

City of Charlotte

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



Zoning Agenda

Monday, November 25, 2019

Council Chambers

City Council Business Meeting

5:00 P.M. ACTION REVIEW, CHARLOTTE-MECKLENBURG GOVERNMENT CENTER, ROOM 267**1. Mayor and Council Consent Item Questions****Staff Resource(s):**

Marie Harris, Strategy and Budget

Time: 5 minutes

Synopsis

Mayor and Council may ask questions about Consent agenda items.

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

Marcus Jones, City Manager

3. Housing Programs Summary**Staff Resource(s):**

Pamela Wideman, Housing and Neighborhood Services

Time: 10 minutes - Presentation; 20 minutes - Discussion

Explanation

- Overview of current housing programs and the 2019 Analysis of Impediments to Fair Housing report

[Housing Programs Summary Presentation](#)

4. Office of Equity, Mobility, and Immigrant Integration Update**Staff Resource(s):**

Federico Rios; Equity, Mobility, and Immigrant Integration

Time: 10 Minutes - Presentation; 20 Minutes - Discussion

Explanation:

- Update on immigrant integration and upward mobility activities
- Overview of the Diversity, Equity, and Inclusion Report Implementation

[Diversity Equity Inclusion Summary Presentation](#)

5. 2020 Council Meeting Calendar

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Time: 5 minutes

Explanation

- The City Clerk will provide an overview of the 2020 City Council meeting calendar.

Future Action

City Council will be asked to approve the 2020 Council meeting calendar at the Business Meeting on December 9, 2019.

[2020 DRAFT Council and Budget Mtg Calendar v5 \(003\)](#)

6. Answers to Mayor and Council Consent Item Questions

Staff Resource(s):

Marie Harris, Strategy and Budget

Time: 5 minutes

Synopsis

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

7. Closed Session (as necessary)

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

Call to Order

Introductions

Invocation

Pledge of Allegiance

PUBLIC FORUM

8. PUBLIC FORUM

9. Consent agenda items 23 through 68 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

10. Homeless Awareness Month Proclamation

Action:

Mayor Lyles will read a proclamation recognizing November 2019 as Homeless Awareness Month.

PUBLIC HEARING

11. Public Hearing for Microsoft Corporation Business Investment Grant

Action:

- A. Conduct a public hearing regarding approval of a Business Investment Grant to Microsoft Corporation, and**
- B. Approve the city's share of a Business Investment Grant to Microsoft Corporation for a total estimated amount of \$664,403 over seven years.**

Staff Resource(s):

Tracy Dodson, Economic Development
Lori Lencheski, Economic Development

Explanation

- On October 25, 2019, Microsoft Corporation announced a capital investment of \$23,900,000 to expand its presence in Charlotte.
- City Council is being asked to approve a Business Investment Grant estimated to be up to \$664,403 over seven years. Mecklenburg County's share is estimated to be \$816,117, bringing the combined city and county grant estimated total to be \$1,480,520.
 - On August 26, 2019, City Council, in Closed Session, indicated its intent to approve a Business Investment Grant to Microsoft Corporation.
 - On September 4, 2019, the Mecklenburg County Board of Commissioners, in Closed Session, indicated its intent to approve a Business Investment Grant to Microsoft Corporation.
 - In addition to the grant for the expansion, the State of North Carolina also approved a Job Development Investment Grant in the amount of \$7,900,000 and \$559,000 in community college training funds.
- In addition to the \$23,900,000 capital investment, Microsoft Corporation committed to:
 - 430 net new jobs to be hired locally over four years (\$96,250 average wage), and
 - 1,148 current employees in Charlotte to be retained for the term of the grant.
- Additional benefits include:
 - Workforce development partnerships and relationship with Microsoft Corporation can be utilized to connect talent to available positions.
 - The project's alignment with:
 - City Values and Winning Cities Characteristics,
 - Letter to the Community (Good Paying Jobs),
 - Equitable Economic Development and Economic Opportunity,
 - Diversity of jobs on proposed project,
 - Job retention through corporate expansion, and
 - Growth industry with significant job and contracting opportunities.

Background

- Microsoft has had a presence in Charlotte since 1991.
- Microsoft currently has a large regional office in Council District 3 off Arrowood Road, near I-77, that employs 1,148 people.
- This office is primarily sales and support staff serving Microsoft's business and corporate customers across the Southeast.
- Microsoft has been active in the Charlotte community and involved in:
 - Smart Cities - Corporate partner to the City of Charlotte
 - Goodwill Industries of Southern Piedmont
 - DigiGirlz
 - Junior Achievement
 - Mayors Youth Employment Program

Business Investment Grant

- This request meets the City Council approved criteria for a seven-year term, 90 percent local

business expansion grant.

- The general terms and conditions of this grant include:
 - The company will be asked to coordinate job fairs and recruitment events for both temporary and permanent jobs with the city and county. Community organizations and residents will receive ample notice of these employment activities in addition to training opportunities with city job training and placement partnerships.
 - Actual grant payments are based on the value of the investment as appraised by the Mecklenburg County Tax Office.
 - Property taxes due from Microsoft Corporation must be paid before a grant payment is made.
 - If Microsoft Corporation removes the investment from Charlotte during the grant term, the company shall pay back 100 percent of the investment grant paid to date.
 - If Microsoft Corporation 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 - 20 percent of grant payments

Fiscal Note

Funding: Business Investment Grant

12. Public Hearing on Proposed Analysis of Impediments to Fair Housing Report

Action:

Conduct a public hearing regarding approval of a proposed Analysis of Impediments to Fair Housing Report.

Staff Resource(s):

Pamela Wideman, Housing and Neighborhood Services
Miles Vaughn, Housing and Neighborhood Services

Explanation

- The U.S. Department of Housing and Urban Development's funding guidelines mandate that participating jurisdictions conduct an Analysis of Impediments to Fair Housing (Analysis) every five years. The Analysis provides information on barriers in the community to fair housing and actions that the jurisdiction will undertake to remove or mitigate barriers to fair housing.
- The Federal and North Carolina Fair Housing Acts make it illegal to discriminate in housing because of race, color, religion, sex, national origin, disability, or familial status (families with children).
- An analytical review of fair housing complaints, data, and community surveying identifies barriers to fair housing and offers actions to remove or reduce those barriers. An example of a barrier is the lack of a resident's knowledge about fair housing rights.
- Charlotte-Mecklenburg Community Relations Department actively conducts activities to further fair housing in Charlotte in a way that is consistent with the recommendations of the Analysis.

Community Input

- Housing and Neighborhood Services (HNS) participated in five community meetings to share initial data and seek feedback on the 2019 Analysis report, which includes data describing current impediments such as segregation and unequal access to housing opportunities. Those meetings included the Community Relations Committee, Disability Rights and Resources, ENLACE (Latin American Council of Charlotte), and the Charlotte Regional Realtors Association.
- HNS also shared a survey with the community asking about their experience with fair housing and housing discrimination. The survey has been promoted through the HNS department newsletter and social media sites. Currently, 125 residents have responded to the survey.
- The draft Analysis report is currently available for public review. Residents may obtain a copy in person at Old City Hall, view it on the city website, or request a copy via email or postal mail.

Next Steps

- A request for council action to approve the final Analysis of Impediments to Fair Housing is planned for the December 9th City Council Business Meeting.

Fiscal Note

Funding: Housing and Neighborhood Services Operating Budget

[Charlotte-Mecklenburg AI Draft 2](#)

13. Public Hearing on a Resolution to Close a Portion of North Poplar Street

Action:

A. Conduct a public hearing to close a portion of North Poplar Street, and

B. Adopt a resolution to close a portion of North Poplar 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 portion of North Poplar Street is located in Council District 2.

Petitioner

All American Properties, LLC

Right-of-Way to be Abandoned

A portion of North Poplar Street.

Reason

The closing of this portion of North Poplar Street will enable All American Properties to develop such property for commercial use.

Notification

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

Adjoining property owner(s)

All American Properties, LLC - No objections

Neighborhood/Business Association(s)

None

Private Utility Companies

No objections

City Departments

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

[N Poplar St Map](#)

[Resolution to Close a portion of North Poplar Street](#)

14. Public Hearing and Decision on Cheyney Phase 5 Voluntary Annexation

- A. Hold a public hearing for the Cheyney Phase 5 voluntary annexation, and**
- B. Adopt an annexation ordinance with an effective date of November 25, 2019, to extend the corporate limits to include the property and assign it to the adjacent City Council District 4.**

Staff Resource(s):

Taiwo Jaiyeoba, Planning, Design and Development

Katrina Young, Planning, Design and Development

Explanation

- Public hearings to obtain community input are required prior to City Council taking action on annexation requests.
- A petition has been received from the owner of this 24.433-acre property.
- The property is owned by Rose K. Davis and Rose K. Davis Trustee of the Alfred A. Davis Revocable Trust.
- The property is zoned (MX-3) Mixed Use District.
- Petitioned area consists of four parcels, PID 02718103, 02718185, 02718125, and 02718126.
- The property is located within Charlotte's extraterritorial jurisdiction and shares boundaries with current city limits.
- Intent of the annexation is to enable the development of 175 multi-family residential dwelling units.

Consistency with City Council Policies

- The annexation is consistent with 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;
 - Is consistent in that the annexation will not result in a situation where unincorporated areas will be encompassed by new city limits.

[Cheyney Phase 5 Area](#)

[Ordinance -Cheyney Phase 5](#)

15. Public Hearing and Decision on Porter's Row Voluntary Annexation

- A. Hold a public hearing for the Porter's Row voluntary annexation, and**
- B. Adopt an annexation ordinance with an effective date of November 25, 2019, to extend the corporate limits to include this property and assign it to the adjacent City Council District 3.**

Staff Resource(s):

Taiwo Jaiyeoba, Planning, Design and Development

Katrina Young, Planning, Design and Development

Explanation

- Public hearings to obtain community input are required prior to City Council taking action on annexation requests.
- A petition has been received from the owner of this 41.732-acre property.
- The property is owned by Steele Creek (1997), LLC.
- The property is zoned (R-8) MF CD multi-family residential use - conditional district.
- Petitioned area consists of one parcel, PID 19901102.
- The property is located within Charlotte's extraterritorial jurisdiction and shares boundaries with current city limits.
- Intent of the annexation is to enable the development of 236 multi-family residential dwelling units.

Consistency with City Council Policies

- The annexation is consistent with 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;
 - Is consistent in that the annexation will not result in a situation where unincorporated areas will be encompassed by new City limits.

[Porter's Row Area Map](#)

[Ordinance -Porter's Row](#)

16. Public Hearing and Decision on Sutton Farms Phase 3 Voluntary Annexation

- A. Hold a public hearing for the Sutton Farms Phase 3 voluntary annexation, and
- B. Adopt an annexation ordinance with an effective date of November 25, 2019, to extend the corporate limits to include these properties and assign them to the adjacent City Council District 2.

Staff Resource(s):

Taiwo Jaiyeoba, Planning, Design and Development
Katrina Young, Planning, Design and Development

Explanation

- Public hearings to obtain community input are required prior to City Council taking action on annexation requests.
- A petition has been received from the owner of this 29.096-acre property.
- The property is owned by Dorothy Keistler/WH Keistler Jr. Family Trust.
- The property is zoned (R-3) single family residential use.
- Petitioned area consists of one parcel, PID 03518222.
- The property is located within Charlotte's extraterritorial jurisdiction and shares boundaries with current city limits.
- Intent of the annexation is to enable the development of 42 single family residential dwelling units.

Consistency with City Council Policies

- The annexation is consistent with 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;
 - Is consistent in that the annexation will not result in a situation where unincorporated areas will be encompassed by new city limits.

[Sutton Farms Phase 3 Area Map](#)

[Ordinance -Sutton Farms Phase 3](#)

POLICY

17. City Manager's Report

BUSINESS

18. Purchase a Police Training Facility Building

Action:

- A. Approve the purchase of a Training Facility building, by the sole source exemption,
- B. Approve a contract with Action Target for the purchase of a Training Facility building in the amount of \$1,115,196, and
- C. Authorize the City Manager to accept a donation from the Charlotte-Mecklenburg Police Foundation in the amount of \$500,000 for training facility enhancements.

Staff Resource(s):

Kerr Putney, Police
Estella Patterson, Police

Sole Source Exemption

- G.S. 143-129(e)(6) provides that formal bidding requirements do not apply when:
 - Performance or price competition is not available,
 - A needed product is available from only one source or supply, or
 - Standardization or compatibility is the overriding consideration.
- Sole sourcing is necessary for this contract because there is only one supply source.
- City Council approval is required for purchases made under the sole source exemption.

Explanation

Action A and B

- The city operates the Police and Fire Training Academy (Academy), located at 1770 Shopton Road, in Council District 3, for the training and testing of public safety personnel.
- The Training Facility building being purchased will be located on Academy property.
- The building is configurable and will be used to provide de-escalation scenario training.

Action C

- The Charlotte-Mecklenburg Police Foundation (CMPF) has a longstanding effort to provide training enhancements to officers to promote public safety.
- CMPF is contributing funding toward training facility enhancements at the academy.

Charlotte Business INclusion

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

Fiscal Note

Funding: General Grants Fund and General Capital Investment Plan

19. Construct Kenilworth-Romany Storm Drainage Improvement Project

Action:

- A. Approve a contract in the amount of \$18,066,782.80 to the lowest responsive bidder Hall Contracting Corporation for the Kenilworth-Romany Storm Drainage Improvement Project, and**
- B. Adopt a budget ordinance appropriating a reimbursement of \$250,620 from the Charlotte-Mecklenburg Hospital Authority for storm drainage improvements.**

Staff Resource(s):

Phil Reiger, General Services
 Kruti Desai, General Services
 Matt Gustis, General Services

Explanation

Action A

- This project will replace approximately 10,600 linear feet of storm drainage pipe and associated sanitary sewer, paving, curb-and-gutter, and driveways.
- The project area is located in the upper Little Sugar Creek watershed with boundaries of Morehead Street to the north, East Boulevard to the south, Little Sugar Creek to the east and Park Road to the west in Council District 1.
- On August 30, 2019, the city issued an Invitation to Bid; five bids were received.
- Hall Contracting Corporation was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by third quarter 2022.

Action B

- The City Manager approved an agreement between the city and the Charlotte-Mecklenburg Hospital Authority in October 2019.
- The Charlotte-Mecklenburg Hospital Authority owns properties (tax parcel ID #15301112, #15301131, #15301130, and #15301128) within the city's project limits and has requested the city align the storm drainage system and increase the size to accommodate future development.
- The city and the Charlotte-Mecklenburg Hospital Authority have determined mutual objectives can be met by installation of the new storm drainage system in this location.
- The Charlotte-Mecklenburg Hospital Authority has agreed to donate all necessary easements (storm drainage, temporary construction and utility easements) as well as fund the difference for construction of this new alignment on its properties.

Charlotte Business INclusion

Established SBE Goal: 20.00%
 Committed SBE Goal: 20.63%
 SBE Participation to Date: 21.00%

Hall Contracting Corporation met the established SBE subcontracting goal, and has committed 20.63% (\$3,726,453.37) of the total contract amount to the following certified SBE firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Trull Contracting, LLC (SBE) (\$1,965,820) (asphalt, concrete)
- On Time Construction, Inc. (SBE) (\$1,110,949.99) (concrete, masonry)
- Diamond Trucking of NC Inc (SBE, MBE) (\$304,664.48) (hauling)
- Bird Dog Traffic Control, LLC (SBE) (\$230,737.90) (traffic control)
- Whitesell Trucking, Inc. (SBE) (\$62,600) (clearing)
- Striping Concepts, LLC (SBE) (\$22,258) (pavement markings)
- Bell Engineering (SBE) (\$13,130) (structure engineering assessment)
- DLS Landscape (SBE) (\$11,375) (landscaping, tree planting)
- Fastsigns of Mooresville (SBE, MBE) (\$4,918) (project signs)

Subsequent to bid opening, Hall Contracting Corporation has committed an additional 0.37% (\$66,897) to the following MSBE certified firm:

- Mid-Atlantic Erosion Control, Inc. (SBE, MBE) (\$66,897) (erosion control)

Established MBE Goal: 7.00%

Committed MBE Goal: 3.69%

MBE Participation to Date: 4.06%

Hall Contracting Corporation failed to meet the established MBE subcontracting goal at bid, but earned the required Good Faith Efforts Points (Part B: Section 5 of the Charlotte Business INCLUSION Policy) and is recommended for award. At bid, Hall Contracting Corporation committed 3.69% (\$666,584.77) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INCLUSION Policy):

- Weekes Trucking LLC (MBE) (\$357,002.29) (hauling)
- Diamond Trucking of NC Inc (SBE, MBE) (\$304,664.48) (hauling)
- Fastsigns of Mooresville (SBE, MBE) (\$4,918) (project signs)

Subsequent to Bid Opening, Hall Contracting Corporation has committed an additional 0.37% (\$66,897) to the following MSBE certified firm:

- Mid-Atlantic Erosion Control, Inc. (SBE, MBE) (\$66,897) (erosion control)

Fiscal Note

Funding: Storm Water Capital Investment Plan

[Location Map - Kenilworth - Romany Storm Drainage Improvement Project](#)

[Budget Ordinance Kenilworth SDIP](#)

20. Federal Fiscal Year 2019 Lead Hazard Control Grant

Action:

- A. Authorize the City Manager to accept a Lead Hazard Control grant in the amount of \$3,635,222 from the U.S. Department of Housing and Urban Development's Office of Lead Hazard Control and Healthy Homes, and**
- B. Adopt a budget ordinance appropriating \$3,635,222 in grant funds for program activities**

Staff Resource(s):

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

Explanation

- Lead, a toxic heavy metal, was a major component in paint prior to 1978. It is still present in many older residential properties and poses a danger, especially for children age six or younger who reside in these homes. The National Center for Healthy Housing estimates 39 percent of homes built in North Carolina were built prior to 1978 and are at risk of containing lead-based paint.
- The U.S. Department of Housing and Urban Development (HUD) provides the Lead Hazard Control Grant to cities to fund the testing, risk evaluation, control, and reduction of lead paint hazards in low-income housing.
- Housing and Neighborhood Services will use HUD's lead hazard control grant in the amount of \$3,635,222 to fund LeadSafe Charlotte, the city's lead abatement program.
- LeadSafe Charlotte provides grants to assist low-income homeowners with addressing unsafe lead paint conditions that pose a potential health hazard to young children. The program is designed to assist owners of single and multi-family dwellings and property investors with two or more bedrooms. To date, LeadSafe Charlotte has identified and removed lead hazards in 2,190 residential properties.
- Since 1995, the grant has been the primary funding source for the program.
- The city's previous grant expired in 2019. This new funding will allow LeadSafe Charlotte to test more than 210 housing units for lead and remove lead hazards from up to 150 housing units over the next three and a half years.

Fiscal Note

Funding: U.S. Department of Housing and Urban Development Grant

[Budget Ordinance - HNS LeadSafe](#)

21. Appropriate Private Developer Funds

Action:

- A. Approve a developer agreement with Pringle Square, LLC, and
- B. Adopt a budget ordinance appropriating \$439,500 in private developer funds for road improvements.

Staff Resource(s):

Liz Babson, Transportation
Felix Obregon, Transportation

Explanation

- Private developer agreements and appropriations are needed when a developer is required through the city rezoning process to make road improvements.
- The \$439,500 in private developer funding is for road improvements to the Brown-Grier Road widening project located in Council District 3.
- This road widening project is being completed by the city.
- These developer contributions are based on cost estimates prepared by General Services and the Charlotte Department of Transportation.
- North Carolina Department of Transportation will maintain these road improvements as part of the state-maintained street network.
- Construction is anticipated to begin early 2021.

Fiscal Note

Funding: Private Developer Contributions

[BrownGrierWidening](#)

[BO Developer Appropriations 11.25.2019](#)

22. Mayor and City Council Topics

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

CONSENT

23. Citywide Wash Products and Services for Trucks, Equipment, and Rail Cars

Action:

- A. Approve a unit price contract to the lowest responsive bidder Loyal Systems, Inc. for the purchase of truck and train wash products and services for an initial term of three years, and**
- B. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Phil Reiger, General Services

Kay Elmore, General Services

Explanation

- The city purchases chemicals, repair parts, and services for drive-through wash facilities owned by the city.
- These chemicals and services are used to wash, maintain, and disinfect various heavy trucks and equipment, including, but not limited to, Solid Waste Services collection trucks; dump trucks, sewer trucks, and rodder trucks operated by Charlotte Water; salt spreaders and road repair equipment operated by the Charlotte Department of Transportation; and rail cars operated by the Charlotte Area Transit System.
- On August 9, 2019, the city issued an Invitation to Bid; three bids were received.
- Loyal Systems, Inc. was selected as the lowest responsive, responsible bidder.
- Total annual expenditures are estimated to be \$200,000.

Charlotte Business INCLUSION

Per Charlotte Business INCLUSION Policy: Part C: Section 2.1(a) The city shall not establish Subcontracting Goals for Contracts where: (a) there are not subcontracting opportunities identified for the Contract; or (b) there are no SBEs or MBEs 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: Various Departments' Operating Budgets

24. Construct Storm Water Repairs and Improvements

Action:

Approve a contract in the amount of \$2,306,836 to the lowest responsive bidder Onsite Development, LLC, for the Storm Water Repairs and Improvements Fiscal Year 2020 E project.

Staff Resource(s):

Phil Reiger, General Services
Kruti Desai, General Services
Susan Tolan, General Services

Explanation

- This contract is part of an ongoing program to provide repairs and/or improvements to storm drainage systems.
- Approximately 25 projects may be constructed 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.
- On September 19, 2019, the city issued an Invitation to Bid; three bids were received.
- Onsite Development, LLC, was selected as the lowest responsive, responsible bidder.

Charlotte Business INclusion

Established SBE Goal: 19.00%

Committed SBE Goal: 19.10%

Onsite Development, LLC has identified SBEs on its project team, and for each work order issued committed 19.10% of the total contract amount to the following certified firms:

- Affordable Source Trucking, LLC (SBE, MBE) (hauling)
- AMP Utility Distribution Services, LLC (SBE) (materials)
- Combs Tree Service LLC (SBE) (tree removal)
- JV Trucking, LLC (SBE) (hauling)
- LJR Concrete LLC (SBE) (concrete)
- MTS Trucking Inc. (SBE, MBE) (hauling)
- R.R.C. Concrete Inc. (SBE, MBE) (concrete)
- Streeter Trucking Company, Inc. (SBE, MBE) (hauling)
- Solanos Trucking Company, Inc. (SBE) (hauling)
- Tony's Trucking Inc. (SBE, MBE) (hauling)

Established MBE Goal: 8.00%

Committed MBE Goal: 8.01%

Onsite Development, LLC, has identified MBEs on its project team, and for each work order issued committed 8.01% of the total contract amount to the following certified firms:

- Affordable Source Trucking, LLC (SBE, MBE) (hauling)
- MTS Trucking Inc. (SBE, MBE) (hauling)
- R.R.C. Concrete Inc. (SBE, MBE) (concrete)
- Streeter Trucking Company, Inc. (SBE, MBE) (hauling)
- Tony's Trucking Inc. (SBE, MBE) (hauling)

Fiscal Note

Funding: Storm Water Capital Investment Plan

25. Asphalt and Concrete Repair Services

Action:

- A. Approve a unit price contract with Barry Brown dba Barry's Concrete and Service Inc. for asphalt and concrete repair 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):

David Czerr, Charlotte Water
Ron Hargrove, Charlotte Water
Scott Clark, Charlotte Water

Explanation

- This contract will provide repairs to sidewalks, driveways, and streets that have been disrupted by Charlotte Water crews during water and sanitary sewer system repairs throughout Mecklenburg County.
- On August 6, 2019, the city issued a Request for Proposals (RFP); two responses were received.
- Barry Brown dba Barry's Concrete and Service Inc. best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Total annual expenditures are estimated to be \$1,200,000.

Charlotte Business INclusion

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

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

Fiscal Note

Funding: Charlotte Water Operating Budget

26. Cooperative Purchasing Contracts for Vehicles and Equipment

Action:

- A. Approve the purchase of vehicles and equipment from a cooperative contract,
- B. Approve unit price contracts as Citywide contracts with the following vendors for the purchase of vehicles and equipment for a term of one year under the North Carolina Sheriff's Association (NCSA):
- Performance Ford (NCSA Contract 19-05-0911)
 - Capital Ford of Raleigh, Modern Chevrolet, Modern Nissan, and Piedmont Truck Center (NCSA Contract 20-06-0911)
 - Jet-Vac Equipment Co. Inc. and Southern Vac (NCSA Contract 20-04-0506)
- C. Approve unit price contracts as Citywide contracts with the following vendors for the purchase of vehicles and equipment for a term of one year under Sourcewell:
- Carolina Tractor (Sourcewell Contract 032119-CAT)
 - Clark Equipment Company (Sourcewell Contract 040319-CEC)
- D. Authorize the City Manager to extend the contracts for additional terms as long as the cooperative contracts are in effect, at prices and terms that are the same or more favorable than those offered under the cooperative contract.

Staff Resource(s):

Phil Reiger, General Services

Kay Elmore, General Services

Chris Trull, General Services

Explanation

- City vehicles and equipment are assessed on an annual basis to determine replacement needs based on a rating of vehicle usage, age, maintenance costs, and condition.
- Vehicles and equipment being purchased include light-duty hybrid SUVs and electric sedans, heavy duty cab and chassis, street maintenance equipment, sewer cleaning equipment, mini excavators, skid steers, utility vehicles, forklifts, and heavy-duty construction equipment.
- G.S. 143-129(e)(3) allows local governments to purchase from formally organized cooperative purchasing contracts.
- A cooperative purchasing agreement results from the consolidation and competitive solicitation of multiple public agency requirements. By aggregating common needs, all agencies can leverage economies of scale, such as volume discounts; improved terms and conditions; reduced administrative costs; and access to professional and technical expertise that can be used on a local, regional, and national level.
- Total annual expenditures are estimated to be \$3,550,000.

Charlotte Business INclusion

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

Fiscal Note

Funding: General and Enterprise Capital Equipment Funds

27. McAlpine Creek Wastewater Treatment Plant Grit System Upgrades

Action:

Approve a contract in the amount of \$4,960,000 to the lowest responsive bidder The Harper Corporation-General Contractors for the McAlpine Creek Wastewater Treatment Plant Grit System Upgrades project.

Staff Resource(s):

David Czerr, Charlotte Water

Ron Hargrove, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- This contract will provide an improved grit removal system for the McAlpine Creek Wastewater Treatment Plant (WWTP), located in the Town of Pineville (adjacent to Council District 7).
- The grit removal system is a critical component of the wastewater treatment process and these upgrades will minimize maintenance and ensure the reliability of plant operations.
- On September 30, 2019, the city issued an Invitation to Bid; 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 October 24, 2019, the city re-issued an Invitation to Bid; two bids were received.
- The Harper Corporation-General Contractors was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by the first quarter of 2021.

Charlotte Business INclusion

Established MSBE Goal: 8.00%

Committed MSBE Goal: 9.24%

The Harper Corporation-General Contractors met the established subcontracting goal and has committed 9.24% (\$458,428) of the total contract amount to the following certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- CITI, LLC (MBE) (\$377,678) (instrumentation)
- HG Global Services, Inc. (SBE) (\$80,750) (structural metals)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

[Map-McAlpine Creek Wastewater Treatment Plant Grit System Upgrades](#)

28. Preliminary Engineering for Thermal Hydrolysis Process System

Action:

- A. **Approve a contract for up to \$2,863,950 with CDM Smith Inc. for preliminary engineering for the Thermal Hydrolysis Process Facility at the McAlpine Creek Water Treatment Plant, and**
- B. **Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

David Czerr, Charlotte Water

Ron Hargrove, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- This contract is for preliminary engineering for a thermal hydrolysis process (THP) system at the McAlpine Creek Wastewater Treatment Plant, located in the Town of Pineville (adjacent to Council District 7).
- The THP is an enhanced biosolids treatment process that breaks down hard-to-digest compounds through the application of high pressure and temperature to destroy pathogens, improve nutrients, increase biogas production, and reduce the volume of biosolids.
- The enhanced biogas production and onsite energy generation from the THP project supports the city's Strategic Energy Action Plan goals and strategies by shifting energy demand away from non-renewable sources. In addition, the project will facilitate a bio-nutrient circular economy by converting biosolids into renewable resources, thus reducing impacts from chemical fertilizers.
- Charlotte Water will have the ability to diversify its management of biosolids products by implementing this system.
- On October 9, 2015, the city issued a Request for Qualifications (RFQ) for professional engineering services for enhanced biosolids treatment. The city received six proposals and determined that CDM Smith Inc. was the best qualified firm to meet the city's needs.
- On April 11, 2016, Council approved a contract with CDM Smith, Inc. for the initial phase of this work, a Biosolids Market Study, which resulted in the recommendation for a THP system.

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 not subcontracting opportunities identified for the Contract; or (b) there are no SBEs or MBEs certified to perform the scopes of work that the city regards as realistic opportunities for subcontracting.

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

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

[McAlpine Creek WWTP Map](#)

29. Soil and Debris Hauling Services

Action:

- A. Approve unit price contracts with the following companies for soil and debris hauling services for an initial term of three years:**
- **McGirt Trucking Co.,**
 - **Silverback Brothers LLC,**
 - **Topps Premier Incorporated, 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):

David Czerr Charlotte Water
Ron Hargrove Charlotte Water
Scott Clark Charlotte Water

Explanation

- This contract will provide hauling of dirt, rocks, tree stumps, and other debris from Charlotte Water construction and repair sites on an as-needed basis and will be used for delivering fill dirt to Charlotte Water Field Operations zone facilities.
- On September 6, 2019, the City issued a Request for Proposals (RFP); three responses were received.
- The companies selected best meet the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Total annual expenditures are estimated to be \$700,000.

Charlotte Business INclusion

Silverback Brothers LLC and Topps Premier Incorporated are both an SBE and MBE.

Per the 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 SBEs or MBEs certified to perform the scopes of work that the city regards as realistic opportunities for subcontracting.

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

Fiscal Note

Funding: Charlotte Water Operating Budget

30. Airport Domestic Water Line Interconnection

Action:

- A. **Reject the low-bid submitted by Cam-Ful Industries, Inc. for the Domestic Water Line Interconnection project, and**

- B. **Approve a contract in the amount of \$3,228,500 to the lowest responsive bidder Brown Industries, Inc., DBA Precision Plumbing for the Domestic Water Line Interconnection project.**

Staff Resource(s):

Brent Cagle, Aviation

Jack Christine, Aviation

Explanation

- This project will increase the size of the water main feeding the Airport's Concourses B and C, as well as create a connection to Concourse D's water supply to increase volume and balance pressures across the terminal.
- This project will also add pressure sensors, flow meters, and potable water cabinets on the ramp of Concourse B.
- On May 28, 2019, the city issued an Invitation to Bid; 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 June 28, 2019, the city re-issued an Invitation to Bid; two bids were received.
- Brown Industries, Inc., DBA Precision Plumbing was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by third quarter 2020.
- This activity is occurring on airport property, located in Council District 3.

Charlotte Business INclusion

Established MSBE Goal: 5.00%

Committed MSBE Goal: 15.23%

Brown Industries, Inc., DBA Precision Plumbing exceeded the established MSBE subcontracting goal, and has committed 15.23% (\$491,658) of the total contract amount to the following certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Besco Electric Corporation (MBE) (\$78,158) (electrical)
- FM Supplies (MBE) (\$413,500) (plumbing equipment and piping)

Fiscal Note

Funding: Aviation Capital Investment Plan

31. Airport Centralized Receiving and Distribution Center Construction

Action:

Approve a contract in the amount of \$19,055,000 to the lowest responsive bidder Walbridge Southeast, LLC for the construction of a Centralized Receiving and Distribution Center.

Staff Resource(s):

Brent Cagle, Aviation
Jack Christine, Aviation

Explanation

- This project will construct a new Centralized Receiving and Distribution Center (CRDC) on the south side of Airport property.
- The CRDC will provide additional receiving and distribution space to support the growing delivery operations for the Airport, reducing the overall vendor delivery traffic in the Terminal.
- On July 31, 2019, the city issued an Invitation to Bid; eight bids were received.
- Walbridge Southeast, LLC was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by March 2021.
- This activity is occurring on airport property, located in Council District 3.

Charlotte Business INclusion

Established SBE Goal: 12.00%

Committed SBE Goal: 0.66%

Walbridge Southeast, LLC did not meet the established SBE subcontracting goal, but complied with the Good Faith Efforts requirements, and has committed 0.66% (\$126,640) of the total contract amount to the following certified firm (Part B: Section 3 of the Charlotte Business INclusion Policy):

- NJR Construction LLC (MBE, SBE) (\$126,640) (drywall)

Established MBE Goal: 8.00%

Committed MBE Goal: 18.51%

Walbridge Southeast, LLC exceeded the established MBE subcontracting goal, and has committed 18.51% (\$3,526,840) of the total contract amount to the following certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Besco Electric Corporation (MBE) (\$3,400,200) (electrical)
- NJR Construction LLC (MBE, SBE) (\$126,640) (drywall)

Fiscal Note

Funding: Aviation Capital Investment Plan

32. Airport Passenger Assistance Services Contract

Action:

Approve contract amendment #4 with Prospect Airport Services, Inc. for Airport Passenger Assistance Services.

Staff Resource(s):

Brent Cagle, Aviation

Jack Christine, Aviation

Explanation

- Aviation intends to solicit for a new airport passenger services contract in early 2020.
- Extending the existing contract is required to ensure uninterrupted service provision during the solicitation process for all current airport passenger assistance services, including security checkpoint queue management, international arrivals area passenger assistance, and international arrivals baggage re-check passenger assistance.
- Waiver of a competitive solicitation process for services may be granted on a limited basis when deemed appropriate and in the city's best interest. A waiver has been approved for this extension period for these services based on continuity of service and limited vendors with required qualifications.
- On June 22, 2015, City Council approved a contract with Prospect Airport Services, Inc. for passenger assistance services in the international arrivals area of the airport.
- On May 9, 2016, City Council approved contract amendment #1 in the amount of \$1,743,154.21 for the provision of additional staff to assist in the ticketing lobby of the airport due to increasing passenger volume.
- On June 30, 2018, the City Manager approved contract amendment #2, which exercised the first of two one-year extensions.
- On June 30, 2019, the City Manager approved contract amendment #3, which exercised the second of two one-year extensions.
- Amendment #4 has an estimated value of \$725,000 and will extend the contract by three months to September 30, 2020.
- The new total value of the contract, including amendment #4, is estimated to be \$4,968,154.
- 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 not subcontracting opportunities identified for the contract: or (b) there are no SBEs or MBEs certified to perform the scopes of work that the city regards as realistic opportunities for subcontracting.

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

Fiscal Note

Funding: Aviation Operating Fund

33. Airport Passenger Loading Bridge Parts and Equipment

Action:

- A. **Approve the purchase of passenger loading bridge parts and equipment, by the sole source exemption,**

- B. **Approve a contract with JBT Aerotech Corporation for the purchase of passenger loading bridge parts and equipment for an initial term of three years, and**

- C. **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):

Brent Cagle, Aviation

Jack Christine, Aviation

Sole Source Exemption

- G.S. 143-129(e)(6) provides that formal bidding requirements do not apply when:
 - Performance or price competition are not available;
 - A needed product is available from only one source or supply; or
 - Standardization or compatibility is the overriding consideration.
- Sole sourcing is necessary for this contract because there is only one supply source.
- City Council approval is required for purchases made under the sole source exception.

Explanation

- The city owns and maintains 89 passenger loading bridges, which include pre-conditioned air systems and ground power units for aircraft.
- The pre-conditioned air system, ground power units, and their related parts are integral components of the loading bridges as they provide regulated air conditioning and power to the aircraft while it is docked.
- This contract will provide for pre-conditioned air system units, ground power units, and mechanical and electrical loading bridge parts.
- JBT Aerotech Corporation is the manufacturer of this specialized airport equipment, and the original equipment manufacturer parts are required to maintain performance standards, standardization, and compatibility with existing equipment.
- Total annual expenditures are estimated to be \$300,000.
- This activity is occurring on airport property, located in Council District 3.

Charlotte Business INclusion

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

Fiscal Note

Funding: Aviation Operating Fund

34. Airport Website and Mobile Application Service Provider Agreement

Action:

- A. Approve a contract with M2Mobi for the Airport website and mobile application for an initial term of three years, and**
- B. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Brent Cagle, Aviation
Haley Gentry, Aviation
Reenie Askew, Innovation and Technology

Explanation

- The Airport has a content management system which includes a passenger-facing website and mobile application.
- M2Mobi is currently a subcontractor that developed the website and mobile application and has a proprietary all-in-one "Digital Airport Platform" which allows for content management across the website and mobile application.
- For ongoing implementation and changes in scope due to Federal ADA requirements, it is beneficial to contract directly with M2Mobi for the Airport website and mobile application.
- Waiver of a competitive solicitation process for services may be granted on a limited basis when deemed appropriate and in the city's best interest. A waiver has been approved for these services based on continuity of service and limited vendors with required qualifications.
- Annual expenditures are estimated to be \$703,000.

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 not subcontracting opportunities identified for the contract: or (b) there are no SBEs or MBEs certified to perform the scopes of work that the city regards as realistic opportunities for subcontracting.

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

Fiscal Note

Funding: Aviation Operating Fund

35. Long-Term Investment Program Investment Consultant Services

Action:

- A. **Authorize the City Manager to negotiate and approve a unit price contract with Marquette Associates, Inc. for Long-Term Investment Program Consultant Services for an initial term of three years, and**
- B. **Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Kelly Flannery, Finance

Sheila Simpson, Human Resources

Explanation

- Marquette Associates, Inc. will partner with the city to provide investment consulting services for the city's Long-Term Investment Program (LTIP) and assist with fiduciary oversight of the city's existing deferred compensation programs and the investment plan for the retiree health care plan.
- On December 8, 2008, City Council authorized the city's LTIP to invest long-term city capital reserves to further diversify investment assets.
- The principal amount that has been invested in the city's LTIP is approximately \$75.7 million, and it currently has a total market value of approximately \$99.9 million.
- Investment consultant services through an outside service provider are used to provide objective, third-party advice and counsel to assist the LTIP Board in making well-informed decisions regarding investments.
- On June 3, 2019, the city issued a Request for Proposals (RFP); five responses were received.
- Marquette Associates, Inc. best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$120,000.

Charlotte Business INclusion

Established MWSBE Goal: 5.00%

Committed MWSBE Goal: 5.00%

Marquette Associates, Inc. met the established MWSBE subcontracting goal, and has committed 5.00% (\$29,875) of the total contract amount to the following certified firms (Part C: Section 2 of the Charlotte Business INclusion Policy):

- International Minute Press (WBE) (\$2,987.50) Printing
- Allegra Marketing & Print (SBE) (\$6,787.50) Printing
- Quality of Life Transport (MBE) (\$3,800) Transportation
- London D's Catering (MBE) (\$12,500) Catering
- Precise Courier and Parcel Delivery Services (MBE) (\$3,800) Shipping

Fiscal Note

Funding: Employee Benefit Trust Plan

36. Oracle Products and Related Services

Action:

- A. **Approve the purchase of Oracle products and related services from a cooperative contract,**
- B. **Approve a unit price contract with DLT Solutions, LLC. for the purchase of Oracle products and services for a term of four years under OMNIA Partners contract #180233-001,**
- C. **Approve a unit price contract with Mythics, Inc. for the purchase of Oracle products and services for a term of four years under OMNIA Partners contract #180233-002,**
- D. **Authorize the City Manager to extend the contract for additional terms as long as the cooperative contract is in effect, at prices and terms that are the same or more favorable than those offered under the cooperative contact.**

Staff Resource(s):

Reenie Askew, Innovation and Technology
Kay Elmore, General Services

Explanation

- The city requires professional services for Oracle products, including software implementation services, in connection with regular software upgrades and other special projects. These services may be performed directly by DLT Solutions, LLC or Mythics, Inc.
- G.S. 143-129(e)(3) allows local governments to purchase from formally organized cooperative purchasing contracts.
- A cooperative purchasing agreement results from the consolidation and competitive solicitation of multiple public agency requirements. By aggregating common needs all agencies are able to leverage economies of scale, such as volume discounts, improved terms and conditions, reduced administrative costs, and access to professional and technical expertise that can be utilized on a local, regional, and national level.
- Total annual expenditures are estimated to be \$1,000,000.

Charlotte Business INclusion

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

Fiscal Note

Funding: Various Departments' Operating Budgets

37. Public Safety Communications Network Maintenance, Support, and Upgrades

Action:

- A. **Approve an amendment to a contract with Motorola Solutions, LLC for the company to provide maintenance, support, and upgrades to the city's Public Safety Communications Network for a term of seven years,**
- B. **Approve the purchase of public safety network equipment and software, by the sole source exemption,**
- C. **Authorize the City Manager to approve amendments consistent with the city's use of the system, and**
- D. **Authorize the City Manager to extend 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):

Reenie Askew, Innovation and Technology
Brad Dunkle, Innovation and Technology
Crystal Cody, Innovation and Technology

Sole Source Exemption

- G.S. 143-129(e)(6) provides that formal bidding requirements do not apply when:
 - Performance or price competition are not available;
 - A needed product is available from only one source or supply; or
 - Standardization or compatibility is the overriding consideration.
- Sole sourcing is appropriate for this contract because utilizing Motorola's equipment is essential to maintaining compatibility with existing equipment, which is needed for the system to operate properly. Additionally, these proprietary products are available only from Motorola.
- The City Council must approve purchases made under the sole source exception.

Explanation

- The city's Public Safety Radio Network System is critical for supporting all public safety and emergency services within Mecklenburg County and five surrounding counties and municipalities; Union County, Cabarrus County, Stanly County, the City of Gastonia, and the Town of Davidson.
 - First responders that rely on the network include the Charlotte Fire Department, MEDIC, the Charlotte-Mecklenburg Police Department, the Mecklenburg County Sheriff's Department, and surrounding jurisdiction's emergency response organizations.
 - The system also supports other service personnel including Charlotte Water, Solid Waste, CATS, CDOT, and city departments who use radios in field operations.
- The public safety radio network is comprised of Motorola's proprietary telecommunications equipment and software that operates the radio communications system.
- The Motorola Migration Assurance Program (MAP) provides a customized multi-year plan designed to sustain and promote network availability and security, support ongoing growth and expansion due to increased demands on the network, provide for network migration to alternative technologies, and assist with compliance with future grant provisions that may be used to fund improvements.
- City Council originally approved the MAP contract on October 28, 2013, for a term of up to nine years. The company has performed as expected under the contract, and users at the city and in surrounding jurisdictions continue to express satisfaction with the system. An amendment to the contract is now required to incorporate additional infrastructure projects and lock in more favorable pricing for an extended term. Under the MAP contract and extension, Motorola will:
 - Provide ongoing maintenance and support, including monitoring of the city's network, and analysis of performance to mitigate risks of system failures;

- Replace network components that are either reaching the end of their projected lifespan or will no longer be supported due to future technology upgrades;
- Perform upgrades to the network according to a predetermined seven-year schedule, which may be modified according to the city's needs, to include additional radio links and technology upgrades for improved performance, increased network capacity for handling of additional simultaneous users, and bolstering of network survivability.
- By extending the contract now, the city will receive over a nine percent discount on maintenance and equipment.
- A waiver of solicitation process for the services component of the contract and a sole source approval for the equipment portion of the contract were submitted and have been internally approved.
 - Waiver of a solicitation process for services may be granted when deemed appropriate and in the city's best interest. In this instance, Motorola is the only company with the expertise to maintain and upgrade the system. Utilizing Motorola for maintenance and support is required to maintain equipment and performance warranties.
 - Due to the proprietary nature of the network equipment, the city is unable to seek competition for the infrastructure components and doing so would require a complete rebuild of the current radio network, which would likely cost tens of millions of dollars to reestablish with another vendor. A complete rebuild would also severely impact the other counties the city supports from an operational and budgetary perspective.
- Total maintenance costs for the next seven fiscal years (FY 21-27) are estimated to be \$31 million. Total infrastructure upgrade projects for the next seven fiscal years are estimated to total \$9 million.
- The city may modify or cancel any of the scheduled upgrades or ongoing maintenance at any time without penalty.

Charlotte Business INClusion

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

Fiscal Note

Funding: Public Safety Communications Operating and Capital Budgets

[MAP Extension Pricing Table UPDATED 08202019](#)

38. Refund of Property Taxes**Action:**

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$5,509.24.

Staff Resource(s):

Kelly Flannery, Finance
Scott Greer, Finance

Explanation

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

[List of Taxpayers](#)

[Resolution](#)

39. Meeting Minutes

Action:

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

- October 14, 2019 Business Meeting, and
- October 21, 2019 Special/ Zoning Meeting

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- Meeting minutes can be reviewed on the City Clerk's website:
<<https://charlottenc.gov/CityClerk/Pages/Minutes.aspx>>

PROPERTY TRANSACTIONS

40. In Rem Remedy 10025 Dillard Valley Road

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

Public Purpose:

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

Policy:

- Housing and Neighborhood Development and Community Safety

The In Rem Remedy items were initiated from three categories:

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

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

Public Safety: 10025 Dillard Valley Road, unincorporated Mecklenburg County adjacent to Council District 3

Action:

Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at (10025 Dillard Valley Road) (Neighborhood Profile Area 84).

[10025 Dillard Valley Rd](#)

41. In Rem Remedy 5801 Third Street (Mobile Home)

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

Public Purpose:

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

Policy:

- Housing and Neighborhood Development and Community Safety

The In Rem Remedy items were initiated from three categories:

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

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

Field Observation: 5801 Third Street (Mobile Home), Council District 2

Action:

Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at (5801 Third Street - Mobile Home) (Neighborhood Profile Area 190).

[5801 Third St - Mobile Home](#)

42. In Rem Remedy 5801 Third Street (Non-Residential Building Code)

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

Public Purpose:

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

Policy:

- Housing and Neighborhood Development and Community Safety

The In Rem Remedy items were initiated from three categories:

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

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

Field Observation: 5801 Third Street - Non-Residential Building Code (NRBC), Council District 2.

Action:

Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at (5801 Third Street - NRBC) (Neighborhood Profile Area 190).

[5801 Third St - NRBC](#)

43. Property Transactions - Beaverdam Creek Interceptor Phase 1, Parcel #2

Action: Approve the following Acquisition: Beaverdam Creek Interceptor Phase 1, Parcel #2

Project: Beaverdam Creek Interceptor Phase 1, Parcel #2

Owner(s): Burris Holdings, LLC

Property Address: Garrison Road

Total Parcel Area: 2,626,478 sq. ft. (60.295 ac.)

Property to be acquired by Easements: 104,674 sq. ft. (2.403 ac.) in Sanitary Sewer Easement, plus 4,054 sq. ft. (0.093 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R-3

Use: Single-family Residential

Tax Code: 141-291-05,
<<http://polaris3g.mecklenburgcountync.gov/#pid=14129105&gisid=14129105>>

Purchase Price: \$40,900

Council District: 3

44. Property Transactions - Camp North End Capital Improvement Project, Parcel #45

Action: Approve the following Acquisition: Camp North End Capital Improvement Project, Parcel #45

Project: Camp North End Capital Improvement Project, Parcel #45

Owner(s): Mecklenburg County ABC Board

Property Address: 1609 North Graham Street

Total Parcel Area: 48466.00 sq. ft. (1.11 ac.)

Property to be acquired by Fee: 2,185 sq. ft. (0.05 ac.) Fee Simple

Property to be acquired by Easements: 2701 sq. ft. (0.062 ac.) Utility Easement, 1754 sq. ft. (0.04 ac.) Sidewalk Utility Easement

Structures/Improvements to be impacted: Asphalt pavement

Landscaping to be impacted: Various plantings

Zoned: I-2

Use: Commercial

Tax Code: 079-02-108,
<<http://polaris3g.mecklenburqcountync.gov/#mat=609321&pid=07902108&qisid=07902108>>

Purchase Price: \$71,675

Council District: 1

45. Property Transactions - Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #51

Action: Approve the following Acquisition: Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #51

Project: Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #51

Owner(s): Archdale DNB, LLC and East Lake Associates 2, LLC

Property Address: 6500 Wisteria Drive

Total Parcel Area: 648,564 sq. ft. (14.889 ac.)

Property to be acquired by Easements: 2,332.08 sq. ft. (0.054 ac.) in Sanitary Sewer Easement, plus 7,942.44 sq. ft. (0.182 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-22MF

Use: Multi-family

Tax Code: 173-041-71,
<<http://polaris3g.mecklenburqcountync.gov/#mat=388889&pid=17304171&qisid=17304171>>

Purchase Price: \$25,425

Council District: 6

46. Property Transactions - Lakeview-Reames Intersection Improvements, Parcel #59

Action: Approve the following Acquisition: Lakeview-Reames Intersection Improvements, Parcel #59

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.

Project: Lakeview-Reames Intersection Improvements, Parcel #59

Owner(s): Reames Investment Corporation

Property Address: Lakeview Road and Reames Road

Total Parcel Area: 21,632 sq. ft. (0.497 ac.)

Property to be acquired by Fee: 2,405 sq. ft. (0.055 ac.) in Fee Simple

Property to be acquired by Easements: 1,003 sq. ft. (0.023 ac.) in Sidewalk and Utility Easement, plus 5,392 sq. ft. (0.124 ac.) in Temporary Construction Easement, plus 1,721 sq. ft. (0.04 ac.) in Utility Easement

Structures/Improvements to be impacted: Sign, irrigation, and landscape lighting

Landscaping to be impacted: Trees, shrubs, and various plantings

Zoned: MX-1

Use: Buffer Strip

Tax Code: 025-123-62,
<<http://polaris3q.mecklenburgcountync.gov/#pid=02512362&qisid=02512362>>

Purchase Price: \$115,000

Council District: 2

47. Property Transactions - Lakeview Road Farm to Market, Parcel #4

Action: Approve the following Condemnation: Lakeview Road Farm to Market, Parcel #4

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.

Project: Lakeview Road Farm to Market, Parcel #4

Owner(s): U.S. 21 Holding Company, LLC

Property Address: 8431 Statesville Road

Total Parcel Area: 491,391 sq. ft. (11.281 ac.)

Property to be acquired by Easements: 445 sq. ft. (0.01 ac.) in Sidewalk and Utility Easement, plus 3,250 sq. ft. (0.075 ac.) in Temporary Construction Easement, plus 1,915 sq. ft. (0.044 ac.) in Utility Easement

Structures/Improvements to be impacted: Fence

Landscaping to be impacted: Trees

Zoned: I-1

Use: Industrial

Tax Code: 025-122-05,
<<http://polaris3g.mecklenburgcourtync.gov/#mat=204676&pid=02512205&qsid=02512205>>

Appraised Value: \$7,025

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

Council District: 2

48. Property Transactions - Lakeview Road Farm to Market, Parcel #5

Action: Approve the following Condemnation: Lakeview Road Farm to Market, Parcel #5

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

Project: Lakeview Road Farm to Market, Parcel #5

Owner(s): U.S. 21 Holding Company, LLC

Property Address: 5905 Lakeview Road and 8500 Statesville Road

Total Parcel Area: 539,405 sq. ft. (12.383 ac.)

Property to be acquired by Easements: 5,418 sq. ft. (0.124 ac.) in Storm Drainage Easement, plus 18,190 sq. ft. (0.418 ac.) in Sidewalk and Utility Easement, plus 11,571 sq. ft. (0.266 ac.) in Temporary Construction Easement, plus 1,005 sq. ft. (0.023 ac.) in Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: I-1

Use: Industrial

Tax Code: 025-022-09,
<<http://polaris3g.mecklenburqcountync.gov/#mat=601678&pid=02502209&qisid=02502209>>

Appraised Value: \$56,600

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

Council District: 2

49. Property Transactions - Lakeview Road Farm to Market, Parcel #7

Action: Approve the following Condemnation: Lakeview Road Farm to Market, Parcel #7

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

Project: Lakeview Road Farm to Market, Parcel #7

Owner(s): Eastgroup Properties, L.P.

Property Address: 6051 Lakeview Road

Total Parcel Area: 466,251 sq. ft. (10.704 ac.)

Property to be acquired by Easements: 1,731 sq. ft. (0.04 ac.) in Storm Drainage Easement, plus 6,920 sq. ft. (0.159 ac.) in Sidewalk and Utility Easement, plus 9,386 sq. ft. (0.215 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: Sign

Landscaping to be impacted: Trees and various plantings

Zoned: I-2

Use: Industrial

Tax Code: 025-022-07,
<<http://polaris3g.mecklenburcountync.gov/#mat=561168&pid=02502207&qisid=02502207>>

Appraised Value: \$29,425

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

Council District: 2

50. Property Transactions - Lakeview Road Farm to Market, Parcel #8

Action: Approve the following Condemnation: Lakeview Road Farm to Market, Parcel #8

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

Project: Lakeview Road Farm to Market, Parcel #8

Owner(s): SCG Harris Ridge, LLC

Property Address: 6125 and 6135 Lakeview Road

Total Parcel Area: 687,756 sq. ft. (15.789 ac.)

Property to be acquired by Easements: 3,679 sq. ft. (0.084 ac.) in Sidewalk and Utility Easement, plus 3,114 sq. ft. (0.071 ac.) in Temporary Construction Easement, plus 113 sq. ft. (0.003 ac.) in Utility Easement

Structures/Improvements to be impacted: Sign

Landscaping to be impacted: Trees and various plantings

Zoned: I-2

Use: Industrial

Tax Code: 025-022-06,
<<http://polaris3g.mecklenburgcourtync.gov/#mat=521909&pid=02502206&qisid=02502206>>

Appraised Value: \$20,975

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

Council District: 2

51. Property Transactions - Lakeview Road Farm to Market, Parcel #9

Action: Approve the following Acquisition: Lakeview Road Farm to Market, Parcel #9

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

Project: Lakeview Road Farm to Market, Parcel #9

Owner(s): M.I.K.E Land Co., LLC

Property Address: 6415 Lakeview Road

Total Parcel Area: 146,058 sq. ft. (3.353 ac.)

Property to be acquired by Easements: 2,440 sq. ft. (0.056 ac.) in Storm Drainage Easement, 1,311 sq. ft. (0.03 ac.) in Sidewalk and Utility Easement, 2,724 sq. ft. (0.063 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: I-2

Use: Industrial

Tax Code: 025-011-07,
<<http://polaris3g.mecklenburcountync.gov/#mat=169126&pid=02501107&qsid=02501107>>

Purchase Price: \$38,725

Council District: 2

52. Property Transactions - Lakeview Road Farm to Market, Parcel #10

Action: Approve the following Condemnation: Lakeview Road Farm to Market, Parcel #10

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.

Project: Lakeview Road Farm to Market, Parcel #10

Owner(s): Gerdau Ameristeel US Inc.

Property Address: 6601 Lakeview Road

Total Parcel Area: 3,207,138 sq. ft. (73.625 ac.)

Property to be acquired by Easements: 18,668 sq. ft. (0.429 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees, shrubs and various plantings

Zoned: I-2

Use: Industrial

Tax Code: 025-011-04A,
<<http://polaris3g.mecklenburgcourtync.gov/#mat=273660&pid=02501104A&qisid=02501104>>

Appraised Value: \$68,850

Recommendation: 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: 2

53. Property Transactions - Lakeview Road Farm to Market, Parcel #17

Action: Approve the following Acquisition: Lakeview Road Farm to Market, Parcel #17

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

Project: Lakeview Road Farm to Market, Parcel #17

Owner(s): State Employees' Credit Union

Property Address: 6124 and 6134 Lakeview Road

Total Parcel Area: 47,457 sq. ft. (1.089 ac.)

Property to be acquired by Fee: 400 sq. ft. (0.009 ac.) in Fee Simple

Property to be acquired by Easements: 499 sq. ft. (0.011 ac.) in Storm Drainage Easement, and 5,142 sq. ft. (0.118 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-MH

Use: Industrial

Tax Code: 037-258-04,
<<http://polaris3g.mecklenburgcountync.gov/#pid=03725804&qisid=03725804>>

Purchase Price: \$18,900

Council District: 2

54. Property Transactions - Lakeview Road Farm to Market, Parcel #19

Action: Approve the following Acquisition: Lakeview Road Farm to Market, Parcel #19

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.

Project: Lakeview Road Farm to Market, Parcel #19

Owner(s): John W. Markham and Barbara D. Markham

Property Address: 6300 Lakeview Road

Total Parcel Area: 161,774 sq. ft. (3.714 ac.)

Property to be acquired by Easements: 362 sq. ft. (0.008 ac.) in Sidewalk and Utility Easement, plus 5,192 sq. ft. (0.119 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: Outdoor fireplace, stone pavers, and outdoor patio supplies

Landscaping to be impacted: Trees, shrubs, and various plantings

Zoned: I-2

Use: Industrial

Tax Code: 037-253-06,
<<http://polaris3g.mecklenburcountync.gov/#mat=166186&pid=03725306&qsid=03725306>>

Purchase Price: \$26,192

Council District: 2

55. Property Transactions - Oakhurst - Amity Gardens Street Connector, Parcel #1

Action: Approve the following Acquisition: Oakhurst - Amity Gardens Street Connector, Parcel #1

Project: Oakhurst - Amity Gardens Street Connector, Parcel #1

Owner(s): Elaine Hailey

Property Address: 4831 Monroe Road

Total Parcel Area: 31,883 sq. ft. (0.732 ac.)

Property to be acquired by Fee: 31,883 sq. ft. (0.732 ac.) in Fee Simple

Structures/Improvements to be impacted: Single-family dwelling

Landscaping to be impacted: None

Zoned: O-2

Use: Office

Tax Code: 161-051-06,
<<http://polaris3g.mecklenburqcountync.gov/#mat=137896&pid=16105106&qsid=16105106>>

Purchase Price: \$435,000

Council District: 5

56. Property Transactions - Queen City Drive Sidewalk, Parcel #1

Action: Approve the following Acquisition: Queen City Drive Sidewalk, Parcel #1

Project: Queen City Drive Sidewalk, Parcel #1

Owner(s): Pankaj Patel and the Trustees of the David E. Fuller, Sr. Trust dated June 13, 1997

Property Address: 3540 Tuckaseegee Road

Total Parcel Area: 47,556 sq. ft. (1.092 ac.)

Property to be acquired by Easements: 4,539 sq. ft. (0.104 ac.) in Storm Drainage Easement, plus 1,536 sq. ft. (0.035 ac.) in Sidewalk and Utility Easement, plus 1,385 sq. ft. (0.032 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: I-1

Use: Industrial

Tax Code: 061-152-06,
<<http://polaris3g.mecklenburgcountync.gov/#pid=06115206&qisid=06115206>>

Purchase Price: \$26,650

Council District: 3

57. Property Transactions - Tom Hunter Streetscape, Parcel #10

Action: Approve the following Acquisition: Tom Hunter Streetscape, Parcel #10

Project: Tom Hunter Streetscape, Parcel #10

Owner(s): Iglesia Cristiana Pentecostal Cristo Mi Redentor

Property Address: 400 Tom Hunter Road

Total Parcel Area: 51,587.00 sq. ft. (1.00 ac.)

Property to be acquired by Fee: 4312 sq. ft. (0.099 ac.) Fee simple in existing right-of-way

Property to be acquired by Easements: 450 sq. ft. (0.01 ac.) Storm Drainage Easement, 1850 sq. ft. (0.042 ac.) Sidewalk Utility Easement, 4440 sq. ft. (0.102 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R12-MF

Use: Church

Tax Code: 089-17-108,
<http://polaris3g.mecklenburgcourtync.gov/#mat=119539&pid=08917108&qsid=08917108>

Purchase Price: \$16,736

Council District: 1

58. Property Transactions - Water Oak Storm Drainage Improvements, Parcel #1

Action: Approve the following Acquisition: Water Oak Storm Drainage Improvements, Parcel #1

Project: Water Oak Storm Drainage Improvements, Parcel #1

Program: Flood Control

Owner(s): Elaine Poston Brooks Revocable Trust

Property Address: 816 Judith Court

Total Parcel Area: 14,952 sq. ft. (0.343 ac.)

Property to be acquired by Easements: 1,096 sq. ft. (0.025 ac.) in Storm Drainage Easement, plus 881 sq. ft. (0.02 ac.) in Existing Storm Drainage Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Tree

Zoned: R-3

Use: Single-family Residential

Tax Code: 157-131-19,
<<http://polaris3g.mecklenburqcountync.gov/#mat=199874&pid=15713119&qsid=15713119>>

Purchase Price: \$15,417

Council District: 5

59. Property Transactions - Water Oak Storm Drainage Improvements, Parcel #11

Action: Approve the following Acquisition: Water Oak Storm Drainage Improvements, Parcel #11

Project: Water Oak Storm Drainage Improvements, Parcel #11

Program: Flood Control

Owner(s): Sally K. Shaw

Property Address: 1018 Linda Lane

Total Parcel Area: 15,398 sq. ft. (0.353 ac.)

Property to be acquired by Easements: 1,501 sq. ft. (0.034 ac.) in Storm Drainage Easement, plus 471 sq. ft. (0.011 ac.) in Temporary Construction Easement, plus 203 sq. ft. (0.005 ac.) in Utility Easement, plus 2,267 sq. ft. (0.052 ac.) in Existing Storm Drainage Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-3

Use: Single-family Residential

Tax Code: 157-183-29,
<<http://polaris3g.mecklenburqcountync.gov/#mat=3479&pid=15718329&gisid=15718329>>

Purchase Price: \$31,540

Council District: 5

60. Property Transactions - Water Oak Storm Drainage Improvements, Parcel #15

Action: Approve the following Acquisition: Water Oak Storm Drainage Improvements, Parcel #15

Project: Water Oak Storm Drainage Improvements, Parcel #15

Program: Flood Control

Owner(s): Clay Durkin and Linda Durkin

Property Address: 1009 Bantham Court

Total Parcel Area: 21,083 sq. ft. (0.484 ac.)

Property to be acquired by Easements: 406 sq. ft. (0.009 ac.) in Storm Drainage Easement, plus 45 sq. ft. (0.001 ac.) in Temporary Construction Easement, plus 15 sq. ft. in Utility Easement, plus 769 sq. ft. (0.018 ac.) in Existing Storm Drainage Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Various plantings

Zoned: R-3

Use: Single-family Residential

Tax Code: 157-183-22,
<<http://polaris3g.mecklenburqcountync.gov/#mat=1744&pid=15718322&gclid=15718322>>

Purchase Price: \$12,600

Council District: 5

61. Property Transactions - Water Oak Storm Drainage Improvements, Parcel #16

Action: Approve the following Acquisition: Water Oak Storm Drainage Improvements, Parcel #16

Project: Water Oak Storm Drainage Improvements, Parcel #16

Program: Flood Control

Owner(s): Erica M. Hetrick

Property Address: 1001 Brantham Court

Total Parcel Area: 21,224 sq. ft. (0.487 ac.)

Property to be acquired by Easements: 3,318 sq. ft. (0.076 ac.) in Storm Drainage Easement, plus 322 sq. ft. (0.007 ac.) in Temporary Construction Easement, plus 2 sq. ft. in Utility Easement, plus 831 sq. ft. (0.019 ac.) in Existing Storm Drainage Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Various plantings

Zoned: R-3

Use: Single-family Residential

Tax Code: 157-183-21,
<<http://polaris3g.mecklenburqcountync.gov/#mat=688&pid=15718321&qisid=15718321>>

Purchase Price: \$48,150

Council District: 5

62. Property Transactions - Water Oak Storm Drainage Improvements, Parcel #17

Action: Approve the following Condemnation: Water Oak Storm Drainage Improvements, Parcel #17

Project: Water Oak Storm Drainage Improvements, Parcel #17

Program: Flood Control

Owner(s): Christopher Blaine Jenkins

Property Address: 1008 Brantham Court

Total Parcel Area: 17,701 sq. ft. (0.406 ac.)

Property to be acquired by Easements: 1,612 sq. ft. (0.037 ac.) in Storm Drainage Easement, plus 801 sq. ft. (0.018 ac.) in Existing Storm Drainage Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: R-3

Use: Single-family Residential

Tax Code: 157-183-19,
<<http://polaris3g.mecklenburqcountync.gov/#mat=1650&pid=15718319&gclid=15718319>>

Appraised Value: \$24,400

Outstanding Concerns: The property owner become unresponsive.

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

63. Property Transactions - Water Oak Storm Drainage Improvements, Parcel #25

Action: Approve the following Condemnation: Water Oak Storm Drainage Improvements, Parcel #25

Project: Water Oak Storm Drainage Improvements, Parcel #25

Program: Flood Control

Owner(s): Water Oak NC Partners, LLC

Property Address: 4808 Water Oak Road

Total Parcel Area: 626,441 sq. ft. (14.381 ac.)

Property to be acquired by Easements: 7,951 sq. ft. (0.183 ac.) in Storm Drainage Easement, plus 1,530 sq. ft. (0.035 ac.) in Waterline Easement, plus 3,011 sq. ft. (0.069 ac.) in Temporary Construction Easement, plus 1,947 sq. ft. (0.045 ac.) in Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R-12

Use: Multi-family

Tax Code: 163-082-22,
<<http://polaris3g.mecklenburqcountync.gov/#mat=529546&pid=16308222&qsid=16308222>>

Appraised Value: \$43,150

Outstanding Concerns: The property owner become unresponsive.

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

64. Property Transactions - Water Oak Storm Drainage Improvements, Parcel #26

Action: Approve the following Condemnation: Water Oak Storm Drainage Improvements, Parcel #26

Project: Water Oak Storm Drainage Improvements, Parcel #26

Program: Flood Control

Owner(s): Brian Clair and Sharon Clair

Property Address: 4742 Emory Lane

Total Parcel Area: 20,295 sq. ft. (0.466 ac.)

Property to be acquired by Easements: 1,296 sq. ft. (0.03 ac.) in Storm Drainage Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: R-3

Use: Single Family Residential

Tax Code: 163-082-10,
<<http://polaris3g.mecklenburqcountync.gov/#mat=136518&pid=16308210&qsid=16308210>>

Appraised Value: \$7,875

Property Owner's Concerns: Property owner is concerned with the compensation amount and project impacts.

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

65. Property Transactions - Water Oak Storm Drainage Improvements, Parcel #37

Action: Approve the following Condemnation: Water Oak Storm Drainage Improvements, Parcel #37

Project: Water Oak Storm Drainage Improvements, Parcel #37

Program: Flood Control

Owner(s): Daniel Ryan and Erin Ryan

Property Address: 4736 Water Oak Road

Total Parcel Area: 4,614 sq. ft. (0.106 ac.)

Property to be acquired by Easements: 65 sq. ft. (0.001 ac.) in Temporary Construction Easement, plus 26 sq. ft. (0.001 ac.) in Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-8(CD)

Use: Single-family Residential

Tax Code: 157-182-52,
<<http://polaris3g.mecklenburqcountync.gov/#mat=465948&pid=15718252&qsid=15718252>>

Appraised Value: \$1,550

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

66. Property Transactions - Water Oak Storm Drainage Improvements, Parcel #38

Action: Approve the following Condemnation: Water Oak Storm Drainage Improvements, Parcel #38

Project: Water Oak Storm Drainage Improvements, Parcel #38

Program: Flood Control

Owner(s): Charlotte Masonic Temple Association

Property Address: 500 North Sharon Amity Road

Total Parcel Area: 204,867 sq. ft. (4.703 ac.)

Property to be acquired by Easements: 11,731 sq. ft. (0.269 ac.) in Storm Drainage Easement, plus 2,053 sq. ft. (0.047 ac.) in Waterline Easement, plus 11,720 sq. ft. (0.269 ac.) in Temporary Construction Easement, plus 2,172 sq. ft. (0.05 ac.) in Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-3

Tax Code: 163-082-23,
<<http://polaris3g.mecklenburqcountync.gov/#mat=420268&pid=16308223&qisid=16308223>>

Appraised Value: \$71,575

Outstanding Concerns: The property owner has become unresponsive.

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

67. Property Transactions - Water Oak Storm Drainage Improvements, Parcel #41

Action: Approve the following Condemnation: Water Oak Storm Drainage Improvements, Parcel #41

Project: Water Oak Storm Drainage Improvements, Parcel #41

Program: Flood Control

Owner(s): Ashley Z. Jenkins

Property Address: 4740 Water Oak Road

Total Parcel Area: 6,151 sq. ft. (0.141 ac.)

Property to be acquired by Easements: 359 sq. ft. (0.008 ac.) in Temporary Construction Easement, plus 59 sq. ft. (0.001 ac.) in Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-8(CD)

Use: Single-family Residential

Tax Code: 157-182-51,
<<http://polaris3g.mecklenburqcountync.gov/#mat=465949&pid=15718251&qsid=15718251>>

Appraised Value: \$4,050

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

68. Property Transactions - West Boulevard Corridor Implementation - Morning Drive and Ridge Avenue, Parcel #3

Action: Approve the following Condemnation: West Boulevard Corridor Implementation - Morning Drive and Ridge Avenue, Parcel #3

Project: West Boulevard Corridor Implementation - Morning Drive and Ridge Avenue, Parcel #3

Owner(s): The Reid Family Trust

Property Address: 2311 West Boulevard

Total Parcel Area: 30,078 sq. ft. (0.690 ac.)

Property to be acquired by Easements: 440 sq. ft. (0.01 ac.) in Sidewalk and Utility Easement, plus 243 sq. ft. (0.006 ac.) in Temporary Construction Easement, plus 47 sq. ft. (0.001 ac.) in Bus Stop Easement

Structures/Improvements to be impacted: Asphalt

Landscaping to be impacted: None

Zoned: B-1

Use: Commercial

Tax Code: 145-183-06,
<<http://polaris3g.mecklenburqcountync.gov/#mat=535639&pid=14518306&qisid=14518306>>

Appraised Value: \$2,200

Outstanding Concerns: The property owner has become unresponsive.

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

ZONING

69. Rezoning Petition: 2019-097 by Ardent Acquisitions, LLC

Location: Approximately 17.02 acres located on the west side of South Tryon Street, south of Blairhill Road, south of Clanton Road, east of Interstate 77. (Council District 3 - Mayfield)

Current Zoning: I-1 and I-1(CD) (light industrial and light industrial, conditional)

Proposed Zoning: TOD-TR (transit oriented development-transit transition)

Zoning Committee Recommendation:

The Zoning Committee voted 6:0 to recommend **APPROVAL** of this petition.

Staff Recommendation:

Staff recommends approval of this petition.

[2019-097 reco DONE.pdf](#)

[2019-097 Final DONE.pdf](#)

70. Rezoning Petition: 2019-099 by Townes Mozer

Location: Approximately 2.33 acres located on the southwest corner of South Tryon Street and Griffith Street. (Council District 3 - Mayfield)

Current Zoning: I-2 (general industrial)

Proposed Zoning: TOD-NC (transit oriented development-neighborhood center)

Zoning Committee Recommendation:

The Zoning Committee voted 6:0 to recommend **APPROVAL** of this petition.

Staff Recommendation:

Staff recommends approval of this petition.

[2019-099 reco DONE.pdf](#)

[2019-099 Final DONE.pdf](#)

ADJOURNMENT

REFERENCES

71. Reference - Charlotte Business INclusion Policy

The following excerpts from the City's Charlotte Business INclusion Policy are intended to provide further explanation for those agenda items that reference the Charlotte Business INclusion Policy in the business meeting agenda.

Part A: Administration and Enforcement

Part A: Section 2.3: Targeted Outreach and Designated Contracts for Small Business Enterprises (SBEs).

When feasible, the Charlotte Business INclusion (CBI) Office may designate certain Contracts or categories of Contracts in which solicitation efforts will be directed only to SBEs. In designating Contracts for targeted outreach or SBE participation, the CBI Office takes into account the size and scope of the Contract and the availability of SBEs to provide the applicable services or products.

Part A: Section 3.1: Subcontracting Goals. The City shall establish one or more Subcontracting Goals for all Construction Contracts of \$300,000 or more and for all Architecture, Engineering, and Surveying Contracts of \$100,000 or more. Contracts estimated to be less than these thresholds are exempt from the goal setting process.

Appendix Section 20: Contract: For the purposes of establishing an (Minority, Women, and Small Business Enterprise (MWSBE) subcontracting goal on a Contract, the following are examples of contract types:

- Any agreement through which the City procures services from a Business Enterprise, other than Exempt Contracts.
- Contracts include agreements and purchase orders for (a) construction, re-construction, alteration, and remodeling; (b) architectural work, engineering, surveying, testing, construction management, and other professional services related to construction; and (c) services of any nature (including but not limited to general consulting and technology-related services), and (d) apparatus, supplies, goods, or equipment.
- The term "Contract" shall also include Exempt Contracts for which an SBE, Minority Business Enterprise (MBE), or Women Business Enterprise (WBE) Goal has been set.
- Financial Partner Agreements, Development Agreements, Infrastructure Improvement Agreements, Design-Build, and Construction Manager-at-Risk Agreements shall also be deemed "Contracts," but shall be subject to the provisions referenced in the respective Parts of the Charlotte Business INclusion Program Policy.

Appendix Section 27: Exempt Contracts: Contracts that fall within one or more of the following categories are "Exempt Contracts" and shall be exempt from all aspects of the Charlotte Business INclusion Policy:

No Competitive Process Contracts: Contracts or purchase orders that are entered into without a competitive process, or entered into based on a competitive process administered by an entity other than the City, including but not limited to contracts that are entered into by sole sourcing, piggybacking, buying off the North Carolina State contract, buying from a competitive bidding group purchasing program as allowed under G.S. 143-129(e)(3), or using the emergency procurement procedures established by the North Carolina General Statutes.

Managed Competition Contracts: Managed competition contracts pursuant to which a City department or division competes with Business Enterprises to perform a City function.

Real Estate Leasing and Acquisition Contracts: Contracts for the acquisition or lease of real estate.

Federal Contracts Subject to Disadvantaged Business Enterprise (DBE) Requirements: Contracts that are subject to the U.S. Department of Transportation Disadvantaged Business Enterprise Program as

set forth in 49 CFR Part 26 or any successor legislation.

State Funded Contracts Subject to the State's MWBE Requirements: Contracts that are subject to an MWBE Goal set by the State of North Carolina pursuant to N.C. Gen. Stat. 143-128.2.

Financial Partner Agreements with DBE or MWBE Requirements: Contracts that are subject to a DBE program or minority and women business development program maintained by a Financial Partner.

Interlocal Agreements: Contracts with other units of federal, state, or local government.

Contracts for Legal Services: Contracts for legal services, unless otherwise indicated by the City Attorney.

Contracts with Waivers: Contracts for which the City Manager or CBI Program Manager waives the CBI Program requirements (such as when there are no MWSBE subcontracting opportunities on a Contract).

Special Exemptions: Contracts where the department and the CBI Program Manager agree that the department had no discretion to hire an MWSBE (e.g., emergency contracts or contracts for banking or insurance services) shall be Exempt Contracts.

Appendix Section 35: Informal Contracts: Contracts that are estimated to be less than the following dollar thresholds prior to issuance of the City Solicitation Documents:

- Construction Contracts: \$500,000, and
- Service Contracts and Commodities Contracts: \$100,000.

Part B: Construction and Commodities Contracts

Part B: Section 2.1: When the City sets a Subcontracting Goal, each Bidder must either: (a) meet each Subcontracting Goal; or (b) comply with the Good Faith Negotiation and Good Faith Efforts requirements for each unmet Subcontracting Goal. Failure to comply constitutes grounds for rejection of the Bid. The City Solicitation Documents will contain certain forms that Bidders must complete to document having met these requirements.

Part B: Section 2.3: No Goals When There Are No Subcontracting Opportunities. The City shall not establish Subcontracting Goals for Contracts where: a) there are no subcontracting opportunities identified for the Contract; or b) there are no SBEs, MBEs, or WBEs (as applicable) to perform scopes of work or provide products or services that the City regards as realistic opportunities for subcontracting.

Part C: Service Contracts

Part C: Section 2.1(a) Subcontracting Goals: No Goal When There Are No MWSBE Subcontracting Opportunities. The City shall not establish Subcontracting Goals for Service Contracts where (a) there are no subcontracting opportunities identified; or (b) there are no SBEs or MWBEs certified to perform the scopes of work that the City regards as realistic opportunities for subcontracting.

Part C: Section 2.1(b) and 2.1(c): The City may require each Proposer to submit with its Proposal one or more of the following: (a) a Participation Plan describing how Proposer intends to solicit MWSBE participation; (b) the Proposer's Committed Subcontracting Goals; and (c) an affidavit listing the SBEs and MWBEs it intends to use on the Contract.

Part C: Section 2.1(h) Negotiated Goals: The City may seek to negotiate Subcontracting Goals after Proposals have been submitted.

Part D: Post Contract Award Requirements

Part D: Section 6: New Subcontractor Opportunities/Additions to Scope/Contract Amendments

If a Contractor elects to subcontract any portion of a Contract that the Contractor did not previously identify to the City as a subcontracting opportunity, or if the scope of work on a Contract increases for any reason in a manner that creates a new MWSBE subcontracting opportunity, the City shall either (a) notify the Contractor that there will be no Supplemental MWSBE Goal for the new work; or (b) establish and notify the Contractor of a Supplemental MWSBE Goal for the new work.

Part G: Alternative Construction Agreements

Part G: Section 2.7: Prior to City Council's vote to award the Alternative Construction Agreement, the Program Manager and the Company shall negotiate and agree on proposed MWSBE Goals for the Project and on a Participation Plan that describes the outreach and efforts the Company will be required to undertake to meet the MWSBE subcontracting goals.

72. Reference - Property Acquisitions and Condemnations

- The City has negotiated in good faith to acquire the properties set forth below
- For acquisitions, the property owner and staff have agreed on a price based on appraisals and/or estimates.
- In the case of condemnations, the value was established by an independent, certified appraisal followed by a third-party appraisal review.
- Real Estate staff diligently attempts to contact all property owners by:
 - Sending introductory letters via regular and certified mail,
 - Making several site visits,
 - Leaving door hangers and business cards,
 - Seeking information from neighbors,
 - Searching the internet,
 - Obtaining title abstracts, and
 - Leaving voice messages.
- For most condemnation cases, City staff and the property owner(s) have been unable to reach a settlement. In some cases, condemnation is necessary to ensure a clear title to the property.
- If the City Council approves the resolutions, the City Attorney's office will initiate condemnation proceedings. As part of the condemnation process, real estate staff and the City Attorney's Office will continue to negotiate, including court-mandated mediation, in an attempt to resolve the matter. Most condemnation cases are settled by the parties prior to going to court.
- If a settlement cannot be reached, the case will proceed to a trial before a judge or jury to determine "just compensation."
- Full text of each resolution is on file with the City Clerk's Office.
- The definition of easement is a right created by grant, reservation, agreement, prescription, or necessary implication, which one has in the land of another, it is either for the benefit of land, such as right to cross A to get to B, or "in gross," such as public utility easement.
- The term "fee simple" is a synonym for ownership and is an estate under which the owner is entitled to unrestricted powers to dispose of the property, and which can be left by will or inherited.

73. Reference - Property Transaction Process

Property Transaction Process Following City Council Approval for Condemnation

The following overview is intended to provide further explanation for the process of property transactions that are approved by City Council for condemnation.

Approximately six weeks of preparatory work is required before the condemnation lawsuit is filed. During this time, City staff continues to negotiate with the property owner in an effort to reach a mutual settlement.

- If a settlement is reached, the condemnation process is stopped, and the property transaction proceeds to a real estate closing.
- If a settlement cannot be reached, the condemnation lawsuit is filed. Even after filing, negotiations continue between the property owner and the City's legal representative. Filing of the condemnation documents allows:
 - The City to gain access and title to the subject property so the capital project can proceed on schedule.
 - The City to deposit the appraised value of the property in an escrow account with the Clerk of Court. These funds may be withdrawn by the property owner immediately upon filing, and at any time thereafter, with the understanding that additional funds transfer may be required at the time of final settlement or at the conclusion of litigation.
- If a condemnation lawsuit is filed, the final trial may not occur for 18 to 24 months; however, a vast majority of the cases settle prior to final trial. The City's condemnation attorney remains actively engaged with the property owner to continue negotiations throughout litigation.
 - North Carolina law requires that all condemnation cases go through formal non-binding mediation, at which an independent certified mediator attempts to facilitate a successful settlement. For the minority of cases that do not settle, the property owner has the right to a trial by judge or jury in order to determine the amount of compensation the property owner will receive.