

City of Charlotte

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



Meeting Agenda

Monday, January 25, 2021

Electronic Regular Meeting Hosted from Room 267

City Council Business Meeting

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

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

Call to Order

Introductions

Invocation

Pledge of Allegiance

1. Mayor and Council Consent Item Questions and Answers

Staff Resource(s):

Marie Harris, Strategy and Budget

Time: 5 minutes

Synopsis

Mayor and Council may ask questions about Consent agenda items.

2. Action Review Agenda Overview

Staff Resource(s):

Marcus Jones, City Manager

3. SAFE Charlotte Update

Staff Resource(s):

Marcus Jones, City Manager
Johnny Jennings, Police Chief

Time: 10 minutes - Presentation; 20 minutes - Discussion

Explanation

- Provide updates on SAFE Charlotte and related initiatives.

[Violent Crime Update](#)

4. Closed Session (as necessary)

PUBLIC FORUM

5. Public Forum

CONSENT

- 6. Consent agenda items 21 through 69 may be considered in one motion except for those items removed by a Council member. Items are removed by notifying the City Clerk.**

Consideration of Consent Items shall occur in the following order:

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

AWARDS AND RECOGNITIONS

7. National Mentoring Month Proclamation

Action:

Mayor Lyles will read a proclamation recognizing January 2021 as National Mentoring Month.

[National Mentoring Month Proclamation](#)

PUBLIC HEARING

8. Public Hearing for InterContinental Capital Group Business Investment Grant

Action:

Conduct a public hearing regarding approval of a City of Charlotte Business Investment Grant to InterContinental Capital Group.

Staff Resource(s):

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

Explanation

- On December 22, 2020, InterContinental Capital Group announced it would expand its existing operations in Charlotte.
- This action is requesting a public hearing be conducted regarding City Council approval of a not to exceed Business Investment Grant (BIG) of \$109,661 over seven years.
 - During the week of November 2nd, City Council indicated their intent to approve this Business Investment Grant during council discussions.
- InterContinental Capital Group has committed to a capital investment of \$5,844,450, and creation of 500 jobs to be hired over five-years with an average wage of \$87,500.
- In addition to the 500 new jobs, 120 current positions will be retained for the term of the grant.
- In addition to the Business Investment Grant, the State of North Carolina also approved a Job Development Investment Grant in the amount of \$7,694,250 and \$650,000 in community college training funds.
- In compliance with G.S. 166A-19.24 *Remote meetings during certain declarations of emergency*, written comments on the public hearing topic will be accepted by the Clerk's Office through January 26, 2021, at 11:59 p.m. Any additional comments received will be provided to Council.
- On February 8, 2021, City Council will be asked to approve the BIG to InterContinental Capital Group.

Background

- InterContinental Capital Group is a direct lending mortgage bank that specializes in home financing and residential properties.
- Headquartered in Melville, New York, the startup was founded in 2005 and offers a home financing process that utilizes the latest technologies to ensure customers have a personalized experience.
- The company employs approximately 120 people in its current Charlotte office located in the Montford area.
- InterContinental Capital Group has a robust internal training academy that upskills new employees into careers and retain top performers by offering six to 18 months of paid training towards national license in mortgage lending.

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 InterContinental Capital Group must be paid before a grant payment is made.
 - If InterContinental Capital Group removes the investment from Charlotte during the grant term, it shall pay back 100 percent of the investment grant paid to date.
 - If InterContinental Capital Group 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. Public Hearing on Oak Hills Property Area Voluntary Annexation

Action:

Conduct a public hearing on the Oak Hills Property Area voluntary annexation petition.

Staff Resource(s):

Taiwo Jaiyeoba, City Manager's Office

Holly Cramer, Planning, Design, and Development

Explanation

- Public hearings to obtain community input are required prior to City Council action on annexation requests.
- A petition has been received from the owner of this 23.1523-acre property.
- The property is owned by Gilbert Picklesimer and Oak Hills Inc.
- The property is zoned MX-2, mixed use district.
- The petitioned area consists of four parcels, parcel identification numbers 033-251-04, 033-251-02, 033-251-03, and 033-251-18.
- The property is located within Charlotte's extraterritorial jurisdiction and does not share a boundary with current city limits.
- The intent of the annexation is to enable the development of 138 single-family attached units.
- In compliance with G.S. 166A-19.24 *Remote meetings during certain declarations of emergency*, written comments on the public hearing topic will be accepted by the Clerk's Office through January 26, 2021, at 11:59 p.m. Any additional comments received will be provided to Council.
- On February 22, 2021, City Council will be asked to adopt an annexation ordinance to extend the corporate limits to include these properties and assign them to the adjacent City Council District 2.

Consistency with City Council Policies

- The annexation is consistent with the voluntary annexation policy approved by City Council on March 24, 2003:
 - Is consistent with the policy to not adversely affect the city's ability to undertake future annexations;
 - Is consistent with the policy to not have undue negative impact on city finances or services; and
 - Is consistent with the policy to not create unincorporated areas that will be encompassed by new city limits.

Attachment(s)

Map (GIS)

Map (Survey)

[Oak Hills Property Area Annexation Map](#)

[Oak Hills Property Area Annexation Site Map](#)

10. Public Hearing on Watermark at Mallard Creek Area Voluntary Annexation

Action:

Conduct a public hearing on the Watermark at Mallard Creek Area voluntary annexation petition.

Staff Resource(s):

Taiwo Jaiyeoba, City Manager's Office

Holly Cramer, Planning, Design, and Development

Explanation

- Public hearings to obtain community input are required prior to City Council action on annexation requests.
- A petition has been received from the owner of this 14.893-acre property.
- The property is owned by Mallard Creek Charlotte NC, LLC.
- The property is zoned CC commercial center district.
- The petitioned area consists of six parcels, parcel identification numbers 029-201-24, 029-664-05, 029-664-04, 029-171-21, 029-171-03, and 029-664-06.
- The property is located within Charlotte's extraterritorial jurisdiction and does not share a boundary with current city limits.
- The intent of the annexation is to enable the development of 276 multi-family units with a standalone clubhouse, fitness center, and pool area.
- In compliance with G.S. 166A-19.24 *Remote meetings during certain declarations of emergency*, written comments on the public hearing topic will be accepted by the Clerk's Office through January 26, 2021, at 11:59 p.m. Any additional comments received will be provided to Council.
- On February 22, 2021, City Council will be asked to adopt an annexation ordinance to extend the corporate limits to include these properties and assign them to the adjacent City Council District 4.

Consistency with City Council Policies

- The annexation is consistent with the voluntary annexation policy approved by City Council on March 24, 2003:
 - Is consistent with the policy to not adversely affect the city's ability to undertake future annexations;
 - Is consistent with the policy to not have undue negative impact on city finances or services; and
 - Is consistent with the policy to not create unincorporated areas that will be encompassed by new city limits.

Attachment(s)

Map (GIS)

Map (Survey)

[Watermark at Mallard Creek Area Annexation Map](#)

[Watermark at Mallard Creek Annexation Site Map](#)

POLICY

11. Align City Administrative Guidance with the City Charter for the Civil Service Board

Action:

Adopt a resolution to repeal Rule IX to align city administrative guidance regarding promotional processes with the City Charter provisions for the Civil Service Board and to clarify that adopted human resources policies, standards, and guidelines supersede any prior administrative versions.

Staff Resource(s):

Patrick Baker, City Attorney's Office

Matt Brown, City Attorney's Office

Explanation:

- The Civil Service Board was created by an act of the North Carolina General Assembly in 1965 and is a part of the City Charter.
- City Charter Section 4.61(u) vests exclusive authority in the Chief of the Charlotte-Mecklenburg Police Department and the Chief of the Charlotte Fire Department "to make all promotions of officers of their respective departments, subject to majority approval of the Civil Service Board."
- Rule IX, enacted by Council Resolution in 1973 and amended in 1992, seems to amend Section 4.61(u) of the City Charter by vesting exclusive authority to manage and direct certain aspects of the Charlotte-Mecklenburg Police Department's and Charlotte Fire Department's promotional processes to the city's Human Resources Director and the Civil Service Board.
- To the extent the provisions of Rule IX, an act of Council, are inconsistent or in conflict with the City Charter, an act of the North Carolina General Assembly, specifically Section 4.61(u)'s grant of exclusive authority to the Chiefs of the Charlotte-Mecklenburg Police Department and Charlotte Fire Department and the Civil Service Board, Rule IX would be beyond the authority of Council.
- A repeal of Rule IX will resolve the conflict between Rule IX and Section 4.61(u) of the City Charter related to the promotional processes of the Charlotte-Mecklenburg Police Department and the Charlotte Fire Department.

Attachment(s)

Resolution

[Resolution Rule IX](#)

12. City Manager's Report

BUSINESS**13. CLT Host 2020 Economic Challenge Grants****Action:**

- A. Accept a grant in the amount of \$1,000,000 from CLT Host 2020, LLC, to assist with the development and execution of a comprehensive branding strategy utilizing the #MeetCharlotte brand and materials,**
- B. Accept a grant in the amount of \$300,000 from CLT Host 2020, LLC, to reboot and grow the city's small business ecosystem, and**
- C. Adopt a budget ordinance appropriating \$1,300,000 from CLT Host 2020, LLC, to the Neighborhood Development Grants Fund.**

Staff Resource(s):

Tracy Dodson, City Manager's Office

Jason Schneider, Corporate Communications and Marketing

Explanation

- The #MeetCharlotte grant funds will assist with funding a strategic marketing campaign to share the #MeetCharlotte campaign with companies, executives, site selectors, and the commercial brokerage industry to drive new investment and job growth in the city.
- The small business grant funds will assist with merging the Charlotte Business Resources and Charlotte Open for Business websites along with developing a strategy to reboot and rebuild the city's small business ecosystem.
- These funds will be used to procure professional services, advertising, and website development.
- Staff will periodically report results of the grant to the CLT Host 2020 committee.
- There are no matching funds required by the city.

Fiscal Note

Funding: Neighborhood Development Grants Fund

Attachment(s)

Budget Ordinance

[Budget Ordinance](#)

14. Appropriate Private Developer Funds

Action:

- A. Approve developer agreements with Parkside at Hickory Grove, LP; Karma Real Estate, LLC; Ashley Flats, LP; and Toll Brothers Inc. for traffic signal modifications,**
- B. Adopt a budget ordinance appropriating \$128,550 in private developer funds for traffic signal installations and improvements to the General Capital Projects Fund, and**
- C. Adopt a budget ordinance appropriating \$21,496.61 in supplemental developer funds for traffic signal installations and improvements on projects currently under construction to the General Capital Projects Fund.**

Staff Resource(s):

Liz Babson, Transportation
Charles Abel, 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 \$128,550 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:
 - Parkside at Hickory Grove, LP contributed \$31,050 for signal modifications at Shamrock Road and Hickory Grove Road (Council District 5).
 - Karma Real Estate, LLC contributed \$47,500 for one new signal and modifications to three existing signals along Arrowood Road (Council District 3).
 - Ashley Flats, LP contributed \$10,000 for a pedestrian beacon on Ashley Road between Bullard Street and Joy Street (Council District 3).
 - Toll Brothers Inc. contributed \$40,000 for signal modifications at WT Harris Boulevard and Davis Lake Parkway (Council District 2).
- The \$21,496.61 in supplemental developer funds is for signal modifications and other work associated with the developer's projects. The funding is restricted to the projects noted below:
 - MF Atherton, LLC contributed \$21,496.61 in additional funds for traffic signal modifications at the intersection of McDonald Avenue and South Boulevard (Council District 1). The original appropriation for these modifications were approved by City Council on November 13, 2017.
- 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 Ordinances

[Traffic Signal Improvements Map](#)

[Action B Budget Ordinance](#)

[Action C Budget Ordinance](#)

15. Tanfield Drive Sanitary Sewer Extension

Action:

- A. Approve a non-reimbursable developer agreement with Kinger Homes, LLC for construction of the Tanfield Drive Sanitary Sewer Extension project, and**
- B. Adopt a budget ordinance appropriating \$55,000 in private developer funds for construction of the Tanfield Drive Sanitary Sewer Extension project to the Charlotte Water Capital Projects Fund.**

Staff Resource(s):

Angela Charles, Charlotte Water

David Czerr, Charlotte Water

Keri Cantrell, Charlotte Water

Explanation

- Private developer agreements and appropriations are needed when a developer is required to make infrastructure improvements that will be constructed by the city.
- Funding contributions from private developers must be appropriated prior to the city's initiation of work.
- The \$55,000 in private developer funds is for the installation of 450 linear feet of eight-inch sanitary sewer pipe, four manholes, sanitary sewer rerouting from existing private pump station, and sanitary sewer easement acquisition to connect the 2300 block of Tanfield Drive in the Town of Matthews (adjacent to Council District 5) to Charlotte Water's Matthew Commons Sanitary Sewer Trunk Line.
- This developer contribution is based on cost estimates prepared by Charlotte Water.
- Any funding contributed by the developer that is unused by the city will be refunded back to the developer after project completion.
- Charlotte Water will install and maintain this sanitary sewer pipeline as part of the public sanitary sewer collection system.

Fiscal Note

Funding: Charlotte Water Capital Investment Plan and Private Developer Contributions

Attachment(s)

Map

Budget Ordinance

[Map-Tanfield Drive Sanitary Sewer Extension](#)

[Budget Ordinance](#)

16. Lease of City-Owned Property at the Charlotte Transit Center to Lee Wesley Group, LLC

Action:

- A. Adopt a resolution approving a five-year lease agreement between the City of Charlotte and Lee Wesley Group, LLC, operating as Burger King, for a retail space located at 310 E. Trade Street (tax parcel number 125-011-14), and**
- B. Authorize the City Manager to negotiate and execute all documents necessary to complete the transaction with Lee Wesley Group, LLC, operating as Burger King, at the Charlotte Transit Center.**

Staff Resource(s):

John Lewis, CATS

Allen C. Smith III, CATS

Explanation

- The city uses the Charlotte Transit Center, located in Council District 1, as the main terminal and transfer point for Charlotte's public transit system.
- The leasable spaces provide opportunities for retail and business firms to offer goods and services to customers using the Charlotte Area Transit System.
- Lee Wesley Group, LLC is a locally-owned business operating a Burger King fast-food restaurant.
- The lease terms are:
 - A five-year lease with a five-year renewal term commencing November 1, 2020, and terminating (subject to the renewal term) on October 31, 2025,
 - 3,948 square feet of retail,
 - Rent to be \$7,382.75 per month (\$88,593 per year) for year one, escalating at a rate of 2.5 percent annually for each year thereafter, and
 - The tenant would pay a share of common area maintenance costs.
- The five-year lease value is \$465,673.94.
- Tenant will have one option to extend the Lease Term for an additional sixty months beginning on the day immediately following the date on which the Lease Term ends.
- This transaction is consistent with the Council-adopted City-Owned Real Estate and Facilities Policy.

Charlotte Business INclusion

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

Fiscal Note

Funding: Revenue from the lease will be deposited into the CATS Operating Budget.

Attachment(s)

Resolution

[Resolution](#)

17. Resolution to Close an Alleyway between East 22nd Street and East 23rd Street

Action:

Adopt a resolution and close an Alleyway between East 22nd Street and East 23rd Street

Staff Resource(s):

Liz Babson, Transportation

Casey Mashburn, 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 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 Alleyway to be closed is located in Council District 1.
- A public hearing for this resolution was held on January 4, 2021. No comments from the public were received.

Petitioner

Sumter Packaging Corporation

Attachment(s)

Map

Resolution

[2020-21A Alleyway between 22nd & 23rd Abandonment Map](#)

[2020-21A Resolution to Close 01.25.2021](#)

18. Resolution to Close an Alleyway between Lola Avenue and Barry Street

Action:

Adopt a resolution and close an alleyway between Lola Avenue and Barry Street .

Staff Resource(s):

Liz Babson, Transportation

Casey Mashburn, 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 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 alleyway to be closed is located in Council District 1.
- A public hearing for this resolution was held on January 4, 2021. No comments from the public were received.

Petitioner

Lola Parkwood, LLC

Attachment(s)

Map

Resolution

[2020-15A Lola and Barry Abandonment Map](#)

[2020-15A Resolution to Close 01.25.2021](#)

19. Resolution to Close Macie Street

Action:

Adopt a resolution and close Macie Street.

Staff Resource(s):

Liz Babson, Transportation

Casey Mashburn, 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 and attaches it to the adjacent property.
- The attached resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.
- The road to be closed is located in Council District 3.
- A public hearing for this resolution was held on January 4, 2021. No comments from the public were received.

Petitioner

CC Fund 3, LLC

Attachment(s)

Map

Resolution

[2020-16A Macie Street Abandonment Map](#)

[2020-16A Resolution to Close 01.25.2021](#)

20. Resolution to Close the Western Right-of-Way between Bullard Street and Unopened Joy Street

Action:

Adopt a resolution and close the western right-of-way between Bullard Street and Unopened Joy Street.

Staff Resource(s):

Liz Babson, Transportation

Casey Mashburn, 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 and attaches it to the adjacent property.
- The attached resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.
- The right-of-way to be closed is located in Council District 3.
- A public hearing for this resolution was held on January 4, 2021. No comments from the public were received.

Petitioner

Elmington Capital Group, LLC

Attachment(s)

Map

Resolution

[2020-19A Western ROW Abandonment Map](#)

[2020-19A Resolution to Close 01.25.2021](#)

CONSENT

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

Action:

Adopt a resolution authorizing the city to accept a grant award in the amount of \$200,701 from the Governor's Highway Safety Program for the Driving While Impaired Task Force.

Staff Resource(s):

Johnny Jennings, Police

Will Farrell, Police

John Reibold, Police

Explanation

- The Charlotte-Mecklenburg Police Department (CMPD) has been invited to apply for a Fiscal Year (FY) 2022 grant award of \$200,701 from the Governor's Highway Safety Program (GHSP) grant for the Driving While Impaired (DWI) Task Force. This grant has been awarded annually for the previous eight years.
- The grant will fund 25 percent or \$200,701 of the Task Force's personnel costs for six officers and one sergeant assigned to the DWI Task Force in FY 2022.
- GHSP requires that City Council adopt a resolution to authorize CMPD to accept the grant funding.
- The grant is for a one-year term from October 1, 2021, through September 30, 2022.
- The grant requires the city to provide matching funds in the amount of \$602,101 which is included in CMPD's operating budget.

Fiscal Note

Funding: General Grants Fund and Police Operating Budget

Attachment(s)

Resolution

[Local Government Resolution FY2022 GHSP DWI Task Force](#)

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

Action:

Adopt a resolution authorizing the city to accept a grant award of \$25,000 from the Governor's Highway Safety Program.

Staff Resource(s):

Johnny Jennings, Police

Will Farrell, Police

John Reibold, Police

Explanation

- The Charlotte-Mecklenburg Police Department has an opportunity to accept a grant award of \$25,000 from the Governor's Highway Safety Program (GHSP), which provides the following:
 - \$17,500 to purchase five additional light detection and ranging radar units used in police vehicles and a radar speed sign to help enforce speed limit laws, and
 - \$7,500 for the Regional Law Enforcement Liaison travel, training, and meeting expenses.
- The grant is for a one-year term from October 1, 2021, through September 30, 2022.
- No matching funds are required from the city.
- GHSP requires that City Council pass a resolution authorizing the acceptance of grant funding.

Fiscal Note

Funding: General Grants Fund

Attachment(s)

Resolution

[Local Government Resolution GHSP Law Enforcement Liaison](#)

23. Police Vehicles

Action:

- A. **Approve a unit price contract with Four Seasons Ford for the purchase of police pursuit-rated vehicles for an initial term of one year, and**

- B. **Authorize the City Manager to renew the contract for up to four, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Johnny Jennings, Police

Sherie Pearsall, Police

David Robinson, Police

Explanation

- The city regularly adds vehicles to the fleet and replaces existing vehicles based on an assessment of usage, age, maintenance cost, and condition.
- This contract will enable the Charlotte-Mecklenburg Police Department to add or replace vehicles, both marked and unmarked, as identified within the city's annual capital equipment list.
- On November 3, 2020, the city issued an Invitation to Bid; five bids were received.
- Four Seasons Ford was selected as the lowest responsive, responsible bidder.
- Total annual expenditures are estimated to be \$6,000,000.

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 scope of work that the city regards as realistic opportunities for subcontracting.

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

Fiscal Note

Funding: General Capital Equipment Fund

24. CATS Mobile Ticketing Application

Action:

- A. **Authorize the City Manager to negotiate contracts with Dallas Area Rapid Transit and Unwire for the provision, implementation, and maintenance of a CATS Mobile Ticketing Application for an initial term of three years,**
- 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, and**
- C. **Authorize the City Manager to purchase such additional software licenses, services, hardware, maintenance, and support as required to maintain the system for as long as the city uses the system.**

Staff Resource(s):

John Lewis, CATS

Krystal Green, CATS

Reenie Askew, Innovation and Technology

Explanation

- The Charlotte Area Transit System (CATS) initiated a pilot program for development and implementation of a Mobile Ticket Sales Application.
- CATS is now seeking a comprehensive Mobile Ticketing Application to support enhanced functionality, including robust trip planning; account and purchasing management; support for discounts, fare capping, and ticket promotions; and enhanced user interfaces that provide an intuitive, secure, and reliable experience for customers.
- The application is designed to comply with all current web content accessibility guidelines for disabled patrons.
- Additionally, the application can be configured to translate into Spanish, Mandarin, French, Korean, Russian, Hindi, Urdu, and Arabic.
- On June 12, 2020, the city issued a Request for Proposals (RFP); five responses were received.
- Dallas Area Rapid Transit submitted a proposal jointly with Unwire to provide the GoPass Mobile Application Solution.
- Dallas Area Rapid Transit and Unwire best meet the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Total annual expenditures are estimated to be \$144,000.
- A one-time implementation cost and additional services are estimated not to exceed \$130,000 in capital expenditures.

Disadvantaged Business Enterprise (DBE)

No goals shall be established on Contracts where: (a) there are no subcontracting opportunities identified for the Contract; or (b) there are no DBEs certified to perform the scopes of work that the city regards as realistic opportunities for subcontracting.

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

Fiscal Note

Funding: CATS Operating Budget and CATS Capital Investment Plan

25. Charlotte-Mecklenburg Government Center Generators Replacement

Action:

Approve a contract in the amount of \$906,000 to the lowest responsive bidder Miles-McClellan Construction Company, Inc. for the Charlotte-Mecklenburg Government Center Generators Replacement project.

Staff Resource(s):

Phil Reiger, General Services

David Wolfe, General Services

Explanation

- This project includes the replacement of emergency generators and switchgear in the basement of the Charlotte-Mecklenburg Government Center (CMGC) located in Council District 1.
- The current emergency generators are at the end of their useful lives. This project will ensure ongoing reliable emergency power to the CMGC fire protection and electrical systems.
- On September 29, 2020, the city issued an Invitation to Bid; no bids were received. On November 12, 2020, the city re-issued an Invitation to Bid; two bids were received.
- Miles-McClellan Construction Company, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by third quarter 2021.

Charlotte Business INclusion

Established MBE Goal: 5.00%

Committed MBE Goal: 5.08%

Miles-McClellan Construction Company, Inc. met the established MBE subcontracting goal and has committed 5.08% (\$46,000) of the total contract amount to the following certified MBE firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Carroll Small Repairs (MBE, SBE) (\$45,000) (cleaning services)
- Richa Graphics (MBE, SBE) (\$1,000) (plan printing)

Established SBE Goal: 11.00%

Committed SBE Goal: 45.29%

Miles-McClellan Construction Company, Inc. exceeded the established SBE subcontracting goal and has committed 45.29% (\$410,372) of the total contract amount to the following certified SBE firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Armstrong Mechanical Services Inc. (SBE) (\$409,277) (HVAC)
- Berry's Container Service L.L.C. (SBE) (\$600) (dumpster)
- Faith Cleaning Services, Inc (SBE) (\$495) (cleaning)

Fiscal Note

Funding: General Capital Investment Plan

26. On-Call Fencing Installation and Repair Services

Action:

- A. Approve unit price contracts with the following companies for on-call fencing installation and repair services for an initial term of three years:**
- Hartsell Brothers Fence Company, Inc.,
 - Maybury Fencing Inc., (WBE, SBE) and
- B. Authorize the City Manager to renew the contracts for up to two, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

Phil Reiger, General Services

Kay Elmore, General Services

Explanation

- The city requires on-call fencing installation and repair services to meet security requirements and ensure the protection of facilities and property while also providing safety in areas with limited or prohibited access.
- These services include materials, labor, equipment, and supervision staff for fencing services to install, repair, and perform periodic maintenance on fences and gates on a time and material basis.
- On November 10, 2020, the city issued a Request for Proposals (RFP); three responses were received.
- Hartsell Brothers Fence Company, Inc., and Maybury Fencing Inc. best meet the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Multiple contracts for on-call fencing installation and repair services are recommended to ensure adequate resources are available to meet the city's needs.
- Total annual expenditures are estimated to be \$400,000.

Charlotte Business INclusion

Maybury Fencing, Inc. is a city certified WBE and SBE.

Per Charlotte Business INclusion Policy: Part C: Section 2.1(a) the city shall not establish Subcontracting Goals for Contracts where (a) there are no subcontracting opportunities identified for the Contract, or (b) there are no MWBEs or SBEs certified to perform the scope 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

27. Construct Storm Water Repair and Improvement Projects

Action:

- A. Approve a contract in the amount of \$3,838,807 to the lowest responsive bidder Onsite Development, LLC for the Storm Water Repair and Improvement FY2021-A project, and**
- B. Approve a contract in the amount of \$3,315,801.25 to the lowest responsive bidder Onsite Development, LLC for the Storm Water Repair and Improvement FY2021-C project.**

Staff Resource(s):

Angela Charles, Charlotte Water
Mike Davis, Storm Water Services
Susan Tolan, Storm Water Services

Explanation

- These contracts are part of an ongoing program to provide repairs and/or improvements to storm drainage systems.
- Approximately 25 projects may be constructed from each contract, within a contract term that may not exceed 24 months. The number of projects may vary depending on the nature and extent of the repairs constructed.

Action A

- On October 30, 2020, the city issued an Invitation to Bid; five bids were received.
- Onsite Development, LLC was selected as the lowest responsive, responsible bidder.

Action B

- On October 30, 2020, the city issued an Invitation to Bid; four bids were received.
- Onsite Development, LLC was selected as the lowest responsive, responsible bidder.

Charlotte Business INclusion

Action A

Established MBE Goal: 10.00%

Committed MBE Goal: 10.01%

Onsite Development, LLC has identified MBEs on its project team and for each work order issued, committed 10.01% of the total contract amount to the following certified firms:

- Affordable Source Trucking, LLC (MBE, SBE) (hauling)
- MTS Trucking Inc. (MBE, SBE) (hauling)
- Streeter Trucking Company, Inc. (MBE, SBE) (hauling)

Established SBE Goal: 20.00%

Committed SBE Goal: 20.01%

Onsite Development, LLC has identified SBEs on its project team and for each work order issued, committed 20.01% of the total contract amount to the following certified firms:

- AMP Utility Distribution Services, LLC (SBE) (materials)
- LJR Concrete LLC (SBE) (concrete)
- Combs Tree Service LLC (SBE) (tree removal)
- Solanos Trucking Company, Inc. (SBE) (hauling)
- Tony's Trucking Inc. (SBE) (hauling)

Action B

Established MBE Goal: 10.00%

Committed MBE Goal: 10.01%

Onsite Development, LLC has identified MBEs on its project team and for each work order issued,

committed 10.01% of the total contract amount to the following certified firms:

- Affordable Source Trucking, LLC (MBE, SBE) (hauling)
- MTS Trucking Inc. (MBE, SBE) (hauling)
- Streeter Trucking Company, Inc. (MBE, SBE) (hauling)

Established SBE Goal: 20.00%

Committed SBE Goal: 20.01%

Onsite Development, LLC has identified SBEs on its project team and for each work order issued, committed 20.01% of the total contract amount to the following certified firms:

- AMP Utility Distribution Services, LLC (WBE, SBE) (materials)
- LJR Concrete LLC (SBE) (concrete)
- Combs Tree Service LLC (SBE) (tree removal)
- Solanos Trucking Company, Inc. (SBE) (hauling)
- Tony's Trucking Inc. (SBE) (hauling)

Fiscal Note

Funding: Storm Water Capital Investment Plan

28. Acquire Land for Charlotte Water Elevated Water Storage Tank

Action:

- A. **Approve the purchase of 3.059 acres, a portion of 29.415 acres of privately-owned property, located at 3629 Matthews Mint-Hill Road (Parcel Identification Number 135-331-05) in the amount of \$220,000, and**
- B. **Authorize the City Manager to execute all necessary documents to complete the transaction.**

Staff Resource(s):

Angela Charles, Charlotte Water
Phil Reiger, General Services
Tony Korolos, General Services

Explanation

- This property located in the town of Mint Hill, adjacent to Council District 5, was identified as a suitable location for a new elevated water storage tank based on proximity to water lines, hydraulic models, the ground elevation, topography, and results of geotechnical and environmental studies.
- The 2015 Water System Master Plan includes four new elevated water storage tanks to meet capacity demands in the next 10 years. With the value of land rising in Mecklenburg County, Charlotte Water is working to acquire properties for these tanks.
- The terms of the acquisition are as follows:
 - Appraised purchase price: \$220,000,
 - Due diligence: 120 days, and
 - Closing: 30 days.
- Following acquisition, construction is planned to begin in 2025.

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Map

[Map Acquire Land for Charlotte Water Elevated Water Storage Tank](#)

29. Corrosion Protection Services

Action:

- A. Approve a unit price contract with Rummel, Klepper and Kahl, LLP dba RK&K for corrosion protection services for an initial term of two 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):

Angela Charles, Charlotte Water

David Czerr, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- This contract will provide for corrosion control needed to prevent the deterioration of metal pipe and storage tanks caused by reactions between the metal and corrosive soils or sources of stray current.
- On November 17, 2020, the city issued a Request for Qualifications (RFQ); two responses were received.
- Rummel, Klepper and Kahl, LLP dba RK&K is the best qualified firm to meet the city's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- Annual expenditures are estimated to be \$150,000.

Charlotte Business INclusion

The city negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1 (h) of the Charlotte Business INclusion Policy). Rummel, Klepper and Kahl, LLP dba RK&K have listed the following certified firms to be utilized as the project evolves:

- Gavel & Dorn Engineering, PLLC (SBE) (construction management, inspection services)
- Hinde Engineering, Inc. (SBE) (utility coordination)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

30. Franklin Water Treatment Plant and Catawba Raw Water Pump Station Roof Replacement

Action:

Approve a contract in the amount of \$829,879.91 to the lowest responsive bidder Interstate Roofing Company, Inc. for the Franklin Water Treatment Plant and Catawba Raw Water Pump Station Roof Replacement project.

Staff Resource(s):

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

Explanation

- This contract will replace roofs at the Franklin Water Treatment Plant and Catawba Raw Water Pump Station (Council District 2), which have reached the end of their useful life.
- This project is included in the five-year water and wastewater roofing replacement program, which will replace approximately 40 roofs distributed among five treatment facilities.
- On November 20, 2020, the city issued an Invitation to Bid (ITB); two bids were 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 December 30, 2020, the ITB was re-issued; three bids were received.
- Interstate Roofing Company, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by second quarter 2021.

Charlotte Business INClusion

Per Charlotte Business INClusion Policy: Part B: Section 2.3, The city shall not establish Subcontracting Goals for Contracts where (a) there are no subcontracting opportunities identified for the Contract; or (b) there are no MWBEs or SBEs certified to perform the scopes of work that the city regards as realistic opportunities for subcontracting.

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

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

31. Stowe Regional Water Resource Recovery Facility Design

Action:

Approve a contract amendment in the amount of \$24,504,784 with Crowder/Garney JV for Design-Build design services for the Stowe Regional Water Resource Recovery Facility project.

Staff Resource(s):

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

Explanation

- This contract amendment will provide the final design phase services for the Stowe Regional Water Resource Recovery Facility (SRWRRF) project (adjacent to Council Districts 2 and 3), which provides the complete design of all components for the 15 million gallon a day treatment facility.
- The SRWRRF will be owned by the city and operated by Charlotte Water and will treat flows from the existing Long Creek basin and flows from the cities of Mount Holly and Belmont.
- On April 27, 2020, City Council approved the contract for the first phase of design services. Crowder/Garney JV evaluated and assisted Charlotte Water in selecting specific design options.
- City Council will receive a request for approval of construction related fees for this facility in the future. The SRWRRF is estimated to be in operation by third quarter 2025.

Charlotte Business INclusion

The city negotiates participation for Design-Build contracts after the firm is selected and scopes of work are defined for design and construction services (Part G: Section 2.4 of the Charlotte Business INclusion Policy). Crowder/Garney JV has committed \$2,291,800 or approximately 9.35% with the following certified firms:

- Neighboring Concepts, PLLC (MBE) (\$1,673,000) (architectural design)
- Froehling & Robertson, Inc. (MBE) (\$245,000) (geotechnical investigation)
- Southeastern Consulting Engineers, Inc. (SBE) (\$145,000) (electrical design)
- CITI, LLC (MBE, SBE) (\$142,000) (instrumentation and controls)
- Stewart Engineering Inc. (MBE) (\$50,000) (landscape architect)
- PicTec Inc. (WBE, SBE) (\$26,800) (scheduling consultant)
- Mid-Carolina Reprographics (WBE, SBE) (\$10,000) (reproduction)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Map

[Map](#)

32. Water Transmission Main Assessment and Repairs

Action:

Approve a guaranteed maximum price of \$1,307,345 to State Utility Contractors, Inc. for Design-Build construction services for the Water Transmission Main Improvements and Repairs project.

Staff Resource(s):

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

Explanation

- State Utility Contractors, Inc. has developed a guaranteed maximum price (GMP) for construction of water main connections at Carmel and Pineville-Matthews Roads and point repairs to the 24-inch water main along Peachtree, Sunset, and Old Statesville Roads (Council Districts 2 and 7).
- This contract includes design services and development of a GMP for construction of additional projects outlined in the Water Transmission Main Improvements and Repairs project.
- On June 8, 2020, City Council approved a contract with State Utility Contractors, Inc. for Design-Build design services. Based on the design, a GMP for construction services was developed.
- This project segment is anticipated to be complete by third quarter 2021.
- Requests for the approval of additional GMPs for various project segments will be presented to City Council in the future.

Charlotte Business INclusion

The city negotiates participation for Design-Build contracts after the firm is selected and scopes of work are defined for design and construction services (Part G: Section 2.7 of the Charlotte Business INclusion Policy). State Utility Contractors, Inc. has committed \$240,500 or approximately 18.40% of the total contract for Design-Build construction services to the following certified firms:

- AMP Utility Distribution Services LLC (WBE, SBE) (\$70,000) (water main material supply)
- GDC Supplies Equipment & Contracting, LLC (MBE, SBE) (\$63,000) (traffic control)
- Stewart Engineering, Inc. (MBE) (\$40,000) (field surveying and subsurface utility engineering)
- Ram Pavement Services Inc. (SBE) (\$30,000) (asphalt paving and patching)
- Yellow Duck Marketing (WBE, SBE) (\$20,000) (advertising, marketing, and public relations)
- Fernandez Construction Corporation (SBE) (\$7,500) (concrete sidewalk and curb)
- Buffkin Trucking, Inc. (MBE, SBE) (\$5,000) (hauling)
- Gavel & Dorn Engineering (SBE) (\$5,000) (material testing)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Map

[Map](#)

33. Aviation Transfer of Wright Brothers Flyer Replica Model to Cabarrus County Schools

Action:

Approve the transfer of Wright Brothers Flyer replica model without monetary consideration to Cabarrus County Schools as authorized under North Carolina General Statute 160A-274.

Staff Resource(s):

Haley Gentry, Aviation

Ted Kaplan, Aviation

Explanation

- Aviation has displayed this model replica for over 18 years.
- This model replica is exactly half the size of the original 1903 Wright Brothers Flyer with a wing span of 20 feet and weighing 50 pounds.
- The model replica will be placed at West Cabarrus High School of Cabarrus County Schools to complement the aviation focused curriculum in its Academy of Aviation and Aerospace program.
- The curriculum will also include the restoration work required to maintain the aircraft replica.
- This item was donated to the city over 18 years ago.
- Cabarrus County Schools is responsible for the transfer and maintenance of the model replica.

34. Emergency Medical Services Contract for Airport

Action:

Approve a 17-month contract with Mecklenburg Emergency Medical Services Agency - MEDIC for emergency medical services at Charlotte Douglas International Airport.

Staff Resource(s):

Haley Gentry, Aviation

Jack Christine, Aviation

Explanation

- The Mecklenburg Emergency Medical Services (EMS) Agency - MEDIC has been providing emergency medical services at the Charlotte Douglas International Airport since January 1, 2012.
- This contract will provide two, two-person crews consisting of a Paramedic and an Emergency Medical Technician for on-site daily response between 7 a.m. and 10 p.m. to EMS calls for service such as cardiac arrests, seizures, difficulty breathing, falls, and traumatic injuries.
- The estimated value of the contract is \$980,833.22.
- 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 provision of (a) - No subcontracting opportunities.

Fiscal Note

Funding: Aviation Operating Budget

35. Resolution of Intent to Abandon a Portion of an Alley off Greenway Avenue and Caswell Road

Action:

- A. Adopt a Resolution of Intent to abandon a portion of an alley off Greenway Avenue and Caswell Road, and**
- B. Set a Public Hearing for February 22, 2021.**

Staff Resource(s):

Liz Babson, Transportation

Casey Mashburn, 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 alleyway is located in Council District 1.

Petitioners

2014 Park Drive, LLC and Bergerman Properties, LLC

Attachment(s)

Map

Resolution

[2020-13A Alley Greenway Av & Caswell Rd Abandonment Map](#)

[2020-13A Resolution of Intent 01.25.2021](#)

36. Refund of Property Taxes

Action:

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$26,868.10.

Staff Resource(s):

Kelly Flannery, 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](#)

37. Meeting Minutes

Action:

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

- December 14, 2020 Business Meeting, and
- December 21, 2020 Zoning Meeting.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

PROPERTY TRANSACTIONS

38. Aviation Property Transactions - 8208 Robbie Circle

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): Jerrie Wingate Fritts

Property Address: 8208 Robbie Circle

Total Parcel Area: 0.9160 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: 141-111-24

<https://polaris3g.mecklenburgcountync.gov/#mat=200489&pid=14111124&qisid=14111124>

Purchase Price: \$190,000, and all relocation benefits in compliance with Federal, State, or Local regulations.

Council District: This property is outside city limits, adjacent to Council District 3.

39. Aviation Property Transactions - 8210 Robbie Circle

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): Jerrie Charlene Wingate Hilton

Property Address: 8210 Robbie Circle

Total Parcel Area: 0.6840 acres

Property to be acquired by Easements: N/A

Structures/Improvements to be impacted: Single-family Dwelling

Landscaping to be impacted: Tree and shrubs

Zoned: R-3

Use: Single-family Residential

Tax Code: 141-111-13

<https://polaris3g.mecklenburgcountync.gov/#mat=200625&pid=14111113&qisid=14111113>

Purchase Price: \$200,000, and all relocation benefits in compliance with Federal, State, or Local regulations.

Council District: This property is outside of city limits, adjacent to Council District 3.

40. Aviation Property Transactions - 6325 Wilkinson Boulevard

Action: Approve the following Acquisition - 6325 Wilkinson Boulevard

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: North End Around Taxiway (NEAT)

Owner(s): Duke Energy (Duke Power Company)

Property Address: 6325 Wilkinson Boulevard

Total Parcel Area: 42.244 sq. ft.

Property to be acquired by Fee: 17,162 sq. ft.

Outparcel to be acquired by Fee: 36,379 sq. ft.

Property to be acquired by Easements: PUE 24,858 sq. ft., SDE 4,593 sq. ft. and TCE 87,054 sq. ft.

Structures/Improvements to be impacted: Vacant Land and Driveway

Landscaping to be impacted: Trees and shrubs, asphalt

Zoned: I-2

Use: Office

Tax Code: 113-012-12

<https://polaris3g.mecklenburgcountync.gov/#mat=167467&pid=11301212&qisid=11301212>

Purchase Price: \$728,000 (\$503,000, and all relocation benefits in compliance with Federal, State, or Local regulations for the partial Fee and all easements. \$225,000 for the purchase of the outparcel in Fee.)

Council District: 3

41. Charlotte Water Property Transactions - Upper McAlpine Creek Sewer Interceptor, Parcel #37

Action: Approve the following Condemnation: Upper McAlpine Creek Sewer Interceptor, Parcel #37

Project: Upper McAlpine Creek Sewer Interceptor, Parcel #37

Owner(s): Dixie Ruth C. Mitchell and Starr Carriker Estes

Property Address: 10010 Albemarle Road

Total Parcel Area: 93,700 sq. ft. (2.15 ac.)

Property to be acquired by Easements: 5,178 sq. ft. (0.12 ac.) in Temporary Construction Easement and 9,415 sq. ft. (0.22 ac.) in Sanitary Sewer Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: B-2, R-3

Use: General business, single family

Tax Code: 109-401-12

<https://polaris3g.mecklenburgcountync.gov/#mat=838&pid=10940112&qsid=10940112>

Appraised Value: \$27,950

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

42. Property Transactions - Cashion Road 5428 WL, Parcel #1

Action: Approve the following Acquisition: Cashion Road 5428 WL, Parcel #1

Project: Cashion Road 5428 WL, Parcel #1

Program: Cashion Road 5428 WL

Owner(s): Howard William Moore and Clarine Hager Moore

Property Address: 5609 Cashion Road

Total Parcel Area: 174,066 sq. ft. (4.00 ac.)

Property to be acquired by Easements: 6,481 sq. ft. (0.149 ac.) Permanent Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and fencing

Zoned: R

Use: Single-family residential

Tax Code: 013-151-04

<https://polaris3g.mecklenburgcountync.gov/#mat=152578&pid=01315104&qisid=01315104>

Purchase Price: \$10,428

Council District: This property is outside city limits, adjacent to Council Districts 2 and 3.

43. Property Transactions - City View - Buick Drive Connector, Parcel #4

Action: Approve the following Condemnation: City View - Buick Drive Connector, Parcel #4

Project: City View - Buick Drive Connector, Parcel #4

Program: City View - Buick Drive Connector

Owner(s): Sterling Properties Investment Group LLC

Property Address: 5709 Electra Lane

Total Parcel Area: 924,626 sq. ft. (21.23 ac.)

Property to be acquired by Easements: 594 sq. ft. (0.014 ac.) Right-of-Way Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-17 MF

Use: Multi-family Residential

Tax Code: 165-012-05

<https://polaris3g.mecklenburgcountync.gov/#mat=367649&pid=16501205&qisid=16501205>

Appraised Value: \$4,625

Property Owner's Concerns: None

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

Recommendation: The city is currently waiting on signed documents, but 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 - Dixie River Road Water Main Extension, Parcel #6

Action: Approve the following Acquisition: Dixie River Road Water Main Extension, Parcel #6

Project: Dixie River Road Water Main Extension, Parcel #6

Program: Dixie River Road Water Main Extension

Owner(s): The Trustees of Ramoth A.M.E. Zion Church

Property Address: 6800 Dixie River Road

Total Parcel Area: 73,503 sq. ft. (1.69 ac.)

Property to be acquired by Easements: 6,787 sq. ft. (0.156 ac.) Waterline Easement

Structures/Improvements to be impacted: N/A

Landscaping to be impacted: Trees

Zoned: R-5

Use: Single-family residential

Tax Code: 141-161-21

<https://polaris3g.mecklenburgcountync.gov/#mat=176458&pid=14116121&qisid=14116121>

Purchase Price: \$19,575

Council District: This property is outside city limits, adjacent to Council District 3.

45. Property Transactions - Idlewild and Monroe Intersection - Phase I, Parcel #13

Action: Approve the following Condemnation: Idlewild and Monroe Intersection - Phase I, Parcel #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: Idlewild and Monroe Intersection - Phase I, Parcel #13

Program: Idlewild and Monroe Intersection - Phase I

Owner(s): Trustees of the Providence Park Kingdom Hall of Jehovah's Witnesses

Property Address: 5980 Monroe Road

Total Parcel Area: 81,268 sq. ft. (1.87 ac.)

Property to be acquired by Fee: 2,474 sq. ft. (0.06 ac.) Fee Simple

Property to be acquired by Easements: 1,477 sq. ft. (0.034 ac.) Utility Easement, 545 sq. ft. (0.013 ac.) Retaining Wall Easement, 1,409 sq. ft. (0.032 ac.) Storm Drainage Easement, 1,680 sq. ft. (0.039 ac.) Sidewalk Utility Easement, 3,471 sq. ft. (0.08 ac.) Temporary Construction Easement, 1,680 sq. ft. (0.039 ac.) Waterline Easement

Structures/Improvements to be impacted: Parking spaces, sidewalk, and light pole

Landscaping to be impacted: Trees and various plantings

Zoned: O-1

Use: Office District

Tax Code: 163-051-99

<https://polaris3g.mecklenburgcountync.gov/#mat=158519&pid=16305199&qisid=16305199>

Appraised Value: \$94,200

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

46. Property Transactions - Idlewild and Monroe Intersection - Phase I, Parcel #15, 19, 35, and 37

Action: Approve the following Condemnation: Idlewild and Monroe Intersection - Phase I, Parcel #15, 19, 35, and 37

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 and Monroe Intersection - Phase I, Parcel #15, 19, 35, and 37

Program: Idlewild and Monroe Intersection - Phase I

Owner(s): Hendrick Automotive Group

Property Address: 2301, 2315, and 2325 Roma Road and 6000 Monroe Road

Total Parcel Area: 284,831 sq. ft. (6.54 ac.)

Property to be acquired by Fee: 12,330 sq. ft. (0.283 ac.) Fee Simple

Property to be acquired by Easements: 13,830 sq. ft. (0.33 ac.) Temporary Construction Easement, 348 sq. ft. (0.007 ac.) Retaining Wall Easement, 3,849 sq. ft. (0.088 ac.) Utility Easement, 192 sq. ft. (0.004 ac.) Storm Drainage Easement, 168 sq. ft. (0.004 ac.) Bus Stop Improvement Easement, 6,143 sq. ft. (0.141 ac.) Waterline Easement, 10,374 sq. ft. (0.238 ac.) Sidewalk Utility Easement, 7,276 sq. ft. (0.167 ac.) Post Construction Controls Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: O-1

Use: Office District

Tax Code: 163-051-20, 163-051-18, 163-051-17, 163-051-32

<https://polaris3g.mecklenburgcountync.gov/#mat=550807&pid=16305120&qisid=16305120>

<https://polaris3g.mecklenburgcountync.gov/#mat=80712&pid=16305118&qisid=16305118>

<https://polaris3g.mecklenburgcountync.gov/#mat=79014&pid=16305117&qisid=16305117>

<https://polaris3g.mecklenburgcountync.gov/#mat=79965&pid=16305132&qisid=16305132>

Appraised Value: \$451,275

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

47. Property Transactions - Idlewild and Monroe Intersection - Phase II, Parcel #22

Action: Approve the following Acquisition: Idlewild and Monroe Intersection - Phase II, Parcel #22

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 and Monroe Intersection - Phase II, Parcel #22

Program: Idlewild and Monroe Intersection - Phase II

Owner(s): Munawar Butt and Saba Bashir

Property Address: 6200 Bainbridge Road

Total Parcel Area: 23,189 sq. ft. (0.53 ac.)

Property to be acquired by Fee: 2,197 sq. ft. (0.050 ac.) Fee Simple

Property to be acquired by Easements: 1,009 sq. ft. (0.023 ac.) Utility Easement, 2,003 sq. ft. (0.046 ac.) Sidewalk Utility Easement, 499 sq. ft. (0.011 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R-3

Use: Single-family Residential

Tax Code: 189-013-09

<https://polaris3g.mecklenburgcountync.gov/#mat=163672&pid=18901309&qisid=18901309>

Purchased Price: \$50,000

Council District: 5

48. Property Transactions - Idlewild and Monroe Intersection - Phase II, Parcel #29

Action: Approve the following Acquisition: Idlewild and Monroe Intersection - Phase II, Parcel #29

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 and Monroe Intersection - Phase II, Parcel #29

Program: Idlewild and Monroe Intersection - Phase II

Owner(s): Walid Asmar and Abdeljabbar Asmar

Property Address: 2449 Knickerbocker Drive

Total Parcel Area: 15,610 sq. ft. (0.36 ac.)

Property to be acquired by Fee: 1,000 sq. ft. (0.023 ac.) Fee Simple

Property to be acquired by Easements: 972 sq. ft. (0.022 ac.) Utility Easement, 914 sq. ft. (0.021 ac.) Retaining Wall Easement, 1,603 sq. ft. (0.037 ac.) Sidewalk Utility Easement, 424 sq. ft. (0.01 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Fence

Landscaping to be impacted: Trees and Shrubs

Zoned: R-3

Use: Single-family Residential

Tax Code: 189-011-13

<https://polaris3g.mecklenburgcountync.gov/#mat=84496&pid=18901113&gisid=18901113>

Purchased Price: \$45,425

Council District: 5

49. Property Transactions - Idlewild and Monroe Intersection - Phase II, Parcel #43

Action: Approve the following Condemnation: Idlewild and Monroe Intersection - Phase II, Parcel #43

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 and Monroe Intersection - Phase II, Parcel #43

Program: Idlewild and Monroe Intersection - Phase II

Owner(s): Trustees of the Providence Park Kingdom Hall of Jehovah's Witnesses

Property Address: 5922 Monroe Road

Total Parcel Area: 7,324 sq. ft. (0.17 ac.)

Property to be acquired by Easements: 291 sq. ft. (0.007 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: O-1

Use: Office

Tax Code: 163-051-50

<https://polaris3g.mecklenburgcountync.gov/#pid=16305150&gisid=16305150>

Appraised Value: \$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

50. Property Transactions - Kilborne Drive Streetscape, Parcel #18

Action: Approve the following Condemnation: Kilborne Drive Streetscape, Parcel #18

Project: Kilborne Drive Streetscape, Parcel #18

Program: Kilborne Drive Streetscape

Owner(s): Xien V. Nguyen and Thanh Do

Property Address: 2400 Kilborne Drive

Total Parcel Area: 11,929 sq. ft. (0.273 ac.)

Property to be acquired by Easements: 234 sq. ft. (0.005 ac.) Sidewalk Utility Easement, 1,630 sq. ft. (0.037 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-4

Use: Single-family Residential

Tax Code: 101-112-02

<https://polaris3g.mecklenburgcountync.gov/#mat=81987&pid=10111202&gisid=10111202>

Appraised Value: \$3,825

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

51. Property Transactions - Kilborne Drive Streetscape, Parcel #25

Action: Approve the following Condemnation: Kilborne Drive Streetscape, Parcel #25

Project: Kilborne Drive Streetscape, Parcel #25

Program: Kilborne Drive Streetscape

Owner(s): Ricardo Cordova

Property Address: 2327 Kilborne Drive

Total Parcel Area: 10,050 sq. ft. (0.231 ac.)

Property to be acquired by Easements: 136 sq. ft. (0.003 ac.) Sidewalk Utility Easement, 589 sq. ft. (0.014 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-4

Use: Single-family Residential

Tax Code: 101-062-05

<https://polaris3g.mecklenburgcountync.gov/#mat=80811&pid=10106205&qisid=10106205>

Appraised Value: \$1,775

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

52. Property Transactions - McCullough Drive Streetscape, Parcel #19.1

Action: Approve the following Condemnation: McCullough Drive Streetscape, Parcel #19.1

Project: McCullough Drive Streetscape, Parcel #19.1

Program: McCullough Drive Streetscape

Owner(s): J and J University Boulevard LLC

Property Address: 115 East McCullough Drive

Total Parcel Area: 56,557 sq. ft. (1.30 ac.)

Property to be acquired by Easements: 2,337 sq. ft. (0.054 ac.) Utility Easement

Structures/Improvements to be impacted: Signs

Landscaping to be impacted: Trees and landscaping

Zoned: TOD-CC

Use: Transit Oriented Development - Community Center

Tax Code: 049-331-03

<https://polaris3g.mecklenburgcountync.gov/#mat=34205&pid=04933136&gisid=04933136>

Appraised Value: \$37,275

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: 4

53. Property Transactions - McCullough Drive Streetscape, Parcel #20

Action: Approve the following Acquisition: McCullough Drive Streetscape, Parcel #20

Project: McCullough Drive Streetscape, Parcel #20

Program: McCullough Drive Streetscape

Owner(s): Tryon LLC

Property Address: 110 East McCullough Drive

Total Parcel Area: 71,180 sq. ft. (1.63 ac.)

Property to be acquired by Easements: 590 sq. ft. (0.014 ac.) Sidewalk Utility Easement, 2,062 sq. ft. (0.05 ac.) Temporary Construction Easement, 1,047 sq. ft. (0.02 ac.) Utility Easement

Structures/Improvements to be impacted: N/A

Landscaping to be impacted: Trees and bushes

Zoned: TOD-CC

Use: Transit Oriented Development - Commercial Center

Tax Code: 049-331-37

<https://polaris3g.mecklenburgcountync.gov/#mat=20979&pid=04933137&gisid=04933137>

Purchase Price: \$19,725

Council District: 4

54. Property Transactions - McCullough Drive Streetscape, Parcel #24

Action: Approve the following Condemnation: McCullough Drive Streetscape, Parcel #24

Project: McCullough Drive Streetscape, Parcel #24

Program: McCullough Drive Streetscape

Owner(s): BRE/ESA P Portfolio TXNC Properties LP

Property Address: 123 East McCullough Drive

Total Parcel Area: 100,248 sq. ft. (2.30 ac.)

Property to be acquired by Easements: 1,063 sq. ft. (0.024 ac.) Utility Easement, 3,889 sq. ft. (0.089 ac.) Sidewalk Utility Easement, 2,365 sq. ft. (0.054 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: TOD-TR

Use: Transit Oriented Development - Transit Transition

Tax Code: 049-331-33

<https://polaris3g.mecklenburgcountync.gov/#mat=27069&pid=04933133&gisid=04933133>

Appraised Value: \$147,075

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: 4

55. Property Transactions - McCullough Drive Streetscape, Parcel #30

Action: Approve the following Condemnation: McCullough Drive Streetscape, Parcel #30

Project: McCullough Drive Streetscape, Parcel #30

Program: McCullough Drive Streetscape

Owner(s): Apple Nine North Carolina LP

Property Address: 8340 North Tryon Street

Total Parcel Area: 485,077 sq. ft. (11.14 ac.)

Property to be acquired by fee: 14,564 sq. ft. (0.33 ac.) Fee Simple

Property to be acquired by Easements: 5,071 sq. ft. (0.116 ac.) Storm Drainage Easement, 12,295 sq. ft. (0.282 ac.) Sidewalk Utility Easement, 21,691 sq. ft. (0.498 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Parking spaces

Landscaping to be impacted: Trees

Zoned: TOD-TR

Use: Transit Oriented Development - Transit Transition

Tax Code: 049-331-02

<https://polaris3g.mecklenburgcountync.gov/#mat=203875&pid=04933102&qisid=04933102>

Appraised Value: \$330,475

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: 4

56. Property Transactions - Oakhurst Amity Gardens, Parcel #7

Action: Approve the following Acquisition: Oakhurst Amity Gardens, Parcel #7

Project: Oakhurst Amity Gardens, Parcel #7

Program: Oakhurst Amity Gardens

Owner(s): Jung Properties LLC

Property Address: 700 Pierson Drive

Total Parcel Area: 15,812 sq. ft. (0.37 ac.)

Property to be acquired by Fee: 1,611 sq. ft. (0.037 ac.) Fee Simple

Property to be acquired by Easements: 167 sq. ft. (0.004 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: O-2

Use: Office District

Tax Code: 161-026-32

<https://polaris3g.mecklenburgcountync.gov/#mat=179731&pid=16102632&qisid=16102632>

Purchase Price: \$20,545

Council District: 5

57. Property Transactions - Parkwood Avenue Streetscape, Parcel #15

Action: Approve the following Acquisition: Parkwood Avenue Streetscape, Parcel #15

Project: Parkwood Avenue Streetscape, Parcel #15

Program: Parkwood Avenue Streetscape

Owner(s): John W. McBride and Debbie W. McBride (AKA: Debbie S. McBride)

Property Address: 1607 Julia Maulden Place

Total Parcel Area: 12,222 sq. ft. (0.28 ac.)

Property to be acquired by Fee: 1,612 sq. ft. (0.037 ac.) Fee Simple

Property to be acquired by Easements: 2,078 sq. ft. (0.05 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-8

Use: Single-family residential

Tax Code: 081-075-22

<https://polaris3g.mecklenburgcountync.gov/#mat=50237&pid=08107522&qisid=08107522>

Purchase Price: \$10,706

Council District: 1

58. Property Transactions - Poplar Tent System Gap, Parcel #1

Action: Approve the following Acquisition: Poplar Tent System Gap, Parcel #1

Project: Poplar Tent System Gap, Parcel #1

Program: Poplar Tent System Gap

Owner(s): L.T Looper Jr

Property Address: 15300 Davidson-Concord Road

Total Parcel Area: 782,185 sq. ft. (17.96 ac.)

Property to be acquired by Fee: 4,034 sq. ft. (0.09 ac.)

Property to be acquire by Easements: None

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: NC-2

Use: Neighborhood Commercial-Two

Tax Code: 007-202-04

<https://polaris3g.mecklenburgcountync.gov/#mat=47290&pid=00720204&gisid=00720204>

Purchase Price: \$11,000

Council District: This property is outside city limits, adjacent to Council District 4.

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

Action: Approve the following Acquisition: 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 (Conditional Zoning)

Tax Code: 185-014-04

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

Purchase Price: \$20,000

Council District: 6

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

Action: Approve the following Acquisition: 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. (0.61 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: Trees and shrubs

Zoned: R-3

Use: Single-family Residential

Tax Code: 183-041-10

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

Purchase Price: \$35,150

Council District: 6

61. Property Transactions - Tryon Street - 36th Street Streetscape, Parcel #10

Action: Approve the following Acquisition: Tryon Street - 36th Street Streetscape, Parcel #10

Project: Tryon Street - 36th Street Streetscape, Parcel #10

Program: Tryon Street - 36th Street Streetscape

Owner(s): Carolina National Investment LLC

Property Address: 110 East 36th Street and 3222 North Tryon Street

Total Parcel Area: 30,267 sq. ft. (0.69 ac.)

Property to be acquired by Fee: 770 sq. ft. (0.017 ac.) Fee Simple

Property to be acquired by Easements: 50 sq. ft. (0.001 ac.) Utility Easement, 2381 sq. ft. (0.055 ac.) Sidewalk Utility Easement, 1339 sq. ft. (0.031 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Barrier post and asphalt

Landscaping to be impacted: Trees

Zoned: TOD-CC

Use: Transit Oriented Development

Tax Code: 083-031-30

<https://polaris3g.mecklenburgcountync.gov/#mat=586220&pid=08303130&qisid=08303130>

Purchase Price: \$150,000

Council District: 1

62. Property Transactions - XCLT Davidson to Matheson, Parcel #1

Action: Approve the following Condemnation: XCLT Davidson to Matheson, Parcel #1

Project: XCLT Davidson to Matheson, Parcel #1

Program: XCLT Davidson to Matheson

Owner(s): 2100 North Davidson LLC

Property Address: 2100 and 2116 North Davidson Street

Total Parcel Area: 50,047 sq. ft. (1.15 ac.)

Property to be acquired by Easements: 2,740 sq. ft. (0.063 ac.) Sidewalk Utility Easement, 433 sq. ft. (0.01 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: TOD-MO

Use: Transit Oriented Development - Mixed Use

Tax Code: 083-048-01

<https://polaris3g.mecklenburgcountync.gov/#mat=601788&pid=08304801&qisid=08304801>

Appraised Value: \$69,650

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

63. Property Transactions - XCLT Davidson to Matheson, Parcel #3

Action: Approve the following Condemnation: XCLT Davidson to Matheson, Parcel #3

Project: XCLT Davidson to Matheson, Parcel #3

Program: XCLT Davidson to Matheson

Owner(s): Fountains Noda Holdings LLC

Property Address: 511 East 25th Street

Total Parcel Area: 116,582 sq. ft. (2.676 ac.)

Property to be acquired by Easements: 215 sq. ft. (0.005 ac.) Greenway Easement, 3,002 sq. ft. (0.069 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: TOD-UC

Use: Transit Oriented District - Urban Center

Tax Code: 083-053-08

<https://polaris3g.mecklenburgcountync.gov/#mat=367992&pid=08305308&qisid=08305308>

Appraised Value: \$19,950

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: 1

64. Property Transactions - XCLT Davidson to Matheson, Parcel #4

Action: Approve the following Condemnation: XCLT Davidson to Matheson, Parcel #4

Project: XCLT Davidson to Matheson, Parcel #4

Program: XCLT Davidson to Matheson

Owner(s): Airgas USA LLC

Property Address: 2201 North Davidson Street

Total Parcel Area: 49,265 sq. ft. (1.131 ac.)

Property to be acquired by Easements: 1,367 sq. ft. (0.031 ac.) Greenway Easement, 1,158 sq. ft. (0.027 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: TOD-NC

Use: Transit Oriented District - Neighborhood Center

Tax Code: 083-053-09

<https://polaris3g.mecklenburgcountync.gov/#mat=75475&pid=08305309&gisid=08305309>

Appraised Value: \$43,575

Property Owner's Concerns: None

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

Recommendation: The city is currently waiting on signed documents, but 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

65. Property Transactions - XCLT Davidson to Matheson, Parcels #7 and 8

Action: Approve the following Condemnation: XCLT Davidson to Matheson, Parcels #7 and 8

Project: XCLT Davidson to Matheson, Parcels #7 and 8

Program: XCLT Davidson to Matheson

Owner(s): Mill District Partners LLC

Property Address: 421 East 26th Street and 2315 North Davidson Street

Total Parcel Area: 166,917 sq. ft. (3.83 ac.)

Property to be acquired by Easements: 2,364 sq. ft. (0.063 ac.) Greenway Easement, 4,316 sq. ft. (0.01 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: TOD-UC, TOD-NC

Use: Transit Oriented Development - Urban Center, Transit Oriented Development - Neighborhood Center

Tax Code: 083-052-04, 083-052-06

<https://polaris3g.mecklenburgcountync.gov/#mat=125694&pid=08305204&gisid=08305204>

<https://polaris3g.mecklenburgcountync.gov/#mat=79981&pid=08305206&gisid=08305206>

Appraised Value: \$68,575

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 was able to redesign to accommodate some of the property owner's design requests.

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

Council District: 1

66. Property Transactions - XCLT Davidson to Matheson, Parcels #9 and 10

Action: Approve the following Condemnation: XCLT Davidson to Matheson, Parcels #9 and 10

Project: XCLT Davidson to Matheson, Parcels #9 and 10

Program: XCLT Davidson to Matheson

Owner(s): Textile Rubber and Chemical Company Inc

Property Address: 0 North Davidson Street and 2321 North Davidson Street

Total Parcel Area: 101,751 sq. ft. (2.336 ac.)

Property to be acquired by Easements: 1,180 sq. ft. (0.027 ac.) Greenway Easement, 2,183 sq. ft. (0.050 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: TOD-NC

Use: Transit Oriented Development - Neighborhood Center

Tax Code: 083-052-08, 083-052-07

<https://polaris3g.mecklenburgcountync.gov/#pid=08305208&qisid=08305208>

<https://polaris3g.mecklenburgcountync.gov/#mat=80510&pid=08305207&qisid=08305207>

Appraised Value: \$35,275

Property Owner's Concerns: None

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

Recommendation: The city is currently waiting on signed documents, but 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

67. Property Transactions - XCLT Davidson to Matheson, Parcel #11

Action: Approve the following Condemnation: XCLT Davidson to Matheson, Parcel #11

Project: XCLT Davidson to Matheson, Parcel #11

Program: XCLT Davidson to Matheson

Owner(s): Gambills II LLC

Property Address: East 27th Street

Total Parcel Area: 1,241 sq. ft. (0.028 ac.)

Property to be acquired by Easements: 951 sq. ft. (0.022 ac.) Storm Drainage Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: TOD-NC

Use: Transit Oriented Development - Neighborhood Center

Tax Code: 083-051-07

<https://polaris3g.mecklenburgcountync.gov/#pid=08305107&gisid=08305107>

Appraised Value: \$3,025

Property Owner's Concerns: None

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

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

Council District: 1

68. Property Transactions - XCLT Davidson to Matheson, Parcel #12

Action: Approve the following Condemnation: XCLT Davidson to Matheson, Parcel #12

Project: XCLT Davidson to Matheson, Parcel #12

Program: XCLT Davidson to Matheson

Owner(s): Gambills II LLC

Property Address: 2414 North Brevard Street

Total Parcel Area: 3,591 sq. ft. (0.082 ac.)

Property to be acquired by Easements: 1,829 sq. ft. (0.042 ac.) Greenway Easement, 1,655 sq. ft. (0.038 ac.) Storm Drainage Easement, 202 sq. ft. (0.005 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: TOD-NC

Use: Transit Oriented District - Neighborhood Center

Tax Code: 083-051-06

<https://polaris3g.mecklenburgcountync.gov/#pid=08305106&gisid=08305106>

Appraised Value: \$11,200

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

69. Property Transactions - XCLT Davidson to Matheson, Parcel #13

Action: Approve the following Condemnation: XCLT Davidson to Matheson, Parcel #13

Project: XCLT Davidson to Matheson, Parcel #13

Program: XCLT Davidson to Matheson

Owner(s): Gambills II LLC

Property Address: 2414 North Brevard Street

Total Parcel Area: 68,055 sq. ft. (1.562 ac.)

Property to be acquired by Easements: 603 sq. ft. (0.014 ac.) Storm Drainage Easement, 989 sq. ft. (0.023 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: TOD-UC

Use: Transit Oriented District - Urban Center

Tax Code: 083-051-03

<https://polaris3g.mecklenburgcountync.gov/#mat=82996&pid=08305103&gisid=08305103>

Appraised Value: \$25,375

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

Adjournment

REFERENCES

70. 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.

71. 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.

72. 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.