%

Committed DBE Goal (at time of Bid): 14.15%

E.S. Wagner exceeded the established subcontracting goal, and has committed 14.15% (\$6,308,187) of the bid amount to the following certified firms:

- Apex Petroleum Corporation (DBE) (\$1,215,030) (fuel supplier)
- Millennium MISIR Trucking, Inc (DBE) (\$948,777) (hauling)
- Lopez Rebar, LLC (DBE) (\$2,250,000) (structural steel)

- Martin Landscaping (DBE) (\$1,682,300) (seeding and mulching)
- Seal Brothers Contracting, LLC (DBE) (\$212,080) (erosion)

Action B

The city negotiates subcontracting participation after the firm is selected for this service contract. S&ME has committed 10.80% (\$70,200) of the total contract amount to the following certified firms:

- Materials Managers and Engineers, Inc 2MNEXT (DBE) (\$70,200) (QA testing)

Fiscal Note

Funding: Aviation Capital Investment Plan

38. Fourth Parallel Runway Program Final Design Contracts

Action:

- A. **Approve a contract in the amount of \$25,191,290 with RS&H Architects Engineers Planners Inc. for the final design services of the Runway Project under the Fourth Parallel Runway Program,**
- B. **Approve a contract in the amount of \$5,325,521 with Kimley-Horn & Associates, Inc. for the final design services of the North End-Around Taxiway Extension Project under the Fourth Parallel Runway Program,**
- C. **Approve a contract in the amount of \$6,999,826 with AECOM Technical Services of North Carolina, Inc. for the final design services of the South End-Around Taxiway Project under the Fourth Parallel Runway Program, and**
- D. **Authorize the City Manager to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

Haley Gentry, Aviation
Jack Christine, Aviation

Background

- Aviation is currently in the preliminary design phase for the Fourth Parallel Runway Program with Aviation Consulting Engineers, LLC, which will enhance airfield capacity and operational efficiency.
- The Fourth Parallel Runway Program consists of three major design projects, including the New Runway, North End-Around Taxiway (NEAT) Extension, and the South End-Around Taxiway (SEAT).
- The NEAT and SEAT projects will enhance safety by reducing runway crossings and increase operational efficiency by providing aircraft the ability to continuously taxi around the two center runways.
- These contracts will provide for the final design and bidding services of the individual construction projects within the Fourth Parallel Runway Program.
- On August 18, 2022, the city issued a Request for Qualifications (RFQ); four responses were received.
- Design of all three projects is anticipated to be complete fourth quarter 2024.
- This activity is occurring on airport property.

Explanation

Action A

- The Fourth Parallel Runway project will provide a 10,000-foot concrete runway and full-length parallel taxiways located on the east and west sides of that runway, and a system of associated entrance/exit taxiways.
- The Runway project will include four bid packages as part of the design:
 - Taxiway V Eastside Connectors Paving and Lighting,
 - Runway 1-19, Taxiway V Extension, and Associated Taxiway Connectors Paving and Lighting,
 - Westside Parallel Taxiway and Associated Connectors Paving and Lighting, and
 - Navigational Aid (NAVAID) Development Package.
- RS&H Architects Engineers Planners Inc. is the best qualified firm to meet the city's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.

Action B

- The NEAT Extension project will provide End Around Taxiway connectivity north of the center

runways and will connect to the air carrier ramp.

- Kimley-Horn & Associates, Inc. is the best qualified firm to meet the city's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.

Action C

- The SEAT will provide End Around Taxiway connectivity south of the center runways and will connect to Taxiway F.
- AECOM Technical Services of North Carolina, Inc. is the best qualified firm to meet the city's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.

Disadvantaged Business Enterprise

Action A

The city negotiates subcontracting participation after the firm is selected for this service contract. RS&H has committed 17.47% (\$4,400,508) of the total contract amount to the following certified firms:

- Aviation Alliance (DBE) (\$712,394) (LOC/GS/PAPI design)
- CES Group Engineers, LLP (DBE) (\$218,740) (survey and SUE)
- Connico, LLC (DBE) (\$669,943) (cost estimating)
- Eden & Associates, P.C. (DBE) (\$490,110) (general engineering)
- Tela Vuota, PLLC (DBE) (\$398,500) (general engineering/QC)
- Walls Engineering, PLLC (DBE) (\$1,910,821) (airfield electrical support)

Action B

The city negotiates subcontracting participation after the firm is selected for this service contract. Kimley Horn has committed 13.33% (\$709,671) of the total contract amount to the following certified firms:

- Aviation Alliance, Inc (DBE) (\$414,803) (airfield electrical)
- Connico, LLC (DBE) (\$191,668) (project scheduling and estimating)
- CES Group Engineers, LLP (DBE) (\$103,200) (supplemental design surveys)

Action C

The city negotiates subcontracting participation after the firm is selected for this service contract. AECOM has committed 25.70% (\$1,798,650) of the total contract amount to the following certified firms:

- Airport Design Consultants, Inc. (DBE) (\$311,600) (CSPP & phasing support)
- Connico, LLC (DBE) (\$153,342) (cost estimating & scheduling support)
- Eden & Associates, P.C. (DBE) (\$348,244) (site civil, FAA, and utility support)
- Landry Consulting, LLC (DBE) (\$85,123) (SRM panel and FAA coordination)
- Walls Engineering, PLLC (DBE) (\$800,341) (airfield lighting/NAVAIDS)
- CES Group Engineers, LLP (DBE) (\$100,000) (supplemental topographic surveys and SUE)

Fiscal Note

Funding: Aviation Capital Investment Plan

Attachment(s)

Map

[CLT - Fourth Parallel Runway - Program Overview - 2023-02-22](#)

39. GeoTex Baggage Tubs

Action:

- A. Approve the purchase of baggage tubs by the sole source exemption, and**
- B. Approve a contract with GeoTex, Inc. for the purchase of baggage tubs for a term of five years.**

Staff Resource(s):

Haley Gentry, Aviation
Jack Christine, Aviation

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 standardization or compatibility is the overriding consideration.
- City Council approval is required for any purchases made under the sole source exception.

Explanation

- Charlotte Douglas International Airport's Bag Hygiene Policy states that all soft baggage or any form of luggage with straps must be placed into a tub to properly run through the Baggage Handling System without causing issues.
- GeoTex tubs outperformed all other brands, providing plentiful storage space, durability, lower weight, ease of usage, and patented anti-slip technology.
- Annual expenditures are estimated to be \$25,000.

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: Aviation Operating Budget

40. Bond Issuance Approval for Albemarle Landing Apartments

Action:

Adopt a resolution granting INLIVIAN's request to issue new multi-family housing revenue bonds, in an amount not to exceed \$2,500,000, to finance the development of an affordable housing development known as Albemarle Landing Apartments.

Staff Resource(s):

Shawn Heath, Housing and Neighborhood Services
Warren Wooten, 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 new multi-family housing revenue bonds for Albemarle Landing Apartments, a 128-unit new construction affordable housing development to be developed, owned, and operated by Albemarle Landing LP, a North Carolina limited partnership, or an affiliated or related entity.
- The development will be located on approximately 6.7 acres at 5800 Albemarle Road (parcel identification number 133-10-110) in Council District 5 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.
- As a result of increasing construction costs, the developer has experienced a financing gap and has requested an additional \$2,500,000 bond allocation to fill the gap. City Council approved the initial bond allocation for the development on July 27, 2020.
- The new INLIVIAN bonds, not to exceed \$2,500,000, will be used to further finance land acquisition and construction of the development.
- There is no Housing Trust Fund allocation or other city financial support affiliated with this 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 help finance the land acquisition and construction of the development.
- The North Carolina Housing Finance Agency approved a four percent tax credit, an initial bond allocation capacity of \$15,331,000, and this new bond allocation capacity of \$2,500,000, for the development. Tax credit and bond allocations are subject to federal income limits, 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. The INLIVIAN board of directors approved issuance of the multi-family housing revenue bonds on November 15, 2022.

Attachment(s)

Map
City of Charlotte Resolution for Albemarle Landing Apartments

[MAP Albemarle Landing Apartments](#)

[City Resolution Albemarle Landing](#)

41. Refund of Property Taxes

Action:

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$30,028.15.

Staff Resource(s):

Teresa Smith, Finance Department

Explanation

- Mecklenburg County notified and provided the city the list of Property Tax refund due to clerical or assessment error.

Attachment(s)

Taxpayers and Refunds Requested
Resolution Property Tax Refunds

[Resolution March 13th](#)

[List of Taxpayers](#)

CONSENT - PROPERTY TRANSACTIONS

42. In Rem Remedy: 6140 Mayridge Drive

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

Public Purpose:

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

Policy:

- Housing and Neighborhood Development and Community Safety

In Rem Remedy items are initiated from 3 categories:

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

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

Complaint: 6140 Mayridge Drive, Council District 5

Action:

Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 6140 Mayridge Drive (Neighborhood Profile Area 17).

Attachment(s)

In Rem Packet for 6140 Mayridge Drive (Council District 5)

[6140 Mayridge Dr - Revised](#)

43. Property Transactions - Beatties Ford Sidewalk Phase 1, Parcel # 5

Action: Approve the following Condemnation: Beatties Ford Sidewalk Phase 1, Parcel # 5

Project: Beatties Ford Sidewalk Phase 1, Parcel # 5

Program: Beatties Ford Sidewalk Phase 1

Owner(s): Second Ward High School National Alumni Foundation, Inc.

Property Address: 1905 Beatties Ford Road

Total Parcel Area: 7,000 sq. ft. (0.161 ac.)

Property to be acquired by Easements: 373 sq. ft. (0.009 ac.) Sidewalk Utility Easement and 1,065 sq. ft. (0.024 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Tree, various plantings and landscape masonry

Zoned: R-5

Use: Single-family Residential

Parcel Identification Number: 069-126-18

<https://polaris3g.mecklenburgcountync.gov/#mat=62109&pid=06912618&gisid=06912618>

Appraised Value: \$8,300

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

City's Response to Property Owner's Concerns: The city explained the rationale of the design and how it meets the objectives for the project. City staff met with the property owner on several occasions to address design concerns. The city informed the property owner that they could obtain their own appraisal or provide supporting documentation to justify their counteroffer.

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

Council District: 2

44. Property Transactions - McDowell Basin Interceptor Improvements, Parcel # 7

Action: Approve the following Condemnation: McDowell Basin Interceptor Improvements, Parcel # 7

Project: McDowell Basin Interceptor Improvements, Parcel # 7

Program: McDowell Basin Interceptor Improvements

Owner(s): Bertram Alexander Barnette, Jr. and Lillian Unger Barnette

Property Address: 7218 Bud Henderson Road, Huntersville

Total Parcel Area: 1,702,760 sq. ft. (39.090 ac.)

Property to be acquired by Easements: 20,942 sq. ft. (0.481 ac.) Sanitary Sewer Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: TR

Use: Traditional Residential District

Parcel Identification Number: 015-051-09

<https://polaris3g.mecklenburgcountync.gov/#mat=185327&pid=01505109&qisid=01505109>

Appraised Value: \$5,775

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 continues to negotiate with the property owner.

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

Council District: Adjacent to Council Districts 2 & 4

45. Property Transactions - McDowell Basin Interceptor Improvements, Parcel # 13

Action: Approve the following Condemnation: McDowell Basin Interceptor Improvements, Parcel # 13

Project: McDowell Basin Interceptor Improvements, Parcel # 13

Program: McDowell Basin Interceptor Improvements

Owner(s): Joshua T. Worley and Ashley S. Worley

Property Address: 7828 Gilead Road, Huntersville

Total Parcel Area: 200,028 sq. ft. (4.592 ac.)

Property to be acquired by Easements: 9,128 sq. ft. (0.210 ac.) Sanitary Sewer Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: TR

Use: Traditional Residential District

Parcel Identification Number: 015-091-05

<https://polaris3g.mecklenburgcountync.gov/#mat=195144&pid=01509105&qisid=01509105>

Appraised Value: \$4,775

Property Owner's Concerns: The city is unable to reach an agreement with the property owner.

City's Response to Property Owner's Concerns: Property owner is unresponsive. The City continues efforts to negotiate.

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

Council District: Adjacent to Council District 4

46. Property Transactions - Prosperity Church Rd (Old Ridge to Benfield), Parcels # 2 & 3

Action: Approve the following Acquisition: Prosperity Church Rd (Old Ridge to Benfield), Parcels #2 & 3

Project: Prosperity Church Rd (Old Ridge to Benfield), Parcels #2 & 3

Program: Prosperity Church Rd (Old Ridge to Benfield)

Owner(s): EP&I, LLC

Property Address: 6240 & 6232 Prosperity Church Road

Total Parcel Area: 78,362 sq. ft. (1.799 ac.)

Property to be acquired by Fee Simple: 1,496 sq. ft. (0.034 ac.) Fee Simple

Property to be acquired by Easements: 847 sq. ft. (0.019 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-3

Use: Single-family Residential

Parcel Identification Numbers: 029-411-11 & 029-411-05

<https://polaris3g.mecklenburgcountync.gov/#mat=165511&pid=02941111&qisid=02941111>

<https://polaris3g.mecklenburgcountync.gov/#mat=165351&pid=02941105&qisid=02941105>

Purchase Price: \$13,000

Council District: 4

47. Property Transactions - Prosperity Church Rd (Old Ridge to Benfield), Parcel # 4

Action: Approve the following Acquisition: Prosperity Church Rd (Old Ridge to Benfield), Parcel # 4

Project: Prosperity Church Rd (Old Ridge to Benfield), Parcel # 4

Program: Prosperity Church Rd (Old Ridge to Benfield)

Owner(s): IMM Properties, LLC

Property Address: Ferrell Commons Road

Total Parcel Area: 121,283 sq. ft. (2.784 ac.)

Property to be acquired by Fee Simple: 4,165 sq. ft. (0.096 ac.) Fee Simple

Property to be acquired by Easements: 86 sq. ft. (0.002 ac.) Utility Easement and 2,711 sq. ft. (0.062 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-3

Use: Single-family Residential

Parcel Identification Number: 029-414-99

<https://polaris3g.mecklenburgcountync.gov/#pid=02941499&gisid=02941499>

Purchase Price: \$27,000

Council District: 4

48. Property Transactions - Shamrock Drive Improvements, Parcel # 28

Action: Approve the following Acquisition: Shamrock Drive Improvements, Parcel # 28

Project: Shamrock Drive Improvements, Parcel # 28

Program: Shamrock Drive Improvements

Owner(s): Megan Delfino

Property Address: 3201 East Ford Road

Total Parcel Area: 10,049 sq. ft. (0.231 ac.)

Property to be acquired by Easements: 1,996 sq. ft. (0.046 ac.) Utility Easement, 46 sq. ft. (0.001 ac.) Sidewalk Utility Easement and 222 sq. ft. (0.005 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-5

Use: Single-family Residential

Parcel Identification Number: 093-103-09

<https://polaris3g.mecklenburgcountync.gov/#mat=103133&pid=09310309&qisid=09310309>

Purchase Price: \$24,975

Council District: 1

Adjournment

REFERENCES

49. 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.

50. 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.

51. 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.