

City of Charlotte

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



Meeting Agenda

Monday, September 28, 2020

Virtual Meeting Hosted from Room 267

City Council Business Meeting

Mayor Vi Lyles
Mayor Pro Tem Julie Eiselt
Council Member Dimple Ajmera
Council Member Tariq Scott Bokhari
Council Member Ed Driggs
Council Member Larken Egleston
Council Member Malcolm Graham
Council Member Reneé Johnson
Council Member James Mitchell
Council Member Matt Newton
Council Member Victoria Watlington
Council Member Braxton Winston II

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

Call to Order

Introductions

Invocation

Pledge of Allegiance

ACTION REVIEW

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.

2. Action Review Agenda Overview

Staff Resource(s):

Marcus Jones, City Manager

3. 2020 Bond Campaign Update

Staff Resource(s):

Kelly Flannery, Finance

Time: 10 minutes - Presentation; 10 minutes - Discussion

Explanation

- Provide an update on the 2020 Bond Campaign.

4. Closed Session (as necessary)

PUBLIC FORUM

5. Public Forum

CONSENT

- 6. Consent agenda items 16 through 53 may be considered in one motion except for those items removed by a Council member. Items are removed by notifying the City Clerk.**

Consideration of Consent Items shall occur in the following order:

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

POLICY

7. City Manager's Report

BUSINESS

8. Business Investment Grant for Retirement Clearinghouse, LLC

Action:

Approve the city's Business Investment Grant to Retirement Clearinghouse, LLC for a total estimated amount of \$78,686 over seven years.

Staff Resource(s):

Tracy Dodson, City Manager's Office
Frances West, Economic Development

Explanation

- Retirement Clearinghouse, LLC is a financial technology ("fintech") company founded in Charlotte in 2001 and is currently headquartered in Charlotte.
- On August 11, 2020, Retirement Clearinghouse, LLC announced it would stay in Charlotte and expand its existing headquarters.
- Retirement Clearinghouse, LLC has committed to a capital investment of \$4,200,000 and creation of 300 jobs to be hired over five years with an average wage of \$72,717.
- In addition to the 300 new jobs, 60 current positions will be retained for the term of the grant.
- This action is requesting City Council approval of a not to exceed Business Investment Grant of \$78,686 over seven years.
 - On July 27, 2020, City Council, in Closed Session, indicated its intent to approve a Business Investment Grant to Retirement Clearinghouse, LLC.
- In addition to the Business Investment Grant, the State of North Carolina also approved a Job Development Investment Grant in the amount of \$3,267,000 and \$330,000 in community college training funds.
- On August 10, 2020, a public hearing was held on the Business Investment Grant for Retirement Clearinghouse, LLC. No comments from the public were received.

Business Investment Grant

- The general terms and conditions of this grant include:
 - Actual grant payments are based on the value of the investment as appraised by the Mecklenburg County Tax Office.
 - Property taxes due from Retirement Clearinghouse, LLC must be paid before a grant payment is made.
 - If Retirement Clearinghouse, LLC removes the investment from Charlotte during the grant term, it shall pay back 100 percent of the investment grant paid to date.
 - If Retirement Clearinghouse, LLC moves the investment from Charlotte within seven years of the end of the Business Investment Program (BIP) grant term, a portion of the grant must be repaid as follows:
 - Within one year of the end of the BIP Term - 90 percent of grant payments
 - Within two years of the end of the BIP Term - 75 percent of grant payments
 - Within three years of the end of the BIP Term - 60 percent of grant payments
 - Within four years of the end of the BIP Term - 45 percent of grant payments
 - Within five years of the end of the BIP Term - 30 percent of grant payments
 - Within six years of the end of the BIP Term - 20 percent of grant payments
 - Within seven years of the end of the BIP Term - 10 percent of grant payments

Fiscal Note

Funding: Business Investment Grant

9. Lease of City-Owned Property to Habitat for Humanity of the Charlotte Region, Inc.

Action:

Adopt a resolution approving a five-year lease agreement between the City of Charlotte and Habitat for Humanity of the Charlotte Region, Inc. for the use of property located at 2035 Patton Avenue (tax parcel identification 078-382-01).

Staff Resource(s):

Phil Reiger, General Services
Jennifer Smith, General Services
Tony Korolos, General Services

Explanation

- Habitat for Humanity is a global nonprofit housing organization that works to build strength, stability, and self-reliance throughout communities in partnership with families in need of decent and affordable housing.
- Habitat for Humanity of the Charlotte Region, Inc. (lessee) has been a tenant of the city-owned facility located at 2035 Patton Avenue in Council District 2 since 2000.
- The premises will be used for storing building materials.
- The terms of the lease agreement are as follows:
 - A five-year lease term;
 - No annual rent payments; and
 - The lessee shall pay all charges for electricity, water, and sewer services provided to the premises.

Attachment(s)

Map
Resolution

[Map Lease of City-owned property at Patton Avenue to Habitat for Humanity of the Charlotte Region, Inc.](#)

[Resolution to Lease 2020](#)

10. Appropriate Private Developer Funds

Action:

- A. Approve developer agreements with Arlington Properties; Quality Automotive; Crescent Acquisitions, LLC; Crescent River District, LLC; K Sade Ventures, LLC; TAC Cannon Avenue, LLC; and Lidl US Operations, LLC for traffic signal modifications, and**
- B. Adopt a budget ordinance appropriating \$361,471 in private developer funds for traffic signal installations and improvements.**

Staff Resource(s):

Liz Babson, Transportation

Bryan Tarlton, Transportation

Explanation

- Private developer agreements and appropriations are needed when a developer is required through the city rezoning process to make traffic signal improvements.
- Funding contributions from private developers must be appropriated prior to the city's initiation of work.
- The \$361,471 in private developer funds is for road modifications, traffic signals, traffic signal modifications and/or upgrades, and other related work associated with the developers' projects. The funding is restricted to the projects noted below:
 - Arlington Properties contributed \$49,220 for signal modifications at North Tryon Street and Periwinkle Hill Avenue (Council District 4);
 - Quality Automotive contributed \$24,495 for signal modifications at Mount Holly-Huntersville Road and Rozzelles Ferry Road (Council District 2);
 - Crescent Acquisitions, LLC contributed \$222,756 for signal modifications at 7th Street and North Caswell Road and at 5th Street and North Caswell Road (Council District 1);
 - Crescent River District, LLC contributed \$17,500 for signal modification at Dixie River Road and the proposed West Boulevard Extension (adjacent to Council District 3) and West Boulevard and Byrum Drive (Council District 3);
 - K Sade Ventures, LLC contributed \$10,000 for signal modifications at University City Boulevard and Harris Houston Road (Council District 4);
 - TAC Cannon Avenue, LLC contributed \$17,500 for a new traffic signal at West Sugar Creek Road and The Roman Road and for signal modifications at West Sugar Creek and the I-85 ramp (Council District 4);
 - Lidl US Operations, LLC contributed \$10,000 for signal modifications at Carmel Road and Carmel Commons Boulevard (Council District 7); and
 - Lidl US Operations, LLC contributed \$10,000 for signal modifications at West Mallard Creek Church Road and Berkeley Place Drive (Council District 4).
- These developer contributions are based on cost estimates prepared by the Charlotte Department of Transportation (CDOT).
- Any funding contributed by the developer(s) for a signal project that is unused by the city will be refunded back to the developer(s) after project completion.
- CDOT will install and operate these signals as part of the existing signal systems in the area.

Fiscal Note

Funding: Private Developer Contributions

Attachment(s)

Map

Budget Ordinance

[Traffic Signal Improvements Map](#)

[Private Developer Funds Budget Ordinance](#)

11. October 2020 City Council Electronic Regular Meeting Schedule

Action:

- A. Approve the October 2020 City Council Electronic Regular Meeting Schedule, and
- B. Authorize the City Clerk, or her designee, to adjust the October 2020 City Council Electronic Regular Meeting Schedule in accordance with the North Carolina's statewide emergency declarations, the Governor's executive orders, and phased reopenings.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- North Carolina G.S. §143-318.12 requires the City Clerk to maintain on file a schedule of the City Council's regular meetings and that the approved schedule be posted to the city's website. If a schedule is duly adopted and filed, no further notice of regular meetings is necessary. N.C.G.S. §143-318.13 authorizes regular meetings by electronic means.
- Due to the COVID-19 pandemic, the City Council Meeting Schedule has been adjusted to accommodate an electronic meeting format for October 2020.
- Effective September 4, 2020, under the Governor's Executive Order 163, North Carolina moved into Safer at Home Phase 2.5 with the lifting of certain COVID-19-related restrictions.
- Phase 2.5 of the Order limits indoor gatherings to no more than 25 people per room.
- Action B authorizes the City Clerk, or her designee, to adjust the most recently approved meeting schedule in accordance with any updated executive orders, gathering restrictions, and consistent with applicable open meetings law.

Attachment(s)

October 2020 City Council Electronic Regular Meeting Schedule

[October 2020 Proposed City Council Meeting Schedule](#)

12. Appointments to the Business Advisory Committee

Action:

Appoint residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for an At-Large three-year term beginning upon appointment and ending April 28, 2023.
 - Shenequa Thomas, nominated by Council members Egleston, Eiselt, Graham, and Watlington.

Attachment(s)

Business Advisory Committee Applications

13. Appointments to the Domestic Violence Advisory Board

Action:

Appoint residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term beginning immediately upon appointment and ending September 21, 2021.
 - Tracie Campbell, nominated by Council members Eiselt and Mitchell.

Attachment(s)

Domestic Violence Advisory Board Applications

14. Appointments to the Historic District Commission

Action:

Appoint residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for an At-Large representative for a three-year term beginning upon appointment and ending June 30, 2023.
 - Philip Goodwin, nominated by Council members Ajmera, Bokhari, Driggs, Egleston, and Eiselt.

Attachment(s)

Historic District Commission Applications

15. Appointments to Keep Charlotte Beautiful

Action:

Appoint residents to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a three-year term beginning July 1, 2020, and ending June 30, 2023.
 - Martin Doss, nominated by Council members Ajmera, Bokhari, Egleston, and Watlington.

Attachment(s)

Keep Charlotte Beautiful Applications

CONSENT

16. Allison Transmission Repair Services

Action:

- A. Approve a unit price contract with Dartco Transmission Sales and Services, Inc. for Allison transmission repair, rebuild, and replacement services for an initial term of three years, and**
- B. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Phil Reiger, General Services

Chris Trull, General Services

Explanation

- The city's Fleet Management Division requires repair services by an authorized Allison company for vehicles and equipment operated by various city departments.
- This contract will include all services related to Allison transmissions, consisting of replacements, repairs, rebuilds, and warranty services.
- On July 16, 2020, the city issued a Request for Proposals (RFP); two responses were received.
- Dartco Transmission Sales and Services, Inc. best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Total annual expenditures are estimated to be \$250,000.

Charlotte Business INClusion

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

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

Fiscal Note

Funding: Various Departments' Operating Budgets

17. Charlotte Department of Transportation Warehouse Lease

Action:

- A. Approve a lease between the City of Charlotte and Waters Incorporated of Charlotte, as managing agent for WWD Associates LLC, O'Hair Limited Partnership, Domar Corporation INC., Crittendon Commodities LLC, and Waters Management LLC, for warehouse space located at 4414 Monroe Road, tax parcel number 161-071-19, and**
- B. Authorize the City Manager to negotiate and execute all documents necessary to complete the transaction.**

Staff Resource(s):

Phil Reiger, General Services
Tony Korolos, General Services
Liz Babson, Transportation

Explanation

- The Charlotte Department of Transportation leases 7,000 square feet of warehouse space at 4414 Monroe Road in Council District 5.
- The facility houses traffic signals and related hardware, wire and cable, pavement marking devices, roadway signs, and other bulky items requiring indoor storage.
- The current lease will expire December 31, 2020.
- The proposed lease includes the following:
 - Four-year lease commencing January 1, 2021, and terminating December 31, 2024;
 - A base rent of \$6.30 per square foot, or \$44,100 annually; and
 - Two, one-year renewal options, at a rate of \$7.00 per square foot, or \$48,999.96 annually.
- This transaction is consistent with the Council-adopted City-Owned Real Estate and Facilities Policy.

Fiscal Note

Funding: Transportation Operating Budget

Attachment(s)

Map

[Map Charlotte Department of Transportation Warehouse Lease.pdf](#)

18. Construct Sugar Creek Road Streetscape Project

Action:

Approve a contract in the amount of \$3,055,954.65 to the lowest responsive bidder Mountain Creek Contractors, Inc. for the Sugar Creek Road Streetscape project.

Staff Resource(s):

Phil Reiger, General Services
Jennifer Smith, General Services
Sharon Buchanan, General Services

Explanation

- This project will include approximately 0.26 miles of new sidewalk and bicycle lanes along Sugar Creek Road between the North Carolina Department of Transportation's recently completed bridge project and North Tryon Street in Council District 1.
- The project improves access to the Sugar Creek light rail station and provides incentive for economic development through improved infrastructure.
- Work will include grading, paving, drainage, box culvert, medians, water and sewer lines, sidewalk, curb and gutter, erosion control, traffic control, and pavement markings.
- On June 24, 2020, the city issued an Invitation to Bid; seven bids were received.
- Mountain Creek Contractors, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by second quarter 2022.

Charlotte Business INclusion

Established MBE Goal: 7.00%

Committed MBE Goal: 8.29%

Mountain Creek Contractors, Inc. exceeded the established MBE subcontracting goal and has committed 8.29% (\$253,230) of the total contract amount to the following MBE certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- R.R.C. Concrete Inc (MBE, SBE) (\$253,230) (curb and gutter, sidewalk)

Established SBE Goal: 18.00%

Committed SBE Goal: 26.41%

Mountain Creek Contractors, Inc. exceeded the established SBE subcontracting goal and has committed 26.41% (\$807,105) of the total contract amount to the following SBE certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Trull Contracting, LLC (WBE, SBE) (\$553,875) (milling, paving)
- R.R.C. Concrete Inc (MBE, SBE) (\$253,230) (curb and gutter, sidewalk)

Fiscal Note

Funding: General Capital Investment Plan

Attachment(s)

Map

[Map_Construct_Sugar_Creek_Road_Streetscape_Project.pdf](#)

19. Fuel Supply Products, Fleet Cards, and Related Services

Action:

- A. **Approve a unit price contract with FleetCor Technologies Operating Company, LLC d.b.a Fuelman of GA for the purchase of fuel supplies, fleet cards, and related services for a term of five years, and**
- B. **Authorize the City Manager to extend the contract for up to two, two-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Phil Reiger, General Services

Kay Elmore, General Services

Chris Trull, General Services

Explanation

- The city purchases fuel supplies, fleet cards, and related services, including gasoline, diesel, auxiliary fuels, and motor oils at retail fueling stations and through bulk and consignment fuel deliveries to onsite fueling locations.
- Fleet fuel credit cards are assigned to approximately 6,500 city vehicles to ensure access to the discounted pricing schedule. The Fuelman of GA invoices will provide comprehensive reporting of total fuel expenditures and activities.
- On May 18, 2020, the city issued an Invitation to Bid (ITB); two bids were received.
- FleetCor Technologies Operating Company, LLC d.b.a Fuelman of GA was selected as the lowest responsive, responsible bidder.
- Fuelman of GA has agreed to participate in the Charlotte Cooperative Purchasing Alliance Program and to provide a rebate of \$0.015 per gallon to the city for all purchases made by the city and participating public agencies.
- This contract maximizes volume pricing discounts, standardizes services and support, and facilitates reporting needs to document total fuel related purchases made by the city.
- Annual expenditures are estimated to be \$13,200,000.

Charlotte Business INclusion

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

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

Fiscal Note

Funding: Various Departments' Operating Budgets

20. Furniture, Installation, and Related Services

Action:

- A. Approve the purchase of furniture, installation, and related services from a cooperative contract,**
- A. Approve a unit price contract with Universal Equipment Company for the purchase of furniture, installation, and related services for a term of three years under Omnia Partners Public Sector Contract Number R191805, May 1, 2020, and**
- B. Authorize the City Manager to extend the contract for additional terms as long as the cooperative contract is in effect, at prices and terms that are the same or more favorable than those offered under the cooperative contract.**

Staff Resource(s):

Phil Reiger, General Services
David Wolfe, General Services
William Haas, General Services

Explanation

- The city is responsible for the operations and maintenance of municipal and cultural facilities, including seating in theaters and other performance spaces.
- Universal Equipment Company provides seating across the portfolio of city facilities.
- Universal Equipment Company is an authorized distributor for Irwin Seating Company. Irwin Seating Company was awarded a contract by Omnia Partners Public Sector which offers competitively-obtained contracts to public agencies nationwide.
- Universal Equipment Company is willing to provide to the city the products at the same or better terms as the terms provided under the Omnia Partners Public Sector contract.
- G.S. 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 \$200,000.

Charlotte Business INClusion

These are cooperative purchasing contracts and are exempt (Part A: Appendix 27 of the Charlotte Business INClusion Policy).

Fiscal Note

Funding: General Capital Investment Plan and Cultural Facilities' Operating Budgets

21. Construct Chandworth Storm Drainage Improvement Project

Action:

Approve a contract in the amount of \$8,359,221.20 to the lowest responsive bidder Zoladz Construction Co., Inc. for the Chandworth Storm Drainage Improvement project.

Staff Resource(s):

Phil Reiger, General Services
Mike Davis, General Services
Matt Gustis, General Services

Explanation

- This project is located in Lower Little Sugar Creek watershed with boundaries of Sulkirk Road to the north, Sharon Road to the south and east, and Park Road to the west, in Council District 6.
- This project will improve deteriorating drainage infrastructure and reduce structure and roadway flooding.
- This contract will improve approximately 4,500 linear feet of storm drainage pipe and associated sanitary sewer, water lines, sidewalk, paving, curb, gutter, and driveways.
- On July 22, 2020, the city issued an Invitation to Bid; seven bids were received.
- Zoladz Construction Co., Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by first quarter 2023.

Charlotte Business INclusion

Established MBE Goal: 7.00%

Committed MBE Goal: 7.00%

Zoladz construction Co., Inc. exceeded the established MBE subcontracting goal and has committed 7.00% (\$585,147) of the total contract amount to the following MBE certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Diamond Trucking of NC Inc (MBE, SBE) (\$585,147) (hauling)

Established WBE Goal: 4.00%

Committed WBE Goal: 4.00%

Zoladz construction Co., Inc. exceeded the established WBE subcontracting goal and has committed 4.00% (\$334,369) of the total contract amount to the following WBE certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Maybury Fencing Inc. (WBE, SBE) (\$92,100) (fencing)
- Trull Contracting, LLC (WBE, SBE) (\$242,269) (curb and gutter, paving)

Fiscal Note

Funding: Storm Water Capital Investment Plan

Attachment(s)

Map

[Map Construct Chandworth Storm Drainage Improvement Project.pdf](#)

22. Reuse Line Extension to University of North Carolina at Charlotte

Action:

Approve a contract in the amount of \$3,486,674 to the lowest responsive bidder B.R.S., Inc. for the Reuse Line Extension to University of North Carolina at Charlotte project.

Staff Resource(s):

David Czerr, Charlotte Water

Ron Hargrove, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- This contract will provide for approximately 10,500 linear feet of pipeline to supply reuse water from the Mallard Creek Wastewater Treatment Plant to the University of North Carolina at Charlotte and the areas adjacent to the line in Council District 4.
- The State of North Carolina adopted a Water Reuse Policy that encourages the reuse of treated wastewater to replace potable water in non-potable applications to supplement existing surface and ground water supplies.
- On August 3, 2020, the city issued an Invitation to Bid; seven bids were received.
- B.R.S., Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by fourth quarter 2021.

Disadvantage Business Enterprise

This project is subject to the North Carolina Clean Water State Revolving (CWSRF) Fund loan program guidelines and is subject to DBE requirements.

Established MBE Goal: 10.9%

Established WBE Goal: 10.4%

Committed MBE Goal: 5.04%

Committed WBE Goal: 0.00%

B.R.S., Inc. did not meet the established subcontracting goal at the time of bid but earned the required Good Faith Effort. B.R.S., Inc. has committed \$175,600 or approximately 5.04% of the total contract to the following certified firms:

- Luvall Asphalt Services, Inc. (MBE, SBE) (\$87,600) (paving)
- Martin Landscaping Company, Ind. (DBE, MBE, SBE) (\$44,000) (seeding, planting)
- Mid-Atlantic Erosion Control, Inc. (DBE, MBE, SBE) (\$24,000) (erosion control)
- Diamond Trucking of NC, Inc. (DBE, MBE, SBE) (\$20,000) (hauling)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Map

[Map-Reuse Line Extension to University of North Carolina at Charlotte](#)

23. Water Facility On-Call Maintenance and Repair Service

Action:

- A. Approve unit price contracts for on-call maintenance and repair service for an initial term of two years to the following:**
- **BW Service Solutions, LLC (SBE);**
 - **Carolina Lift Stations, LLC;**
 - **Kemp Construction, Inc.;**
 - **Crom, LLC dba Crom Coatings & Restorations;**
 - **The Harper Corporation-General Contractors; and**
- B. Authorize the City Manager to renew the contracts for up to three, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

David Czerr, Charlotte Water

Ron Hargrove, Charlotte Water

Travis Hunnicutt, Charlotte Water

Explanation

- This contract will provide expedited service for the repair of mechanical equipment and systems at all Charlotte Water facilities, such as treatment plants, tank sites, and pumping stations.
- On May 18, 2020, the city issued a Request for Proposals (RFP); seven responses were received.
- The companies selected best meet the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$1,500,000.

Charlotte Business INclusion

BW Service Solutions, LLC is a city certified SBE.

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

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

Fiscal Note

Funding: Charlotte Water Operating Budget

24. 4710 Yorkmont Road Facility Lease

Action:

- A. **Approve a three-year lease agreement with Sky Chefs, Inc. for a facility at Charlotte Douglas International Airport, and**

- B. **Authorize the City Manager to approve up to two, one-year extensions consistent with the purpose for which the agreement was approved.**

Staff Resource:

Brent Cagle, Aviation
Haley Gentry, Aviation

Explanation

- The lease is for facility space for Sky Chefs, Inc.'s operations. The facility consists of 37,468 square feet and comprises 1.895 acres.
- The annual rent is \$414,100, and the three-year lease value is \$1,242,300.
- Rents for the facility will be adjusted periodically per the terms and conditions of the lease to keep pace with market conditions.
- This activity is occurring on airport property located in Council District 3.

Fiscal Note

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

25. Airport Aircraft Ground Power Units

Action:

- A. Approve a unit price contract with ITW GSE Inc. for the purchase of ground power units for an initial term of three years, and**
- B. Authorize the City Manager to renew the contracts for up to two, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

Brent Cagle, Aviation
Haley Gentry, Aviation
Jack Christine, Aviation

Explanation

- The city owns and maintains 89 passenger loading bridges, which include ground power units for the aircraft.
- The ground power units are integral components of the loading bridges as they provide power to the aircraft while it is docked.
- On March 13, 2020, the city issued an Invitation to Bid; seven bids were received.
- ITW GSE Inc. was selected as the lowest responsive, responsible bidder.
- Annual expenditures are estimated to be \$1,300,000.
- This activity is occurring on airport property located in Council District 3.

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: Aviation Capital Investment Plan

26. Airport Aircraft Pre-Conditioned Air Systems

Action:

- A. Approve unit price contracts for the purchase of pre-conditioned air systems for an initial term of three years to the following:**
- ITW GSE Inc.,
 - JBT Aerotech Corporation, and
- B. Authorize the City Manager to renew the contracts for up to two, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

Brent Cagle, Aviation
Haley Gentry, Aviation
Jack Christine, Aviation

Explanation

- The city owns and maintains 89 passenger loading bridges, which include pre-conditioned air systems for the aircraft.
- The pre-conditioned air systems are integral components of the loading bridges as they provide regulated air conditioning to the aircraft while it is docked.
- On March 13, 2020, the City issued an Invitation to Bid; six bids were received.
- ITW GSE Inc. and JBT Aerotech Corporation were selected as the lowest responsive, responsible bidders.
- Annual expenditures are estimated to be \$2,700,000.
- This activity is occurring on airport property located in Council District 3.

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: Aviation Capital Investment Plan

27. Airport Architectural Consultation Services

Action:

Approve contracts for architectural consultation services with the following firms for a three-year term:

- **RS&H Architects Engineers Planners, Inc.;**
- **GS&P/NC PC;**
- **Jacobs Engineering Group, Inc.;**
- **C Design Inc.;**
- **DAS Architecture, a K2Mpowered Company;**
- **The Wilson Group Architects, PA.;**
- **HKS, Inc.;**
- **Gensler Architecture Design & Planning PC; and**
- **Landrum & Brown Inc.**

Staff Resource(s):

Brent Cagle, Aviation

Haley Gentry, Aviation

Jack Christine, Aviation

Explanation

- Aviation requires architectural consultation and programming services for terminal, cargo, and all ancillary airport facilities.
- On March 23, 2017, the city issued a Request for Qualifications; 23 proposals were received.
- The firms selected best meet the city's needs in terms of qualifications, experience and responsiveness to RFP requirements.
- Pricing for these services will be based on the size and nature of the project.
- Annual expenditures are estimated to be \$1,800,000.
- This activity is occurring on Airport property located in Council District 3.

Disadvantaged Business Enterprise and Charlotte Business INclusion

There are no subcontracting goals associated with this selection. However, DBE and/or MWSBE goals will be negotiated with each selected firm as scopes of work are assigned. Aviation will monitor goal achievement throughout the life of the contracts.

Fiscal Note

Funding: Aviation Capital Investment Program

28. Airport Environmental Assessment for the Fourth Parallel Runway Contract Amendment

Action:

Approve a contract amendment #2 for \$707,200 with Landrum & Brown, Inc. for an amendment to the previously approved Environmental Assessment for the Fourth Parallel Runway and associated projects.

Staff Resource(s):

Brent Cagle, Aviation

Haley Gentry, Aviation

Jack Christine, Aviation

Explanation

- On July 22, 2019, City Council approved a contract in the amount of \$4,431,087 with Landrum & Brown, Inc. to provide environmental services for the Fourth Parallel Runway and associated projects.
- On April 13, 2020, City Council approved Contract Amendment #1 in the amount of \$837,317.
- The Federal Aviation Administration requested the reevaluation of runway length, taxiway geometry, and separation based on upcoming Federal Aviation Administration Order Job Order 7110.65Y.
 - The order changes runway separation requirements between runways, and
 - Additional analysis is required since the order would result in significant changes to the way the airfield is used.
- This amendment would provide for additional forecasting to help identify the impacts of COVID-19 on Aviation and provide for associated project management.
- The new value of the contract, including amendment #2, is \$5,975,604.
- Federal Airport Improvement Program grants and Passenger Facility Charges will pay for this contract amendment.
- This activity is occurring on airport property located in Council District 3.

Disadvantaged Business Enterprise

All additional work involved in this amendment will be performed by Landrum & Brown, Inc. and their existing subconsultants.

Fiscal Note

Funding: Aviation Capital Investment Plan

29. Airport Master Water Meter Installation

Action:

Approve a contract in the amount of \$1,512,654 to the lowest responsive bidder State Utility Contractors, Inc. for the Airport Water Master Meter and Backflow Preventer Installations project.

Staff Resource(s):

Brent Cagle, Aviation
Haley Gentry, Aviation
Jack Christine, Aviation

Explanation

- This project will install a master meter and backflow preventer on the east and west side of the terminal complex, creating a single Charlotte Water account for the terminal campus.
- This will allow for the removal of multiple meters and backflow devices inside the new campus area and will increase water pressure inside of the terminal.
- On June 25, 2020, the city issued an Invitation to Bid; two bids were received.
 - G.S. 143-132 prohibits municipalities from awarding public contracts without receiving at least three competitive bids from the initial advertisement of the contract. The city may subsequently award the contract even if re-advertisement results in fewer than three competitive bids.
- On July 16, 2020, the city re-issued the ITB; four bids were received.
- State Utility Contractors, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by first quarter 2022.
- This activity is occurring on Airport property located in Council District 3.

Charlotte Business INclusion

Established MSBE Goal: 3.00%

Committed MSBE Goal: 3.17%

State Utility Contractors, Inc. exceeded the established subcontracting goal and has committed 3.17% (\$48,000) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Ram Pavement Services (SBE) (\$36,810) (asphalt and concrete repair)
- Maybury Fencing, Inc. (WBE, SBE) (\$11,190) (fencing)

Fiscal Note

Funding: Aviation Capital Investment Plan

30. Airport North End-Around Taxiway Project Design Amendment

Action:

Approve contract amendment #1 for \$26,225,945 with Talbert, Bright & Ellington, Inc. for additional design services and construction administration support of the Runway 18C/36C North End-Around Taxiway project.

Staff Resource(s):

Brent Cagle, Aviation
Haley Gentry, Aviation
Jack Christine, Aviation

Explanation

- The Runway 18C/36C North End-Around Taxiway project will increase operational efficiency and enhance safety by reducing runway crossings.
- On November 26, 2018, City Council approved a contract in the amount of \$27,127,373 with Talbert, Bright & Ellington, Inc. for design services of the Runway 18C/36C North End-Around Taxiway project. Construction related design services were not contracted at that time in order to more accurately identify the amount of construction services needed during the design process.
- This anticipated amendment includes additional supplemental design services, procurement of program management, construction administration and resident project representative services to support this project during the construction phase.
- The new total of the contract, including this amendment, will be \$53,353,318.
- This activity is occurring on airport property located in Council District 3.

Disadvantaged Business Enterprise

All additional work in this amendment will be performed by Talbert, Bright & Ellington, Inc. and their existing subconsultants.

Talbert, Bright & Ellington, Inc. has committed (16.19%) (\$4,247,267) of the total contract amount to the following certified firms:

- Bree & Associates (DBE) (\$2,052,750) (resident project representative)
- McFarland Construction (DBE) (\$1,057,275) (program documents control)
- Aviation Alliance, Inc. (DBE) (\$344,555) (CA services)
- On-Spec Engineering (DBE) (\$687,687) (quality assurance testing)
- CES Group Engineers (DBE) (\$105,000) (as-built surveys)

Fiscal Note

Funding: Aviation Capital Investment Plan

31. Airport Passenger Assistance Services Contract

Action:

Approve contract amendment #5 with Prospect Airport Services, Inc. for Airport Passenger Assistance Services for a one-year term.

Staff Resource(s):

Brent Cagle, Aviation
Haley Gentry, Aviation
Jack Christine, Aviation

Explanation

- Aviation contracts for airport passenger assistance services including international arrivals area passenger assistance, international arrivals baggage re-check passenger assistance, and security checkpoint queue management.
- Due to the impacts of the COVID-19 pandemic, Aviation is requesting an extension to this contract to understand the impact to the services required by the Airport under this contract.
- Aviation intends to solicit for a new airport passenger services contract in early 2021.
- Extending the existing contract is needed to ensure uninterrupted service provision during the solicitation process for all current airport passenger assistance services.
- 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 this extension period for these services based on continuity of service and limited vendors with required qualifications.
- On June 22, 2015, City Council approved a contract with Prospect Airport Services, Inc. for passenger assistance services in the international arrivals area of the airport.
- On May 9, 2016, City Council approved contract amendment #1 in the amount of \$1,743,154.21 for the provision of additional staff to assist in the ticketing lobby of the airport due to increasing passenger volume.
- On June 30, 2018, the City Manager approved contract amendment #2, which exercised the first of two one-year extensions.
- On June 30, 2019, the City Manager approved contract amendment #3, which exercised the second of two one-year extensions.
- On November 25, 2019, City Council approved contract amendment #4, which extended the original expiration date to September 30, 2020.
- Amendment #5 has an estimated value of \$1,200,000 and will extend the contract by one year to September 30, 2021.
- The new total value of the contract, including amendment #5, is estimated to be \$6,664,969.42.
- This activity is occurring on Airport property located in Council District 3.

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: Aviation Operating Budget

32. Airport Planning Consultation Services

Action:

Approve a contract for planning consultation services with the following vendors for an initial term of three years:

- **Kimley-Horn & Associates Inc.,**
- **Landrum & Brown Inc.,**
- **Ricondo & Associates Inc.,**
- **RS&H Architects Engineers Planners Inc., and**
- **WSP USA Inc.**

Staff Resource(s):

Brent Cagle, Aviation

Haley Gentry, Aviation

Jack Christine, Aviation

Explanation

- Aviation uses planning consultation services for master, airfield, terminal, landside, environmental, noise, and land use.
- On March 2, 2020, the city issued a Request for Qualifications; 13 proposals were received.
- The selected firms best meet the city's needs in terms of qualifications and experience.
- Pricing for these services will be based on the size and nature of the project.
- Annual expenditures are estimated to be \$1,500,000.

Disadvantaged Business Enterprise and Charlotte Business INclusion

There are no subcontracting goals associated with this selection. However, DBE and/or MWSBE goals will be negotiated with each selected firm as scopes of work are assigned. Aviation will monitor goal achievement throughout the life of the contracts.

Fiscal Note

Funding: Aviation Capital Investment Plan

33. Airport Taxiway Shoulder Pavement Rehabilitation Phase I

Action:

Approve a contract in the amount of \$1,150,050 to the lowest responsive bidder Boggs Contracting Inc. for the Taxiway Shoulder Pavement Rehabilitation Phase I project.

Staff Resource(s):

Brent Cagle, Aviation
Haley Gentry, Aviation
Jack Christine, Aviation

Explanation

- This project is for the rehabilitation of existing taxiway shoulder pavement at various locations on the airfield that are foreign object debris (FOD) producers or have the potential to produce FOD.
- The taxiway shoulders have been evaluated for severity, and a recommended course of action was provided. Phase I of this project includes the most severe areas identified in the evaluation.
- On June 5, 2020, the city issued an Invitation to Bid (ITB); one bid was received.
 - G.S. 143-132 prohibits municipalities from awarding construction contracts over \$500,000 without receiving at least three competitive bids from the initial advertisement of the contract. The city may subsequently award the contract even if re-advertisements result in fewer than three competitive bids.
- On July 9, 2020, the city re-issued the ITB; two bids were received.
- Boggs Contracting Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by third quarter 2021.
- This activity is occurring on airport property located in Council District 3.

Disadvantaged Business Enterprise

Established DBE Goal: 10.00%

Committed DBE Goal: 12.11%

Boggs Contracting, Inc. exceeded the established subcontracting goal and has committed 12.11% (\$139,275) of the base bid amount to the following certified firms:

- Chambers Trucking (DBE) (\$75,500) (hauling asphalt and millings)
- Dixon Paving (DBE) (\$63,775) (milling, asphalt paving)

Fiscal Note

Funding: Aviation Capital Investment Plan

PROPERTY TRANSACTIONS

34. Aviation Property Transaction - 9029 West Steeleberry Drive

Action: Approve the following Acquisition - EIS Mitigation Land South

The property is acquired in accordance with Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration Reimbursement.

Project: EIS Mitigation Land South

Owner(s): Sambath Peo and Ravy Kong

Property Address: 9029 West Steeleberry Drive

Total Parcel Area: 4.93 acres

Property to be acquired by Easements: N/A

Structures/Improvements to be impacted: Single-family Dwelling

Landscaping to be impacted: Trees and shrubs

Zoned: R-3

Use: Single-family Residential

Tax Code: 141-112-12

<http://polaris3g.mecklenburqcountync.gov/#mat=213597&pid=14111212&gisid=14111212>

Purchase Price: \$399,330

Council District: Adjacent to Council District 3

35. Charlotte Water Property Transactions - Davidson Water Transmission Main to Iredell County, Parcels #7, 9

Action: Approve the following Condemnation: Davidson Water Transmission Main to Iredell County, Parcels #7, 9

Project: Davidson Water Transmission Main to Iredell County, Parcels #7, 9

Owner(s): Ingersoll-Rand Company

Property Address: 800 Beaty Street, Davidson

Total Parcel Area: 7,259,274 sq. ft. (166.65 ac.)

Property to be acquired by Easements: 67,746 sq. ft. (1.55 ac.) in Permanent Easement, plus 45,238 sq. ft. (1.04 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: UT and GI

Use: Industrial

Tax Code: 4654060685 and 4654168300

<https://iredell.connectgis.com/Map.aspx>

Appraised Value: \$82,150

Property Owner's Concerns: None

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

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

Council District: Town of Davidson (adjacent to Council District 4)

36. Charlotte Water Property Transactions - Goose Creek Sanitary Sewer Extension to Fairview Road, Parcel #8

Action: Approve the following Condemnation: Goose Creek Sanitary Sewer Extension to Fairview Road, Parcel #8

Project: Goose Creek Sanitary Sewer Extension to Fairview Road, Parcel #8

Owner(s): Donald Denny Allen and Carolyn Allen

Property Address: Qual Park Drive

Total Parcel Area: 426,220 sq. ft. (9.78 ac.)

Property to be acquired by Easements: 22,831 sq. ft. (0.54 ac.) in Permanent Easement plus 7,182 sq. ft. (0.17 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Overgrowth tree area

Zoned: R

Use: Residential

Tax Code: 197-041-99

<https://polaris3g.mecklenburgcountync.gov/#pid=19704199&gisid=19704199>

Appraised Value: \$7,550

Property owner's concerns: None

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

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

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

37. Charlotte Water Property Transactions - Irwin Creek Tributaries to DeWitt Lane and Yeoman Road Sanitary Sewer Replacement, Parcel #24

Action: Approve the following Condemnation: Irwin Creek Tributaries to DeWitt Lane and Yeoman Road Sanitary Sewer Replacement, Parcel #24

Project: Irwin Creek Tributaries to DeWitt Lane and Yeoman Road Sanitary Sewer Replacement, Parcel #24

Owner(s): Box Fight, LLC

Property Address: 3722 South Tryon Street

Total Parcel Area: 584,140 sq. ft. (13.41 ac.)

Property to be acquired by Easements: 34,062 sq. ft. (0.78 ac.) in Sanitary Sewer Easement and 59,415 sq. ft. (1.36 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: N/A

Landscaping to be impacted: N/A

Zoned: TOD-TR

Use: Transitional Residential

Tax Code: 145-134-03

<http://polaris3g.mecklenburgcountync.gov/#mat=548707&pid=14513403&qisid=14513403>

Appraised Value: \$557,125

Property Owner's Concerns: None

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

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

Council District: 3

38. Property Transactions - Idlewild/Monroe Intersection - Phase I, Parcel #5

Action: Approve the following Condemnation: Idlewild/Monroe Intersection - Phase I, Parcel #5

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

Project: Idlewild/Monroe Intersection - Phase I, Parcel #5

Program: Idlewild/Monroe Intersection - Phase I

Owner(s): Mora Suites LLC

Property Address: 5791 Monroe Road

Total Parcel Area: 42,090 sq. ft. (0.966 ac.)

Property to be acquired by Easements: 2,827 sq. ft. (0.065 ac.) Sidewalk Utility Easement, 831 sq. ft. (0.019 ac.) Temporary Construction Easement, 2,827 sq. ft. (0.065 ac.) Waterline Easement, 44 sq. ft. (0.01 ac.) Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: O-2

Use: Office

Tax Code: 163-021-57

<https://polaris3g.mecklenburgcountync.gov/#mat=618434&pid=16302157&qisid=16302157>

Appraised Value: \$9,125

Property Owner's Concerns: None

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

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

Council District: 5

39. Property Transactions - Idlewild/Monroe Intersection - Phase I, Parcel #6

Action: Approve the following Acquisition: Idlewild/Monroe Intersection - Phase I, Parcel #6

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

Project: Idlewild/Monroe Intersection - Phase I, Parcel #6

Program: Idlewild/Monroe Intersection - Phase I

Owner(s): Landmark Construction Group Inc

Property Address: 5811 Monroe Road

Total Parcel Area: 27,846 sq. ft. (0.639 ac.)

Property to be acquired by Easements: 3,959 sq. ft. (0.091 ac.) Sidewalk Utility Easement, 1,870 sq. ft. (0.043 ac.) Temporary Construction Easement, 3,959 sq. ft. (0.091 ac.) Waterline Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R-4

Use: Single-family Residential

Tax Code: 163-031-13

<https://polaris3g.mecklenburgcountync.gov/#pid=16303113&qisid=16303113>

Purchased Price: \$44,000

Council District: 5

40. Property Transactions - Idlewild/Monroe Intersection - Phase I, Parcel #7

Action: Approve the following Condemnation: Idlewild/Monroe Intersection - Phase I, Parcel #7

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

Project: Idlewild/Monroe Intersection - Phase I, Parcel #7

Program: Idlewild/Monroe Intersection - Phase I

Owner(s): Richard Latorre

Property Address: 5831 Monroe Road

Total Parcel Area: 23,267sq. ft. (0.534 ac.)

Property to be acquired by Easements: 2,930 sq. ft. (0.067 ac.) Sidewalk Utility Easement, 2,057 sq. ft. (0.047 ac.) Temporary Construction Easement, 2,930 sq. ft. (0.067 ac.) Waterline Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: O-1 (CD)

Use: Office

Tax Code: 163-031-14

<https://polaris3g.mecklenburgcountync.gov/#mat=156378&pid=16303114&qisid=16303114>

Appraised Value: \$20,850

Property Owner's Concerns: None

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

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

Council District: 5

41. Property Transactions - Idlewild/Monroe Intersection - Phase I, Parcel #8

Action: Approve the following Condemnation: Idlewild/Monroe Intersection - Phase I, Parcel #8

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

Project: Idlewild/Monroe Intersection - Phase I, Parcel #8

Program: Idlewild/Monroe Intersection - Phase I

Owner(s): James M. Cullen and Anne Bell Cullen

Property Address: 701 Ashmore Drive

Total Parcel Area: 20,649 sq. ft. (0.474 ac.)

Property to be acquired by Easements: 2,909 sq. ft. (0.067 ac.) Sidewalk Utility Easement, 1,834 sq. ft. (0.042 ac.) Temporary Construction Easement, 2,909 sq. ft. (0.067 ac.) Waterline Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R-4

Use: Single-family Residential

Tax Code: 163-031-15

<https://polaris3g.mecklenburgcountync.gov/#mat=180287&pid=16303115&qisid=16303115>

Appraised Value: \$26,925

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

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

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

Council District: 5

42. Property Transactions - Idlewild/Monroe Intersection - Phase I, Parcel #9

Action: Approve the following Acquisition: Idlewild/Monroe Intersection - Phase I, Parcel #9

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

Project: Idlewild/Monroe Intersection - Phase I, Parcel #9

Program: Idlewild/Monroe Intersection - Phase I

Owner(s): 5936 Monroe Road LLC

Property Address: 5936 Monroe Road

Total Parcel Area: 16,582 sq. ft. (0.38 ac.)

Property to be acquired by Fee: 531 sq. ft. (0.012 ac.) Fee Simple

Property to be acquired by Easements: 933 sq. ft. (0.021 ac.) Utility Easement, 1,124 sq. ft. (0.026 ac.) Sidewalk Utility Easement, 117 sq. ft. (0.003 ac.) Temporary Construction Easement, 190 sq. ft. (0.004 ac.) Retaining Wall Easement, 1,124 sq. ft. (0.026 ac.) Waterline Easement

Structures/Improvements to be impacted: Sign on brick columns

Landscaping to be impacted: None

Zoned: O-1

Use: Office

Tax Code: 163-05C-98

<https://polaris3g.mecklenburgcountync.gov/#mat=240263&pid=16305160&qsid=16305C98>

Purchased Price: \$21,175

Council District: 5

43. Property Transactions - Idlewild/Monroe Intersection - Phase I, Parcel #14

Action: Approve the following Condemnation: Idlewild/Monroe Intersection - Phase I, Parcel #14

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

Project: Idlewild/Monroe Intersection - Phase I, Parcel #14

Program: Idlewild/Monroe Intersection - Phase I

Owner(s): Jerilynn M. Morra

Property Address: 700 Jerilyn Drive

Total Parcel Area: 14,313 sq. ft. (0.33 ac.)

Property to be acquired by Easements: 763 sq. ft. (0.018 ac.) Utility Easement, 2,614 sq. ft. (0.06 ac.) Retaining Wall Easement, 656 sq. ft. (0.015 ac.) Storm Drainage Easement, 2,614 sq. ft. (0.06 ac.) Sanitary Sewer and Waterline Easement, 2,614 sq. ft. (0.06 ac.) Sidewalk Utility Easement, 477 sq. ft. (0.011 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Fence

Landscaping to be impacted: Trees and landscaping

Zoned: R-4

Use: Single-family Residential

Tax Code: 163-033-06

<https://polaris3g.mecklenburgcountync.gov/#mat=179696&pid=16303306&qisid=16303306>

Appraised Value: \$40,800

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

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

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

Council District: 5

44. Property Transactions - Idlewild/Monroe Intersection - Phase I, Parcel #16, 17

Action: Approve the following Condemnation: Idlewild/Monroe Intersection - Phase I, Parcel #16, 17

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

Project: Idlewild/Monroe Intersection - Phase I, Parcel #16, 17

Program: Idlewild/Monroe Intersection - Phase I

Owner(s): Starnes Residential Properties LLC

Property Address: 6011 Monroe Road

Total Parcel Area: 27,951sq. ft. (0.642 ac.)

Property to be acquired by Fee: 767 sq. ft. (0.017 ac.) Fee Simple

Property to be acquired by Easements: 20 sq. ft. (0 ac.) Utility Easement, 1,618 sq. ft. (0.037 ac.) Retaining Wall Easement, 5,225 sq. ft. (0.12 ac.) Sanitary Sewer and Waterline Easement, 5,225 sq. ft. (0.12 ac.) Sidewalk Utility Easement, 4,630 sq. ft. (0.106 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and landscaping

Zoned: R-4

Use: Single-family Residential

Tax Code: 163-033-07, 163-033-08

<https://polaris3g.mecklenburgcountync.gov/#mat=159515&pid=16303307&qisid=16303307>

<https://polaris3g.mecklenburgcountync.gov/#mat=159670&pid=16303308&qisid=16303308>

Appraised Value: \$127,275

Property Owner's Concerns: None

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

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

Council District: 5

45. Property Transactions - I-85 North Bridge, Parcels #2, 2.1, 2.2, 12, 12.1, and 13

Action: Approve the following Acquisition: I-85 North Bridge, Parcels #2, 2.1, 2.2, 12, 12.1, and 13

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

Project: I-85 North Bridge, Parcels #2, 2.1, 2.2, 12, 12.1, and 13

Owner(s): DB Mainstreet Environmental Way LLC

Property Address: 1000 Louis Rose Place

Total Parcel Area: 1,054,282 sq. ft. (24.203 ac.)

Property to be acquired by Easements: 436 sq. ft. (0.01 ac.) in Storm Drainage Easement, plus 4,428 sq. ft. (0.102 ac.) in Sanitary Sewer Easement, plus 944 sq. ft. (0.022 ac.) in Sidewalk and Utility Easement, plus 594 sq. ft. (0.014 ac.) in Slope Easement, plus 3,930 sq. ft. (0.09 ac.) in Access Easement, plus 42,367 sq. ft. (0.973 ac.) in Right-of-Way and Utility Easement, plus 266 sq. ft. (0.006 ac.) in Waterline Easement, plus 17,031 sq. ft. (0.391 ac.) in Temporary Construction Easement, plus 19,704 sq. ft. (0.452 ac.) in Utility Easement

Structures/Improvements to be impacted: Irrigation system

Landscaping to be impacted: Trees and various plantings

Zoned: RE-2

Use: Laboratory / Research

Tax Code: 047-141-10, 047-141-17, 047-141-13

<http://polaris3g.mecklenburqcountync.gov/#mat=545214&pid=04714110&gisid=04714110>

<http://polaris3g.mecklenburqcountync.gov/#mat=411552&pid=04714117&gisid=04714117>

<http://polaris3g.mecklenburqcountync.gov/#pid=04714113&gisid=04714113>

Purchased Price: \$154,220

Council District: 4

46. Property Transactions - Matheson Avenue Streetscape, Parcel #2

Action: Approve the following Condemnation: Matheson Avenue Streetscape, Parcel #2

Project: Matheson Avenue Streetscape, Parcel #2

Program: Matheson Avenue Streetscape

Owner(s): Quiktrip Corporation

Property Address: 2600 North Tryon Street

Total Parcel Area: 153,036 sq. ft. (3.513 ac.)

Property to be acquired by Easements: 966 sq. ft. (0.022 ac.) Storm Drainage Easement, 3,199 sq. ft. (0.073 ac.) Sidewalk Utility Easement, 7,265 sq. ft. (0.167 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: I-2

Use: Industrial

Tax Code: 083-023-07

<https://polaris3g.mecklenburgcountync.gov/#mat=437958&pid=08302307&qsid=08302307>

Appraised Value: \$89,550

Property Owner's Concerns: None

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

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

Council District: 1

47. Property Transactions - Matheson Avenue Streetscape, Parcel #4

Action: Approve the following Acquisition: Matheson Avenue Streetscape, Parcel #4

Project: Matheson Avenue Streetscape, Parcel #4

Program: Matheson Avenue Streetscape

Owner(s): Marwan Marzouk and Sahar Marzouk

Property Address: Matheson Avenue

Total Parcel Area: 14,117sq. ft. (0.32 ac.)

Property to be acquired by Easements: 1,526 sq. ft. (0.035 ac.) Storm Drainage Easement, 822 sq. ft. (0.019 ac.) Sidewalk Utility Easement, 2,092 sq. ft. (0.048 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: I-2

Use: Industrial

Tax Code: 083-023-08

<https://polaris3g.mecklenburgcountync.gov/#pid=08302308&gisid=08302308>

Purchased Price: \$17,525

Council District: 1

48. Property Transactions - Matheson Avenue Streetscape, Parcel #11, 12

Action: Approve the following Condemnation: Matheson Avenue Streetscape, Parcel #11, 12

Project: Matheson Avenue Streetscape, Parcel #11, 12

Program: Matheson Avenue Streetscape

Owner(s): Neese Sausage Company

Property Address: 2604 North Davidson Street and 613 Jordan Place

Total Parcel Area: 31,839 sq. ft. (0.73 ac.)

Property to be acquired by Easements: 728 sq. ft. (0.017 ac.) Slope Easement, 895 sq. ft. (0.021 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: TOD-NC

Use: Transit Oriented Development

Tax Code: 083-066-03, 083-066-04

<https://polaris3g.mecklenburgcountync.gov/#mat=87745&pid=08306603&qisid=08306603>

<https://polaris3g.mecklenburgcountync.gov/#mat=162668&pid=08306604&qisid=08306604>

Appraised Value: \$35,075

Property Owner's Concerns: None

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

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

Council District: 1

49. Property Transactions - Providence Road Sidewalk Improvement (Greentree Drive - Knob Oak Lane), Parcel #2

Action: Approve the following Condemnation: Providence Road Sidewalk Improvement (Greentree Drive - Knob Oak Lane), Parcel #2

Project: Providence Road Sidewalk Improvement (Greentree Drive - Knob Oak Lane), Parcel #2

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

Owner(s): Providence Children's Academy LLC

Property Address: 3051 and 3039 Providence Road

Total Parcel Area: 85,872 sq. ft. (1.97 ac.)

Property to be acquired by Easements: 1,921 sq. ft. (0.044 ac.) Sidewalk Utility Easement, 1,063 sq. ft. (0.024 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: INST (CD)

Use: Institutional

Tax Code: 185-014-04

<https://polaris3g.mecklenburgcountync.gov/#mat=99042&pid=18501404&qisid=18501404>

Appraised Value: \$16,425

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

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

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

Council District: 6

50. Property Transactions - Providence Road Sidewalk Improvement (Greentree Drive - Knob Oak Lane), Parcel #4

Action: Approve the following Condemnation: Providence Road Sidewalk Improvement (Greentree Drive - Knob Oak Lane), Parcel #4

Project: Providence Road Sidewalk Improvement (Greentree Drive - Knob Oak Lane), Parcel #4

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

Owner(s): Betty S Gamble

Property Address: 3124 Providence Road

Total Parcel Area: 26,357 sq. ft. (0.605 ac.)

Property to be acquired by Easements: 1,639 sq. ft. (0.038 ac.) Sidewalk Utility Easement, 1,925 sq. ft. (0.044 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-3

Use: Single-family Residential

Tax Code: 183-041-10

<https://polaris3g.mecklenburgcountync.gov/#mat=101360&pid=18304110&gisid=18304110>

Appraised Value: \$21,350

Property Owner's Concerns: None

City's Response to Property Owner's Concerns: None

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

Council District: 6

51. Property Transactions - Providence Road Sidewalk Improvement (Greentree Drive - Knob Oak Lane), Parcels #5, 6

Action: Approve the following Acquisition: Providence Road Sidewalk Improvement (Greentree Drive - Knob Oak Lane), Parcels #5, 6

Project: Providence Road Sidewalk Improvement (Greentree Drive - Knob Oak Lane), Parcels #5, 6

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

Owner(s): Thomas Michael Todd

Property Address: 3132 and 3200 Providence Road

Total Parcel Area: 74,888 sq. ft. (1.72 ac.)

Property to be acquired by Fee: 3,434 sq. ft. (0.08 ac.) Fee Simple, 2,296 sq. ft. (0.05 ac.) Fee Simple in Existing R/W

Property to be acquired by Easements: 1,718 sq. ft. (0.039 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-3

Use: Single-family Residential

Tax Code: 183-041-27, 183-041-28

<https://polaris3g.mecklenburgcountync.gov/#mat=103042&pid=18304127&qisid=18304127>
<https://polaris3g.mecklenburgcountync.gov/#mat=101788&pid=18304128&qisid=18304128>

Purchased Price: \$161,300

Council District: 6

52. Property Transactions - Providence Road Sidewalk Improvement (Greentree Drive - Knob Oak Lane), Parcel #7

Action: Approve the following Condemnation: Providence Road Sidewalk Improvement (Greentree Drive - Knob Oak Lane), Parcel #7

Project: Providence Road Sidewalk Improvement (Greentree Drive - Knob Oak Lane), Parcel #7

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

Owner(s): Robert Adam Rainey and Cheryl Nicole Rainey

Property Address: 1600 Rutledge Avenue

Total Parcel Area: 19,500 sq. ft. (0.448 ac.)

Property to be acquired by Easements: 673 sq. ft. (0.015 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-3

Use: Single-family Residential

Tax Code: 183-041-34

<https://polaris3g.mecklenburgcountync.gov/#mat=49591&pid=18304134&gisid=18304134>

Appraised Value: \$2,275

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

City's Response to Property Owner's Concerns: The city explained the rationale of the design and how it meets the objectives for the project and informed the property owner they could obtain their own appraisal in order to justify a counteroffer.

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

Council District: 6

53. Property Transactions - Providence Road Sidewalk Improvement (Greentree Drive - Knob Oak Lane), Parcel #22

Action: Approve the following Condemnation: Providence Road Sidewalk Improvement (Greentree Drive - Knob Oak Lane), Parcel #22

Project: Providence Road Sidewalk Improvement (Greentree Drive - Knob Oak Lane), Parcel #22

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

Owner(s): Providence Place Townhouse Association Inc

Property Address: 0 Meadowood Lane

Total Parcel Area: 772,206 sq. ft. (17.727 ac.)

Property to be acquired by Easements: 25 sq. ft. (0.001 ac.) Utility Easement, 5,450 sq. ft. (0.125 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and bushes

Zoned: R-15 MF (CD)

Use: Multi-family Residential

Tax Code: 183-101-99

<https://polaris3g.mecklenburgcountync.gov/#pid=18310199&qisid=18310199>

Appraised Value: \$31,300

Property Owner's Concerns: None

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

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

Council District: 6

ADJOURNMENT

REFERENCES

54. 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.

55. 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.

56. 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.