

City of Charlotte

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



Meeting Agenda

Monday, April 8, 2019

Council Chambers

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 Justin Harlow
Council Member LaWana Mayfield
Council Member James Mitchell
Council Member Matt Newton
Council Member Greg Phipps
Council Member Braxton Winston II

ACTION REVIEW**1. Mayor and Council Consent Item Questions****Staff Resource(s):**

Marie Harris, Strategy and Budget

Time: 5 minutes

Synopsis

Mayor and Council may ask questions about Consent agenda items.

2. Agenda Overview**Staff Resource(s):**

Marcus Jones, City Manager

3. Charlotte Center City Partners**Staff Resource(s):**

Phil Reiger, Strategy and Budget

Time: 15 minutes

Explanation

- Charlotte Center City Partners administer services within the City's Municipal Service Districts. Per state statute, agencies providing services for Municipal Service Districts are required to provide an annual workplan report to City Council.

Future Action

Financial Partner funding recommendations will be presented in the City Manager's Fiscal Year 2020 Recommended Budget on May 6, 2019.

[4.8.19 CCCP Action Review](#)

4. University City Partners**Staff Resource(s):**

Phil Reiger, Strategy and Budget

Time: 15 minutes

Explanation

- University City Partners administer services within the Municipal Service Districts. Per state statute, agencies providing services for Municipal Service Districts are required to provide an annual workplan report to City Council.

Future Action

Financial Partner funding recommendations will be presented in the City Manager's Fiscal Year 2020 Recommended Budget on May 6, 2019.

[MSD 5 City Council Presentation 2019](#)

5. Economic Development and Charlotte Regional Visitors Authority Update and Strategy

Staff Resource(s):

Tracy Dodson, Economic Development
Tom Murray, Charlotte Regional Visitors Authority

Time: 15 minutes

Explanation

- Provide an update on Economic Development and the Charlotte Regional Visitors Authority.

6. Answers to Mayor and Council Consent Item Questions

Staff Resource(s):

Marie Harris, Strategy and Budget

Time: 5 minutes

Synopsis

Staff responses to questions from the beginning of the Business Meeting.

7. Closed Session (as necessary)

BUSINESS MEETING

CALL TO ORDER

INTRODUCTIONS

INVOCATION

PLEDGE OF ALLEGIANCE

PUBLIC FORUM

8. Public Forum

9. Consent agenda items 21 through 35 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 citizens signed up to speak to the item.

PUBLIC HEARING**10. Public Hearing on the Fiscal Year 2020 Annual Action Plan for Housing and Community Development****Action:**

Conduct a public hearing on the proposed Fiscal Year 2020 Annual Action Plan for Housing and Community Development.

Staff Resource(s):

Pamela Wideman, Housing and Neighborhood Services
Warren Wooten, Housing and Neighborhood Services

Policy

- The U.S. Department of Housing and Urban Development (HUD) mandates the development of an annual action plan to receive federal funding for housing and community development activities.
- The Fiscal Year (FY) 2020 Annual Action Plan for Housing and Community Development (Plan) is the City of Charlotte's strategy for the use of federal funds in providing housing and community development activities.
- The Plan supports the City's approved Housing Charlotte Framework to preserve existing housing, expand the supply of low and moderate-income housing, and support family self-sufficiency.

Community Input

- Housing and Neighborhood Services convened two public forums to receive input for the development of the Plan. Advertised in the *Charlotte Observer* and *La Noticia*, the sessions were held February 13 at Old City Hall and February 19 at the Belmont Center.
- A draft copy of the Plan was published to the City website with paper copies available at Old City Hall or by request. The document was available in English and Spanish.

Next Steps

- City Council will be asked to approve the Plan at the April 22, 2019 business meeting, and the Plan must be submitted to HUD no later than May 15, 2019.

Explanation

- The Plan includes housing and community development needs and resources for the City and Regional Housing Consortium.
- The Regional Housing Consortium is a partnership among the City, Mecklenburg County, and the towns of Cornelius, Pineville, Matthews, Mint Hill, Huntersville, and Davidson.
- In FY 2020, the City expects to receive the following federal funding allocations, totaling \$12,307,948:
 - Community Development Block Grant: \$5,997,893,
 - HOME Investment and Partnerships: \$3,297,679,
 - Emergency Solution Grants: \$482,968, and
 - Housing Opportunity for Persons with AIDS: \$2,529,408.
- The final budget is expected to be determined in the next 60 to 90 days. If any of the anticipated funding amounts change, City Council is not required to hold another public hearing or amend the approved Plan. The changes will be handled administratively.

Attachment(s)

Draft Fiscal Year 2020 Annual Action Plan for Housing and Community Development

[Draft FY20 Action Plan](#)

11. Public Hearing on a Resolution to Close an Unopened Alleyway Off of Drummond Avenue and Catawba Avenue

Action:

- A. Conduct a public hearing to close an unopened alleyway off of Drummond Avenue and Catawba Avenue, and
- B. Adopt a resolution to close an unopened alleyway off of Drummond Avenue and Catawba Avenue.

Staff Resource(s):

Liz Babson, Transportation
Michelle Smith, Transportation

Explanation

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The attached resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.
- The unopened alleyway off of Drummond Avenue and Catawba Avenue is located in Council District 1.

Petitioners

Villa Heights Properties - David Weekly Homes

Right-of-Way to be Abandoned

The unopened alleyway off of Drummond Avenue and Catawba Avenue is located northeast of The Plaza.

Reason

This abandonment will allow each of the two abutting owners to incorporate the unopened right-of-way into their land so that they will have full title and interest in the right-of-way that they are currently maintaining.

Notification

As part of the City's notification process, and in compliance with North Carolina General Statute 160A-299, the Charlotte Department of Transportation submitted this abandonment petition for review by the public and City Departments.

Adjoining property owner(s)

None

Neighborhood/Business Association(s)

None

Private Utility Companies

No objections

City Departments

- Review by City departments identified no apparent reason this closing would:
 - Be contrary to the public interest;
 - Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and

- egress to his property as outlined in the statutes; and
- Be contrary to the adopted policy to preserve existing rights-of-way for connectivity.

Attachment(s)

Map

Resolution

[Alleyway \(2\)](#)

[Resolution to Close a portion of an unopened alleyway off Drummond and Catawba](#)

12. Public Hearing on a Resolution to Close an Unopened Alleyway Off of North McDowell Street and North Myers Street

Action:

- A. Conduct a public hearing to close an unopened alleyway off of North McDowell Street and North Myers Street, and
- B. Adopt a resolution to close an unopened alleyway off of North McDowell Street and North Myers Street.

Staff Resource(s):

Liz Babson, Transportation
Michelle Smith, Transportation

Explanation

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The attached resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.
- The unopened alleyway off of North McDowell Street and North Myers Street is located in Council District 1.

Petitioners

Brian and Megan McGee

Right-of-Way to be Abandoned

The unopened alleyway off of North McDowell Street and North Myers Street is located south of East 35th Street.

Reason

This abandonment will allow each of the two abutting owners to incorporate the unopened right-of-way into their land so that they will have full title and interest in the right-of-way that they are currently maintaining.

Notification

As part of the City's notification process, and in compliance with North Carolina General Statute 160A-299, the Charlotte Department of Transportation submitted this abandonment petition for review by the public and City Departments.

Adjoining property owner(s)

John Rowe - No objections
John and Shelia Edwards - No objections
Caleb Rowe and Jennifer Underwood - No objections

Neighborhood/Business Association(s)

None

Private Utility Companies

No objections

City Departments

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

Attachment(s)

Map

Resolution

[Map for Council](#)

[Resolution to Close a portion of an unopened alleyway off of North McDowell and North Myers](#)

POLICY

13. City Manager's Report

14. Charlotte City Council Rules of Procedure

Action:

Approve an amendment to the Charlotte City Council Rules of Procedure.

Committee Chair:

Greg Phipps, Budget and Effectiveness

Staff Resource(s):

Patrick Baker, City Attorney

Explanation

- The Rules of Procedure for the Charlotte City Council were most recently adopted on April 11, 2016.
- On May 11, 2017 an administrative change was made to change the name from "citizen forum" to "public forum."
- During the December 3, 2018 Council Strategy Session meeting, the Budget and Effectiveness Committee Chair presented the Committee's recommended changes to the current citizen forum section of the City Council's Rules of Procedure.
- These recommended changes are as follows:
 - Increase the number of speakers from 10 to 15, unless otherwise agreed by a majority of Council,
 - If up to 10 persons have signed up to speak, each person can speak for three minutes, and
 - If 11 or more persons have signed up to speak, each person can speak for two minutes but no more than 15 persons may speak during the public forum.
- A vote on the matter was deferred to January 2019.
- Changes to the Council Rules of Procedure must be voted on by City Council.

Committee Discussion

- On September 18, 2018, the Budget and Effectiveness Committee (Committee) voted unanimously to recommend to the full Council changes to the public forum (Phipps, Driggs, and Bokhari; Ajmera and Mayfield were absent).

Attachment(s)

Proposed Amendment to Rule 5 of the Rules of Procedure for the Charlotte City Council

[Public Forum Speaker Amendment](#)

15. Housing Funding Support Requests

Action:

Approve \$11,844,500 in Housing Trust Fund allocations for the following multi-family developments (contingent upon their receiving nine percent tax credits from the North Carolina Housing Finance Agency):

- **Abbington Westside, \$1,575,000,**
- **Brookwood Apartments, \$1,525,000,**
- **Connelly Creek Apartments, \$1,996,500,**
- **Mayfield at Sugaree, \$1,750,000,**
- **Parkside At Hickory Grove, \$1,750,000,**
- **Rosewood Commons II, \$520,000,**
- **Sugar Creek Greene, \$1,368,000, and**
- **The Park Seniors, \$1,360,000**

Committee Chair:

LaWana Mayfield, Housing and Neighborhood Development

Staff Resource(s):

Pamela Wideman, Housing and Neighborhood Services

Miles Vaughn, Housing and Neighborhood Services

Explanation

- On November 26, 2001, City Council established the Housing Trust Fund (HTF) to provide financing for diverse price point housing in the Charlotte area.
- On May 14, 2018, City Council adopted the U.S. Department of Housing and Urban Development's Annual Action Plan (Plan). The Plan:
 - Identifies the need for affordable, safe and decent housing for low and moderate-income families, and
 - Reaffirms three basic goals of the city's Housing Policy:
 - Preserve the existing housing stock,
 - Expand the supply of affordable housing, and
 - Support family self-sufficiency initiatives.
- On August 27, 2018, City Council adopted the Housing Charlotte Framework which recommends expanding the supply of high-quality rental housing. Approval of this funding supports the Council's commitment to expand the supply of diverse price point housing goals.
- Support of HTF allocations demonstrates local alignment with state-supported affordable housing developments and allows for the local leveraging of tax credit awards.
- To aid in the production of diverse price point housing units, Housing and Neighborhood Services issued a Request for Funding in January 2019.
- As a result, funding requests were received from eight developments that are seeking nine percent low-income housing tax credits from the North Carolina Housing Finance Agency (NCHFA). Approval is recommended for all proposed developments and is contingent upon their receiving the tax credit awards.
- Each of these developments received a perfect site score based on the scoring guidelines included in the NCHFA's Qualified Allocation Plan. Proposed developments site scores are based on:
 - Neighborhood Characteristics,
 - Amenities, and
 - Site Suitability.
- Additionally, the NCHFA will base final awards on:
 - Market demand and local housing needs,
 - Ability to serve qualified residents for the longest affordability period,
 - Design and quality of construction, and
 - Financial structure and long-term viability.
- Seven of the proposed developments have met all land use requirements, including the required

local rezoning. However, Mayfield at Sugaree's rezoning approval is scheduled for April 15. Therefore, approval of Housing Trust Fund support for this development is contingent upon a successful rezoning approval.

- The deadline for final NCHFA applications is May 10, 2019. Therefore, City Council must make final approvals before May 10, 2019.
- The NCHFA is scheduled to announce tax credits for the nine percent tax credit developments in August 2019. Due to the competitiveness and limited amount of available tax credits, and the NCHFA's desire to disperse awards throughout the state, the agency will not award tax credits to all eight developments. Approved HTF funding for developments not awarded a tax credit will be returned to the fund for future allocations.

Committee Discussion

- On March 25, 2019, Housing and Neighborhood Services presented the proposed the Housing Funding Support Requests to City Council.

Fiscal Note

Funding: Community Investment Plan (Housing Trust Fund)

Attachment(s)

March 25, 2019 Council Business Meeting Presentation

[HTF Funding Requests 3.25.19](#)

BUSINESS**16. Nominations to the Business Advisory Committee****Action:**

Nominate citizens to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk

Explanation

- One appointment for a partial term recommended by the Charlotte Regional Business Alliance beginning immediately and ending April 28, 2020.
 - Eric Cohen has resigned.
 - The recommendation is forthcoming and will be brought to Council at the May 8, 2019 Business Meeting.
- One appointment for a three-year term recommended by the Charlotte Regional Business Alliance beginning May 1, 2019 and ending April 28, 2022.
 - Tonia M. Woodbury is eligible and interested in reappointment.
 - The Charlotte Regional Business Alliance has recommended Tonia M. Woodbury for reappointment.
- One appointment for a three-year term beginning May 1, 2019 and ending April 28, 2022.
 - Victoria Watlington is eligible and interested in reappointment.

Attachments

Business Advisory Committee Applicants

17. Nominations to the Domestic Violence Advisory Board

Action:

Nominate citizens to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term beginning immediately and ending September 21, 2019, followed by a three-year term beginning September 22, 2019 and ending September 21, 2022.
 - Patricia Wiley did not meet attendance requirements.

Attachment(s)

Domestic Violence Advisory Board Applicants

18. Nominations to Keep Charlotte Beautiful

Action:

Nominate citizens to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a partial term beginning immediately and ending June 30, 2019, followed by a three-year term beginning July 1, 2019 and ending June 30, 2022.
 - Valerie Gilbert has resigned.

- One appointment for a partial term beginning immediately and ending June 30, 2021.
 - Tonya Clarkston has resigned.

Attachments

Keep Charlotte Beautiful Applicants

19. Nominations to the Neighborhood Matching Grants Fund

Action:

Nominate citizens to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk

Explanation

- One appointment recommended by the City Manager for a two-year term beginning April 16, 2019 and ending April 15, 2021.
 - Sarah M. Hazel is eligible and interested in reappointment.
 - The City Manager has recommended Sarah M. Hazel.

- One appointment for a Business Representative for a two-year term beginning April 16, 2019 and ending April 15, 2021.
 - Jamal Cook is eligible and interested in reappointment.

- One appointment for a Neighborhood Representative for a two-year term beginning April 16, 2019 and ending April 15, 2021.
 - Doug Jones has completed two full terms and is no longer eligible for reappointment.

Attachments

Neighborhood Matching Grants Fund Applicants

20. Mayor and City Council Topics

The City Council members may share information and raise topics for discussion.

CONSENT**21. Traffic Signals and Hardware****Action:**

- A. Approve a unit price contract to the lowest responsive bidder Mobotrex Inc. for the purchase of traffic signal replacement parts and repairs for one year, and**
- B. Authorize the City Manager to renew the contract for up to four, one-year renewal terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Liz Babson, Transportation

Bryan Tarlton, Transportation

Explanation

- The Charlotte Department of Transportation maintains over 800 traffic signals, which include intersection signals, fire emergency signals, school flashers, and pedestrian hybrid beacons. The City's traffic signals require a large inventory of parts to be available for repairs and replacement.
- Traffic signal components must be compatible for fast repair times, especially during emergency situations.
- On December 12, 2018, the City issued an Invitation to Bid; three bids were received.
- Mobotrex Inc. was selected as the lowest responsive, responsible bidder.
- Annual expenditures are estimated to be \$400,000.

Charlotte Business INClusion

No subcontracting goal was established because there are no subcontracting opportunities (Part C: Section 2.1 (a) of the Charlotte Business INClusion Policy).

Fiscal Note

Funding: Transportation Operating Budget

22. Signal and Roadway Construction Services

Action:

- A. Approve a contract in the amount of \$2,457,494.64 to the lowest responsive bidder Blythe Development Co. for the Signal and Roadway Construction Services Fiscal Year 2019 A, and**
- B. Approve a contract in the amount of \$2,671,535.70 to the lowest responsive bidder Blythe Development Co. for the Signal and Roadway Construction Services Fiscal Year 2019 B.**

Staff Resource(s):

Mike Davis, Engineering and Property Management
Becky Chambers, Engineering and Property Management

Explanation

- These contracts will install traffic signals and pedestrian hybrid beacons at various locations throughout the City. Work will include installation of signals, concrete bases, conduit, pull boxes, concrete accessible ramps, concrete sidewalk, milling, resurfacing, and pavement markings.
- Approximately eight projects may be constructed within a contract term that may not exceed 18 months. The number of projects may vary depending on the nature and extent of the construction.
- Project locations may include West Boulevard, South Tryon Street, Morehead Street, Woodlawn Road and South Boulevard and work will be coordinated with one prime contractor for the signal and roadway construction work.
- Work orders will be issued on a task-order basis prior to construction beginning.

Action A

- On January 25, 2019, the City issued an Invitation to Bid; 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 February 19, 2019, the City re-issued an Invitation to Bid; one bid was received.
- Blythe Development Co. was selected as the lowest responsive, responsible bidder.

Action B

- On January 25, 2019, the City issued an Invitation to Bid; 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 February 22, 2019, the City re-issued an Invitation to Bid; one bid was received.
- Blythe Development Co. was selected as the lowest responsive, responsible bidder.

Charlotte Business INclusion

Action A

Established SBE Goal: 20.00%

Committed SBE Goal: 20.00%

Blythe Development Co. has identified SBEs on its project team, and for each work order issued, committed 20.00% of the total contract amount to the following certified firms:

- Express Logistics Services, Inc. (SBE, MBE) (hauling)
- Gastonia Iron works (SBE) (railing)
- Ground Effects, Inc. (SBE, WBE) (striping)
- P and TL, Inc. (SBE) (erosion material)
- R.R.C. Concrete Inc (SBE, MBE) (concrete)

Established MBE Goal: 6.00%

Committed MBE Goal: 6.00%

Blythe Development Co. has identified MBEs on its project team, and for each work order issued, committed 6.00% of the total contract amount to the following certified firms:

- Express Logistics Services, Inc. (SBE, MBE) (hauling)
- R.R.C. Concrete Inc (SBE, MBE) (concrete)

Action B

Established SBE Goal: 20.00%

Committed SBE Goal: 20.00%

Blythe Development Co. has identified SBEs on its project team, and for each work order issued, committed 20.00% of the total contract amount to the following certified firms:

- Express Logistics Services, Inc. (SBE, MBE) (hauling)
- Gastonia Iron works (SBE) (railing)
- Ground Effects, Inc. (SBE, WBE) (striping)
- P and TL, Inc. (SBE) (erosion material)
- R.R.C. Concrete Inc (SBE, MBE) (concrete)

Established MBE Goal: 6.00%

Committed MBE Goal: 6.00%

Blythe Development Co. has identified MBEs on its project team, and for each work order issued, committed 6.00% of the total contract amount to the following certified firms:

- Express Logistics Services, Inc. (SBE, MBE) (hauling)
- R.R.C. Concrete Inc (SBE, MBE) (concrete)

Fiscal Note

Funding: Transportation Bonds

23. Shamrock Drive Upgrades

Action:

Approve a contract in the amount of \$616,127 with STV Engineers, Inc. for engineering design services for the Shamrock Drive upgrades project.

Staff Resource(s):

Mike Davis, Engineering and Property Management
Veronica Wallace, Engineering and Property Management
Mark Grimshaw, Engineering and Property Management

Explanation

- This contract will provide design services for the Shamrock Drive upgrades project identified in the Central/Albemarle/Shamrock Comprehensive Neighborhood Improvement Program (CNIP), located in Council District 1.
- This project was the highest ranked project for this CNIP area. The project limits are Flamingo Avenue to Newell Avenue (approximately 0.9 mile) and improvements will include approximately 1.8 miles of new sidewalk, buffered bicycle lanes, two roundabouts, storm drainage, and utility relocations.
- On February 24, 2016, the City issued a Request for Qualifications (RFQ); 20 proposals were received.
- STV Engineers, Inc. was the firm best qualified to meet the City's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- On October 10, 2016, City Council approved a contract in the amount of \$375,000 to STV Engineers, Inc. for planning services for the Shamrock Drive upgrades project.
- As part of the contract, the City included an option to continue services with the selected consultant as an incentive for good performance on the planning services.
- STV Engineers, Inc. has completed the planning phase which included traffic analysis, public meetings and outreach, conceptual plans, field surveys, and mapping.

Charlotte Business INclusion

The City negotiates subcontracting participation after the firm is selected for this services contract (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). STV Engineers, Inc. has committed 11.15% (\$68,679) of the total contract amount to the following certified firms:

- Hinde Engineering, Inc. (SBE) (\$53,340) (utility coordination)
- Progressive Design Group, Inc. (SBE) (\$15,000) (traffic engineering)
- Richa Graphics (SBE, MBE) (\$339) (printing services)

Fiscal Note

Funding: General Community Investment Plan

Attachment(s)

Map

[Location Map - Shamrock Drive Street Upgrades](#)

24. Honeywell International Inc. Hangar Lease

Action:

- A. Approve a 15-year lease agreement with Honeywell International, Inc., and**
- B. Authorize the City Manager to amend the lease for three, five-year lease extensions consistent with the purpose for which the agreement was approved.**

Staff Resource(s):

Brent Cagle, Aviation
Haley Gentry, Aviation

Explanation

- Honeywell International, Inc. (Honeywell) desires to lease existing hangar and office facilities at Charlotte Douglas International Airport as a base for its corporate aviation department.
- Honeywell will pay the City of Charlotte the agreed-upon facility rent for the hangar and office facilities, ground rent, other airport rents and fees as determined by the hangar lease agreement and in accordance with applicable federal guidelines governing the leasing of aeronautical facilities.

Fiscal Note

Funding: Revenue from the lease agreement will be deposited within Aviation's operating budget

25. Refund of Property Taxes

Action:

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$18,466.19.

Staff Resource(s):

Robert Campbell, Finance
Kay Elmore, Finance

Explanation

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

Attachment(s)

Taxpayers and Refunds Requested
Resolution Property Tax Refunds

[List of Taxpayers](#)

[Resolution](#)

26. Meeting Minutes

Action:

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

- **February 18, 2019 Zoning Meeting**

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

PROPERTY TRANSACTIONS

27. Property Transactions - 8" Water Main to Serve 3149 Freedom Drive, Parcel #2

Action: Approve the following Condemnation: 8" Water Main to Serve 3149 Freedom Drive, Parcel #2

Project: 8" Water Main to Serve 3149 Freedom Drive, Parcel #2

Owner(s): Kingott LLC

Property Address: 3121 Freedom Drive

Total Parcel Area: 34,983 sq. ft. (.803 ac.)

Property to be acquired by Easements: 1,003.56 sq. ft. (.023 ac.) in Waterline Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: B-2

Use: Commercial

Tax Code: 067-142-01

Appraised Value: \$4,025

Outstanding Concerns: Property owner has become non-responsive.

Recommendation: To avoid delay in the project schedule, staff recommends proceeding 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

[Location Map - 8 Water Main to Serve 3149 Freedom Drive.P2.docx](#)

28. Property Transactions - 8" Water Main to Serve 3149 Freedom Drive, Parcel #3

Action: Approve the following Condemnation: 8" Water Main to Serve 3149 Freedom Drive, Parcel #3

Project: 8" Water Main to Serve 3149 Freedom Drive, Parcel #3

Owner(s): Esther Elder

Property Address: 3119 Freedom Drive

Total Parcel Area: 32,781 sq. ft. (.753 ac.)

Property to be acquired by Easements: 591.99 sq. ft. (.014 ac.) in Waterline Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: B-2

Use: Commercial

Tax Code: 067-131-06

Appraised Value: \$1,525

Recommendation: To obtain clear title and avoid delay in the project schedule, staff recommends proceeding to condemnation.

Council District: 3

[Location Map - 8 Water Main to Serve 3149 Freedom Drive.P3.docx](#)

29. Property Transactions - Chandworth Drainage Improvements, Parcel #10

Action: Approve the following Acquisition: Chandworth Drainage Improvements, Parcel #10

Project: Chandworth Drainage Improvements, Parcel #10

Program: Flood Control

Owner(s): Nancy R. Sheedy and Raymond Sheedy

Property Address: 3900 Chandworth Road

Total Parcel Area: 13,904 sq. ft. (.319 ac.)

Property to be acquired by Easements: 1,099 sq. ft. (.025 ac.) in Storm Drainage Easement, plus 679 sq. ft. (.016 ac.) in Sanitary Sewer Easement, plus 1,217 sq. ft. (.028 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R-3

Use: Single-family Residential

Tax Code: 179-097-36

Purchase Price: \$11,500

Council District: 6

[Location Map - Chandworth Drainage Improvements.P10.docx](#)

30. Property Transactions - Chandworth Drainage Improvements, Parcel #14

Action: Approve the following Acquisition: Chandworth Drainage Improvements, Parcel #14

Project: Chandworth Drainage Improvements, Parcel #14

Program: Flood Control

Owner(s): Patrick E. Boyle

Property Address: 4000 Chandworth Road

Total Parcel Area: 15,062 sq. ft. (.346 ac.)

Property to be acquired by Easements: 2,132 sq. ft. (.049 ac.) in Storm Drainage Easement, plus 1,131 sq. ft. (.026 ac.) in Sanitary Sewer Easement, plus 1,676 sq. ft. (.038 ac.) in Temporary Construction Easement, plus 170 sq. ft. (.004 ac.) in Existing Drainage Accepted as Storm Drainage Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and shrubs

Zoned: R-3

Use: Single-family Residential

Tax Code: 179-097-32

Purchase Price: \$17,500

Council District: 6

[Location Map - Chandworth Drainage Improvements.P14.docx](#)

31. Property Transactions - Chandworth Drainage Improvements, Parcel #17

Action: Approve the following Acquisition: Chandworth Drainage Improvements, Parcel #17

Project: Chandworth Drainage Improvements, Parcel #17

Program: Flood Control

Owner(s): Elizabeth M. Doster and Simmons Penegar Doster

Property Address: 4026 Chandworth Road

Total Parcel Area: 15,306 sq. ft. (.351 ac.)

Property to be acquired by Easements: 1,283 sq. ft. (.029 ac.) in Storm Drainage Easement, plus 4,871 sq. ft. (.112 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees, bushes and various plantings

Zoned: R-3

Use: Single-family Residential

Tax Code: 179-097-29

Purchase Price: \$21,435

Council District: 6

[Location Map - Chandworth Drainage Improvements.P17.docx](#)

32. Property Transactions - Five Points Plaza Improvements, Parcel #1

Action: Approve the following Acquisition: Five Points Plaza Improvements, Parcel #1

Project: Five Points Plaza Improvements, Parcel #1

Owner(s): Mechanics and Farmers Bank

Property Address: 101 Beatties Ford Road

Total Parcel Area: 16,500 sq. ft. (.379 ac.)

Property to be acquired by Fee: 1,204 sq. ft. (.028 ac.) in Fee Simple

Property to be acquired by Easements: 408 sq. ft. (.009 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: Fence and gate

Landscaping to be impacted: Trees and various plantings

Zoned: O-2

Tax Code: 069-012-33

Purchase Price: \$69,725

Council District: 2

[Location Map - Five Points Plaza Improvements.P1.docx](#)

33. Property Transactions - Hampton Storm Drainage Improvement, Parcel #5

Action: Approve the following Acquisition: Hampton Storm Drainage Improvement, Parcel #5

Project: Hampton Storm Drainage Improvement, Parcel #5

Program: Flood Control

Owner(s): Mark H. Westerberg and Elizabeth Auwerter Westerberg

Property Address: 3033 Hampton Avenue

Total Parcel Area: 12,961 sq. ft. (.298 ac.)

Property to be acquired by Easements: 1,410 sq. ft. (.032 ac.) in Storm Drainage Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-3

Use: Single-family Residential

Tax Code: 153-093-19

Purchase Price: \$14,456

Council District: 6

[Location Map - Hampton Storm Drainage Improvement.P5.docx](#)

34. Property Transactions - Little Sugar Creek Tributary Trunk Sewer to North Tryon Street, Parcel #7

Action: Approve the following Acquisition: Little Sugar Creek Tributary Trunk Sewer to North Tryon Street, Parcel #7

Project: Little Sugar Creek Tributary Trunk Sewer to North Tryon Street, Parcel #7

Owner(s): Men's Shelter of Charlotte, Inc.

Property Address: 1210 North Tryon Street

Total Parcel Area: 105,023 sq. ft. (2.411 ac.)

Property to be acquired by Easements: 2,509 sq. ft. (.058 ac.) in Storm Drainage Easement, plus 16,643 sq. ft. (.382 ac.) in Sanitary Sewer Easement, plus 4,407 sq. ft. (.101 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: I-2

Use: Industrial

Tax Code: 081-021-02

Purchase Price: \$101,850

Council District: 1

[Location Map - Little Sugar Creek Tributary Trunk Sewer to North Tryon Street.P7.docx](#)

35. Property Transactions - Win Hollow Pump Station, Parcel #3

Action: Approve the following Acquisition: Win Hollow Pump Station, Parcel #3

Project: Win Hollow Pump Station, Parcel #3

Owner(s): Marcie Heslop Siebert and Steven Paul Siebert

Property Address: 11425 Faires Road

Total Parcel Area: 437,205 sq. ft. (10.037 ac.)

Property to be acquired by Easements: 19,633.02 sq. ft. (.451 ac.) in Sanitary Sewer Easement, plus 21,899.94 sq. ft. (.503 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R-3

Use: Single-family Residential

Tax Code: 105-222-03

Purchase Price: \$20,000

Council District: N/A

[Location Map - Win Hollow Pump Station.P3.docx](#)

ADJOURNMENT

REFERENCES

36. Reference - Charlotte Business INclusion Policy

The following excerpts from the City'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 \$300,000 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 an (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 SBEs, MBEs, or WBEs (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; or (b) there are no SBEs or MWBEs 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 SBEs and MWBEs 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 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.

37. 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, City staff 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.

38. 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, City staff 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.