

# **City of Charlotte**

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



## **Meeting Agenda**

**Monday, September 23, 2019**

**Council Chambers**

### **City Council Business Meeting**

*Mayor Vi Lyles  
Mayor Pro Tem Julie Eiselt  
Council Member Dimple Ajmera  
Council Member Tariq Scott Bokhari  
Council Member Ed Driggs  
Council Member Larken Egleston  
Council Member Justin Harlow  
Council Member LaWana Mayfield  
Council Member James Mitchell  
Council Member Matt Newton  
Council Member Greg Phipps  
Council Member Braxton Winston II*

## 4:00 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. Closed Session

### 4. Convention Center Update

**Staff Resource(s):**

Mike Davis, General Services

**Time:** 10 minutes - Presentation; 20 minutes - Discussion

**Explanation**

- Provide an update on Convention Center renovations.

**Future Action**

An action to authorize a construction manager at risk services contract for this project is on this Business Agenda.

[9-23 Council Action Review - Convention Center](#)

### 5. Minimum Housing Code

**Staff Resource(s):**

Pamela Wideman, Housing and Neighborhood Services

**Time:** 10 minutes - Presentation; 30 minutes - Discussion

**Explanation**

- Provide an update on proposed revisions to the city's Minimum Housing Code.

[MH Council Presentation 9-23-19 DRAFT JET \(003\)](#)

## **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.

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

*Call to Order*

*Introductions*

*Invocation*

*Pledge of Allegiance*

## **PUBLIC FORUM**

### **7. Public Forum**

**8. Consent agenda items 28 through 106 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.

## **PUBLIC HEARING**

## 9. Public Hearing for Columbus McKinnon Corporation Business Investment Grant

### Action:

- A. **Conduct a public hearing regarding approval of a Business Investment Grant to Columbus McKinnon Corporation, and**
- B. **Approve the city's share of a Business Investment Grant to Columbus McKinnon Corporation for a total estimated amount of \$36,946 over five years.**

### **Staff Resource(s):**

Tracy Dodson, Economic Development

Lori Lencheski, Economic Development

### **Explanation**

- On August 30, 2019, Columbus McKinnon Corporation announced its selection of Charlotte for a capital investment of \$3,140,000 to expand its regional headquarters for research and development.
- This action is requesting City Council approval of a Business Investment Grant estimated to be up to \$36,946 over five years. Mecklenburg County's share is estimated to be \$62,234, bringing the combined city and county grant estimated total to be \$99,180.
  - On August 7, 2019, the Mecklenburg County Board of Commissioners, in Closed Session, indicated its intent to approve a Business Investment Grant to Columbus McKinnon Corporation.
  - On August 26, 2019, City Council, in Closed Session, indicated its intent to approve a Business Investment Grant to Columbus McKinnon Corporation.
  - In addition to the grant for the expansion, the State of North Carolina also approved a Community College Training Grant of \$25,000.
- In addition to the \$3,140,000 capital investment, Columbus McKinnon has committed to 25 jobs to be hired locally over one year (\$118,600 average wage).
- Additional benefits of this project include:
  - Workforce development partnerships and relationship with the company can be utilized to connect talent to available positions.
  - 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 the proposed project,
    - Job retention through corporate expansion, and
    - Growth industry with significant job and contracting opportunities.

### **Business Investment 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.
  - Grant payments are reimbursed only if the investment, total jobs hired, and average regional wage is met.
  - Property taxes due from Columbus McKinnon Corporation must be paid before a grant payment is made.
  - If Columbus McKinnon 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 Columbus McKinnon 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

## 10. Public Hearing and Decision on Catawba Plantation Townhomes Voluntary Annexations

**Action:**

- A. Hold a public hearing for the Catawba Plantation Townhomes voluntary annexation, and**
- B. Adopt an annexation ordinance with an effective date of September 23, 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 public owned properties totaling 23.121 acres.
- The property is owned by True Homes, LLC.
- The properties are zoned (MX-2) Mixed Use Conditional District.
- Petitioned area consists of two parcels: parcel identification numbers 031-141-07 and 031-141-03.
- The property is located within Charlotte's extraterritorial jurisdiction.
- The intent of the annexation is to enable the development of approximately 125 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; and
  - Is consistent with the policy to not create unincorporated areas that will be encompassed by new City limits.

**Attachment(s)**

Map

Annexation Ordinance

[Catawba Plantation Townhomes Area \(Satellite\) Annexation Map](#)

[Ordinance -Catawba Plantation Townhomes](#)

## 11. Public Hearing and Decision on Miranda Village Voluntary Annexations

### Action:

- A. Hold a public hearing for the Miranda Village voluntary annexation, and
- B. Adopt an annexation ordinance with an effective date of September 23, 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 public owned properties totaling 115.305 acres.
- The property is owned by Denali Ref, LLC.
- The properties are zoned (R-3) Single Family Residential, which allows up to three units per acre.
- Petitioned area consists of parcel identification number 037-411-09.
- The property is located within Charlotte's extraterritorial jurisdiction and shares boundaries with current city limits.
- The intent of the annexation is to enable the development of approximately 304 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;
  - Per policy, voluntary annexations that encompass unincorporated areas by new city limits may be approved if either of the following conditions exist:
    - A petitioner for a voluntary annexation would experience a significant hardship if the annexation were not approved; or
    - Under the facts of a particular voluntary annexation petition, the city's interests are served by varying the application of one of more of these policies.
  - This voluntary annexation is being recommended because the city's interests will be served by annexing the petitioned property.

### **Attachment(s)**

Map

Annexation Ordinance

[Miranda Village Annexation Map](#)

[Ordinance -Miranda Village](#)

**POLICY**

**12. City Manager's Report**

## **BUSINESS**

### 13. Amended and Restated Interlocal Cooperation Agreement and Memorandum of Agreement - Brooklyn Village

**Action:**

Adopt a resolution authorizing the City Manager to execute:

- An amended and restated Brooklyn Village Interlocal Cooperation Agreement between the City of Charlotte and Mecklenburg County that preserves the city's leverage for the development of affordable housing in the redevelopment plans for Brooklyn Village, and
- An amended and restated Brooklyn Village Memorandum of Agreement among the City of Charlotte, Mecklenburg County, and the Charlotte Housing Authority.

**Staff Resource(s):**

Pamela Wideman, Housing and Neighborhood Services

**Explanation**

- In 2007, the city conveyed Marshall Park to Mecklenburg County to facilitate redevelopment of Brooklyn Village. In return, Mecklenburg County conveyed land to the city to facilitate development of Knights Stadium, now known as BB&T Ballpark.
- The implementation of affordable housing and the terms by which the existing Marshall Park property is included in the Brooklyn Village redevelopment plans is specified in the Interlocal Cooperation Agreement between Mecklenburg County and the City of Charlotte (Interlocal Agreement), as well as the Memorandum of Agreement (MOA) among the city, Mecklenburg County, and the Charlotte Housing Authority.
- The current Interlocal Agreement contains a reversion option to convey Marshall Park back to the city at no cost if the county fails to sell the property to a developer by December 31, 2019.
- In 2018, Mecklenburg County, with the assistance, support, and knowledge of the city, entered into a Master Redevelopment Agreement with BK Partners, LLC, to serve as master developer of Brooklyn Village.
- An updated Interlocal Agreement and MOA are necessary to preserve the city's leverage for affordable housing on the Brooklyn Village site while providing sufficient time to implement the development. The city, Mecklenburg County, and the Charlotte Housing Authority have worked in good faith to amend the terms of the Interlocal Agreement and MOA to reflect the current development plan.
- The Interlocal Agreement has been revised to extend the time Mecklenburg County has to sell any portion of the existing Marshall Park property to BK Partners, LLC from December 31, 2019, to December 31, 2029. If none of the Marshall Park property is sold by the County to the developer by that time, the city can request that Marshall Park be conveyed back to the city at no cost.
- The developer has agreed to provide a minimum of 114 housing units to households earning up to 80 percent of the area median income (AMI). A minimum of 35 of these housing units will be made available to households earning up to 60 percent of AMI; the remaining affordable units will be available to households earning 61 percent to 80 percent of AMI. The MOA has been revised to:
  - Reflect that a minimum of 35 housing units will be made available to households with tenant-based Housing Choice Vouchers for households earning up to 60 percent of the AMI. The previous MOA involved vouchers for 30 housing units for those households earning up to 80 percent of AMI, and
  - Include a provision that ensures a deed restriction will be placed on the below 60 percent AMI units for a term of at least 30 years.
- The Mecklenburg County Board of Commissioners approved a similar action on June 18, 2019.

**Attachment(s)**

Resolution

Amended and Restated Brooklyn Village Interlocal Cooperation Agreement

Amended and Restated Brooklyn Village Memorandum of Agreement

[2019 Brooklyn Village Resolution](#)

[Amended and Restated Brooklyn Village Interlocal Cooperation Agreement \(6-18-19\)](#)

[Brooklyn Village Amended and Restated Memorandum of Agreement \(6-18-19\)](#)

## 14. Construct the Charlotte Convention Center Phase I Renovation

### Action:

- A. **Authorize the City Manager to negotiate and award a guaranteed maximum price of \$114,500,000 to Holder-Edison Foard-Leeper Company for Construction Manager at Risk Services for the Charlotte Convention Center Phase I Renovation project, and**
- B. **Adopt a budget ordinance appropriating \$11,900,000 from the Convention Center Tax Fund for the Convention Center Phase 1 Renovation.**

### **Staff Resource(s):**

Tracy Dodson, Economic Development  
Angela Lee, General Services  
Mike Davis, General Services  
Kelly Flannery, Finance

### **Explanation**

- This project will construct renovations to the 23-year old Charlotte Convention Center, a city-owned facility in Council District 1.
- In 2015, the Charlotte Regional Visitor's Authority (CRVA) initiated a study that concluded that several improvements would advance the Convention Center's marketability and competitiveness.
- On September 25, 2017, City Council approved the set-aside of \$110,000,000 of future debt capacity for the Convention Center Phase I Renovation.
- The city has selected the Construction Manager at Risk (CMAR) project delivery method to provide more effective coordination, more control of project costs and schedule, and to better mitigate risk during construction.
- Representatives from the city and CRVA selected Holder-Edison Foard-Leeper Company using the qualifications-based selection process to provide construction management services.
- Upon successful completion of the pre-construction phase, City Council approved an initial CMAR contract on November 26, 2018 for an amount not to exceed \$98,000,000 with Holder-Edison Foard-Leeper Company.
- After bidding, negotiating with subcontractors, and value engineering, Holder-Edison Foard-Leeper Company has determined the cost of construction to be \$114,500,000 - an amount that exceeds the current CMAR contract value by \$16,500,000.
- The city and CRVA will use \$4,600,000 of existing funds to pay for construction-related items such as furniture, materials testing, and building commissioning.
- Another \$11,900,000 is needed in order to increase the existing CMAR contract to the \$114,500,000 guaranteed maximum price (GMP) value.
- Holder-Edison Foard-Leeper Company has developed a GMP for construction phase services, including coordination of all construction activities, managing all subcontractors, and delivering the project on schedule and within budget in collaboration with the city, the CRVA, and the design consultants.
- Under the CMAR delivery method, once the GMP is set, all construction risks transfer to the construction manager except for any issues arising from deficiencies in the construction plans.
- Holder-Edison Foard-Leeper Company, as the CMAR, will not be allowed to self-perform the construction work. The company will be required to prequalify all first-tier subcontractors and competitively bid the work to subcontractors.
- The project is anticipated to be complete by third quarter 2021.

### **Charlotte Business INclusion**

The city has established project goals of 7.00% SBE and 14.00% MBE. Because this is a Construction Manager at Risk project, the Construction Manager has the opportunity to add small business enterprises (SBE) and Minority Business Enterprises (MBE) firms throughout the life of the project. (Part G: Section 2.3

of the Charlotte Business INclusion Policy)

**Fiscal Note**

Funding: Convention Center Tax Fund

**Attachment(s)**

Map

Budget Ordinance

[Location Map - Construct the Charlotte Convention Center Phase I Renovation](#)

[Conv Center Budget Ordinance](#)

## 15. Land Sale to Norfolk Southern Railroad Company

**Action:**

**Adopt a resolution to authorize the sale of the Intermodal Rail Facility property located at Charlotte Douglas International Airport to Norfolk Southern Railway Company.**

**Staff Resource(s):**

Brent Cagle, Aviation

Haley Gentry, Aviation

**Explanation**

- On June 14, 2010, City Council approved a Master Development Agreement between the city and Norfolk Southern pursuant to which the parties would enter into a ground lease at the Airport for the construction of an Intermodal Rail Facility.
- The City Council further authorized the city to grant Norfolk Southern an option to purchase the land upon which the Intermodal Rail Facility would be constructed within 10 years.
- The ground lease for the Intermodal Rail Facility took effect on March 28, 2012.
- Norfolk Southern notified Aviation by letter dated May 17, 2019 of its intent to exercise its purchase option.
- The estimated sale price is \$12,574,776.90 which represents fair market value as determined by a property appraisal.
- Aviation and Norfolk Southern anticipate completing this transaction by mid-November subject to the release of the property by the Federal Aviation Administration.

**Fiscal Note**

Funding: Revenue from this transaction will be allocated between Airport Improvement Grant funding and Airport Discretionary funding in accordance with the original funding formulas.

**Attachment(s)**

Resolution for Land Sale

[Resolution for NS Land Conveyance](#)

## 16. Norfolk Southern Uptown Property Acquisition

### **Action:**

- A. Authorize the City Manager to negotiate and execute a purchase sale agreement and any ancillary agreements with Norfolk Southern Railway for \$9,000,000 to acquire 2.8 acres of land, and**
- B. Adopt a budget ordinance appropriating \$9,000,000 from the CATS Revenue Reserve Fund to the CATS Capital Projects Fund.**

### **Staff Resource(s):**

Tracy Dodson, Economic Development  
John Lewis, CATS

### **Explanation**

- The 2.8-acre property (parcel identification 073-16S-01 and 073-17S-01), located in Uptown (Council District 2), represents a significant opportunity for future transit development with its proximity to both the Charlotte Gateway Station District and the future LYNX Silver Line alignment. The property could also be made available for short-term use such as construction laydown area before permanent development is completed.
- The parcel is currently under a lease agreement with Preferred Parking and the city would assume the lease agreement that provides parking income estimated at \$350,000 per year.
- In addition to the land, the transaction includes important railroad crossings and easements that will benefit future transit projects such as the LYNX Silver Line and the proposed LYNX Blue Line service to Pineville and Ballantyne.
- This transaction is scheduled for approval by the Metropolitan Transit Commission on September 25, 2019.

### **Fiscal Note**

Funding: CATS Capital Investment Plan

### **Attachment(s)**

Map  
Budget Ordinance

[NS Parcel](#)

[CATS Budget Ordinance](#)

## 17. Construct Poindexter Drive Storm Drainage Improvement Project

### Action:

- A. Approve a contract in the amount of \$880,785.00 to the lowest responsive bidder United Construction Company, Inc. for the 215 Poindexter Drive Storm Drainage Improvement project, and**
- B. Adopt a budget ordinance appropriating a reimbursement of \$102,337.20 from Marsh Realty Co. to the city for storm drainage improvements.**

### **Staff Resource(s):**

Angela Lee, General Services  
Kruti Desai, General Services  
Stewart Edwards, General Services

### **Explanation**

#### Action A

- The Poindexter Drive Storm Drainage Improvement Project (SDIP) will replace storm drainage systems along Ideal Way, near the intersection with Euclid Avenue in Council District 1.
- The project will replace approximately 670 linear feet of storm drainage pipe and associated sanitary sewer, water main, utility relocations, paving, curb and gutter, and sidewalk.
- The project will address flooding on Ideal Way and provide a realignment of the drainage system through the Marsh Realty Co. property, accommodating future development.
- On August 2, 2019, the city issued an Invitation to Bid; three bids were received.
- United Construction Company, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by third quarter 2020.

#### Action B

- The City Manager approved an agreement between the city and Marsh Realty Co. in May 2019.
- Marsh Realty Co. owns a property (tax parcel ID #147-031-02) within the city's project limits that has an undersized and deteriorated storm drainage system.
- Marsh Realty Co. requested the city realign the storm drainage system to the eastern property line of its parcel to accommodate future development.
- The city and Marsh Realty Co. have determined mutual objectives can be met by installation of the new storm drainage system in this location.
- Marsh Realty Co. has agreed to donate all necessary easements (storm drainage, temporary construction, and private utility easements) as well as fund the difference for construction of this new alignment on their property. Marsh Realty Co. provided the engineering design of the system on its property.

### **Charlotte Business INclusion**

Established SBE Goal: 16.00%

Committed SBE Goal: 16.01%

United Construction Company, Inc. met the established SBE subcontracting goal, and has committed 16.01% (\$141,000) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Carolina Cajun Concrete, Inc. (SBE) (\$88,000) (concrete)
- Streeter Trucking Company, Inc. (SBE, MBE) (\$53,000) (hauling)

Established MBE Goal: 6.00%

Committed MBE Goal: 6.02%

United Construction Company, Inc. met the established MBE subcontracting goal, and has committed 6.02% (\$53,000) of the total contract amount to the following certified firms (Part B: Section 3 of the

Charlotte Business INclusion Policy):

- Streeter Trucking Company, Inc. (SBE, MBE) (\$53,000) (hauling)

**Fiscal Note**

Funding: Storm Water Capital Investment Plan

**Attachment(s)**

Map

Budget Ordinance

[Location Map - Construct Poindexter Drive Storm Drainage Improvement Project](#)

[Budget Ordinance](#)

## 18. Appropriate Private Developer Funds

**Action:**

- A. **Approve developer agreements with Lemmond Farm, LLC and Northlake West Real Estate Investors, LLC for traffic signal installations and improvements, and**
- B. **Adopt a budget ordinance appropriating \$20,000 in private developer funds for traffic signal installations and improvements.**

**Staff Resource(s):**

Liz Babson, Transportation

Charles Abel, Transportation

**Explanation**

- Private developer agreements and appropriations are needed when a developer is required through the city rezoning process to make traffic signal improvements.
- Funding contributions from private developers must be appropriated prior to the city's initiation of work.
- The \$20,000 in private developer funding is for traffic signals, traffic signal modifications and/or upgrades, and other related work associated with the developers' projects. The funding is restricted to the projects noted below:
  - Lemmond Farm, LLC contributed \$10,000 for a new traffic signal at the intersection of Wilgrove-Mint Hill Road and Albemarle Road in Council District 5, and
  - Northlake West Real Estate Investors, LLC contributed \$10,000 for signal modifications at the intersection of Reames Road and Perimeter Parkway in Council District 2.
- These developer contributions are based on cost estimates prepared by the Charlotte Department of Transportation (CDOT).
- Any funding contributed by the developer(s) for a signal project that is unused by the city will be refunded back to the developer(s) after project completion.
- CDOT will install and operate these signals as part of the existing signal systems in the area.

**Fiscal Note**

Funding: Private Developer Contributions

**Attachment(s)**

Map

Budget Ordinance

[Traffic Signal Improvements Map](#)

[BO Developer Appropriations 9.23.2019](#)

## 19. Authorization of General Obligation Bond Anticipation Notes

### **Action:**

- A. Adopt a resolution to authorize a bond anticipation notes program for up to \$150,000,000 to be used for projects approved in the 2014 and 2016 referenda, and**
- B. Authorize City Officials to take the necessary actions to complete the financing, including making the application to the Local Government Commission.**

### **Staff Resource(s):**

Kelly Flannery, Finance  
Scott Greer, Finance

### **Explanation**

- This action authorizes a Bond Anticipation Notes (BAN) program for up to \$150,000,000 for projects authorized by voters in the 2014 and 2016 bond referenda.
- This is a routine financing mechanism for capital projects financed with debt.
- This short-term BAN program will be used as construction period financing and converted to long-term, fixed-rate General Obligation Bonds once construction nears completion (up to 36 months).
- This action authorizes City Officials named in the Resolution to take the necessary actions to complete the financing and execute related documentation for the life of the debt.

### **Fiscal Note**

Funding: Municipal Debt Service Fund

### **Attachment(s)**

Bond Resolution

[General Obligation Bond Resolution - City of Charlotte - bank draw program 2019 - rev. to v5 \(w PNC](#)

## 20. Nominations to the Business Advisory Committee

### **Action:**

**Nominate citizens to serve as specified.**

### **Staff Resource(s):**

Stephanie Kelly, City Clerk

### **Explanation**

- One appointment for a partial term recommended by the Charlotte Regional Business Alliance beginning upon appointment and ending April 28, 2020.
  - Eric Cohen has resigned.

### **Attachment(s)**

Business Advisory Committee Applicants

## 21. Nominations to the Charlotte Business Inclusion Advisory Committee

**Action:**

**Nominate citizens to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a partial term for an At-Large member representing a prime construction company beginning upon appointment and ending February 28, 2020.
  - James D. Clayton was removed due to attendance failure.

**Attachment(s)**

Charlotte Business Inclusion (CBI) Advisory Committee Applicants

## 22. Nominations to the Charlotte Mecklenburg Public Access Corporation

**Action:**

**Nominate citizens to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- Three appointments for partial terms beginning upon appointment and ending June 30, 2020.
  - Jennifer Ames Stuart has resigned.
  - Bernie Simmons has resigned.
  - Jill Sochacki has resigned.
- Three appointments for partial terms beginning upon appointment and ending June 30, 2022.
  - Theresa A. Halsey is eligible and interested in reappointment.
  - Jamal Harvey is eligible and interested in reappointment.
  - Kris Chambers-Woodruff is eligible, but not interested in reappointment.

**Attachment(s)**

Charlotte Mecklenburg Public Access Corporation Applicants

## 23. Nominations to the Charlotte Regional Visitors Authority

**Action:**

**Nominate citizens to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a partial term for an At-Large member beginning upon appointment and ending June 30, 2021.
  - Tarun Malik has resigned.

**Attachment(s)**

Charlotte Regional Visitors Authority Applicants

## 24. Nominations to the Charlotte Tree Advisory Commission

**Action:**

**Nominate citizens to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a three-year term beginning September 17, 2019, and ending December 13, 2022.
  - Mary Jo M. Shepherd is eligible for reappointment.

**Attachment(s)**

Charlotte Tree Advisory Commission Applicants

## 25. Nominations to the Neighborhood Matching Grants Fund

**Action:**

**Nominate citizens to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a partial term for a Business Representative beginning upon appointment and ending April 15, 2020.
  - Sarah Kucharski has resigned.
- One appointment for a partial term for a Neighborhood Representative beginning upon appointment and ending April 15, 2020.
  - James C. White has resigned.

**Attachment(s)**

Neighborhood Matching Grants Fund Applicants

## 26. Nominations to the Transit Services Advisory Committee

**Action:**

**Nominate citizens to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk

**Explanation**

- One appointment for a partial term in the Vanpool Rider category beginning upon appointment and ending January 31, 2022.
  - Parker Cains has resigned.

**Attachment(s)**

Transit Services Advisory Committee Applicants

## 27. Mayor and City Council Topics

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

## CONSENT

## 28. Construct the Charlotte-Mecklenburg Police Department Independence Division Station

### **Action:**

**Approve a guaranteed maximum price of \$13,045,257 to Turner Construction Company for Construction Manager at Risk Services for the Charlotte-Mecklenburg Police Department Independence Division Station and the City View Connector project.**

### **Staff Resource(s):**

Angela Lee, General Services  
Mike Davis, General Services  
William Haas, General Services  
Kerr Putney, Police

### **Explanation**

- This project will construct a 14,500-square-foot, two-story facility at 5809 East Independence Boulevard, in Council District 5.
- The Independence Division is currently occupying a leased property at 9315 Monroe Road.
- This facility has been designed to achieve basic-level LEED version 4 certification per the city's policy on Sustainable Facilities.
- This contract also includes the construction of the City View Connector Street project, funded by the Land Acquisition and Street Connections Program. This project will increase neighborhood connectivity and improve safety. Combining the projects will streamline subcontractor coordination and enhance schedule integration for project delivery.
- The city has selected the Construction Manager at Risk (CMAR) project delivery method to provide more effective coordination, more certainty with project costs and schedule, and to better mitigate risks during construction.
- On October 1, 2018, the city issued a Request for Qualifications (RFQ); seven responses were received.
- Based on the RFQ, the city awarded the pre-construction phase to Turner Construction Company on April 5, 2019, in the amount of \$107,504. Turner Construction Company is currently in the final stages of pre-construction.
- Upon successful completion of the pre-construction phase, Turner Construction Company was determined to be the best qualified firm to meet the city's needs for CMAR Services on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- Turner Construction Company has developed a guaranteed maximum price for construction phase services, including coordination of all construction activities, managing all subcontractors, and delivering the project on schedule and within budget in collaboration with the city and the design consultant.
- Turner Construction Company, as the CMAR, will not be allowed to self-perform the construction work. The company will be required to prequalify all first-tier subcontractors and competitively bid the work to subcontractors.
- The project is anticipated to be complete by third quarter 2020.

### **Charlotte Business INclusion**

The city has established project goals of 15.00% SBE and 7.00% MBE. Because this is a Construction Manager at Risk project, the Construction Manager has the opportunity to add small business enterprises (SBE) and Minority Business Enterprises (MBE) firms throughout the life of the project. (Part G: Section 2.3 of the Charlotte Business INclusion Policy)

### **Fiscal Note**

Funding: General Capital Investment Plan

**Attachment(s)**

Map

[Location Map - CMAR Services for the Cmpd Independence Division Station](#)**29. Police Firearm Ammunition****Action:**

- A. Approve unit price contracts for the purchase of ammunition for an initial term of three years to the following:**
- Dana Safety Supply Inc.,
  - Lawmen's Distribution, and
- B. Authorize the City Manager to renew the contracts for up to two, one-year renewal terms with possible price adjustments and to amend the contracts consistent with the purpose for which they were approved.**

**Staff Resource(s):**

Kerr Putney, Police

Dave Johnson, Police

Steven Winterhalter, Police

**Explanation**

- Police firearm ammunition is required for law enforcement training and annual firearms qualifications required by the State of North Carolina.
- On July 8, 2019, the city issued an Invitation to Bid; three bids were received.
- Dana Safety Supply Inc. and Lawmen's Distribution were selected as the lowest responsive, responsible bidders.
- Total annual expenditures are estimated to be \$356,000.

**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: Police Operating Budget

### **30. Resolution of Intent to Abandon and Close the Unopened Alleyway off South Tryon Street and Hawkins Street**

**Action:**

- A. Adopt a Resolution of intent to abandon and close the unopened alleyway off South Tryon Street and Hawkins Street, and**
  
- B. Set a Public Hearing for October 14, 2019.**

**Staff Resource(s):**

Liz Babson, Transportation

Casey Mashburn, Transportation

**Explanation**

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The unopened alleyway off South Tryon Street and Hawkins Street is located in Council District 3.

**Petitioner**

Common Square Development LLC

**Attachment(s)**

Map

Resolution

[Alleyway of Tryon and Hawkins Map](#)

[Resolution of Intent to Abandon Unopened Alleyway Off S. Tryon and Hawkins](#)

### **31. Resolution of Intent to Abandon and Close a Portion of Right-of-Way Along Parkwood Avenue**

**Action:**

- A. Adopt a Resolution of intent to abandon and close a portion of right-of-way along Parkwood Avenue, and**
  
- B. Set a Public Hearing for October 14, 2019.**

**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 portion of the public right-of-way along Parkwood Avenue is located in Council District 1.

**Petitioner**

Parkwood Holdings LLC

**Attachment(s)**

Map

Resolution

[Parkwood Avenue Abandonment Map](#)

[RCA - Resolution of Intent to Abandon a portion of the public right-of-way along Parkwood Avenue](#)

## 32. Resolution of Intent to Abandon and Close a Portion of Auten Street

### **Action:**

- A. Adopt a Resolution of intent to abandon and close a portion of Auten Street, and**
- B. Set a Public Hearing for October 14, 2019.**

### **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 portion of the public right-of-way along Duckworth Avenue is located in Council District 2.

### **Petitioner**

Larry A. Griffin, JR and West End Investments-Charlotte, LLC

### **Attachment(s)**

Map

Resolution

[Auten St Abandonment Map](#)

[Resolution of Intent to Abandon a portion of Auten Street](#)

### **33. Resolution of Intent to Abandon and Close the Unopened Alleyway off West Palmer Street and West Carson Boulevard**

**Action:**

- A. Adopt a Resolution of intent to abandon and close the unopened alleyway off West Palmer Street and West Carson Boulevard, and**
  
- B. Set a Public Hearing for October 14, 2019.**

**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 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 unopened alleyway off West Palmer Street and West Carson Boulevard is located in Council District 3.

**Petitioner**

Boulevard Real Estate Advisors LLC

**Attachment(s)**

Map

Resolution

[Alleyway Map](#)

[Resolution of Intent to Abandon Unopened Alleyway Off W. Palmer and W. Carson](#)

## 34. Resolution of Intent to Abandon and Close a Portion of Darby Avenue

### **Action:**

- A. Adopt a Resolution of intent to abandon and close a portion of Darby Avenue, and
- B. Set a Public Hearing for October 14, 2019.

### **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 portion of the public right-of-way along Centre Street is located in Council District 2.

### **Petitioner**

O'Leary Group Business Park, LLC

### **Attachment(s)**

Map

Resolution

[Darby Avenue Abandonment Map](#)

[Resolution of Intent to Abandon a portion of Darby Avenue](#)

## 35. Temporary Traffic Control Services

### Action:

- A. Approve unit price contracts for temporary traffic control services for an initial term of two years with the following:**
- GDC Supplies Equipment & Contracting LLC, DBA GDC Inc,
  - Phoenix Spirit Group LLC, and
- B. Authorize the City Manager to renew the contracts for up to one, two-year term with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

### **Staff Resource(s):**

Liz Babson, Transportation  
Charlie Jones, Transportation  
Capryce Crowder, Transportation

### **Explanation**

- Work in city right-of-way often requires temporary traffic control to provide protection for workers, motorists, pedestrians, and cyclists.
- Contracted traffic control services provide city crews the opportunity to focus on completing repairs or existing projects without allocating staff or devices to traffic control activities such as flagging and lane closures. Contracted traffic control services also allow the city to maintain fewer signs, cones, and barricades in its inventory.
- On July 12, 2019, the city issued a Request for Proposals (RFP); two responses were received.
- The companies selected best meet the city's needs on the basis of demonstrated competence and qualification of professional services in response to the RFP requirements.
- Total annual expenditures are estimated to be \$500,000.

### **Charlotte Business INclusion**

GDC Supplies Equipment & Contracting LLC, DBA GDC Inc is a city-certified SBE.

### **Fiscal Note**

Funding: Powell Bill Fund

## 36. Intelligent Transportation System Projects Engineering Services

### **Action:**

- A. Approve contracts for professional services for the design and construction administration of Intelligent Transportation Systems projects for initial terms of three years with the following:**
- **DRMP, INC.,**
  - **Exult Engineering, PC,**
  - **HNTB North Carolina, PC,**
  - **Kimley-Horn and Associates, Inc.,**
  - **Midsouth Consulting Engineers, Inc., and**
- B. Authorize the City Manager to renew the contracts for up to two, one-year terms and to amend the contracts consistent with the purpose for which the contracts were approved.**

### **Staff Resource(s):**

Liz Babson, Transportation

Ashley Boenisch, Transportation

### **Explanation**

- Intelligent Transportation Systems (ITS) projects are part of the implementation of the Intelligent Transportation System Master Plan described in the Transportation Action Plan.
- The city continues to install fiber optic cable to support its growing communications system with over 325 miles of fiber optic cable connecting over 500 traffic signals.
- Fiber optic cabling, traffic signal interconnection, and video traffic management cameras provide the ability to remotely adjust traffic signals in response to traffic flow and emergency conditions.
- These services will vary and include conceptual planning, design preparation, utility coordination services, and construction administration/inspection.
- On February 14, 2019, the city issued a Request for Qualifications (RFQ); 10 proposals were received.
- DRMP, INC., Exult Engineering, PC, HNTB North Carolina, PC, Kimley-Horn and Associates, Inc., and Midsouth Consulting Engineers, Inc. are the best qualified firms to meet the city's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- Total expenditures over the initial, three-year term are estimated to be \$2,750,000.

### **Charlotte Business INCLUSION**

The city negotiates subcontracting participation after the proposal selection process (Part B: Section 3 of the Charlotte Business INCLUSION Policy). On these contracts, the Prime Consultants have each committed a percentage of the total contract amount to the following certified firms:

- DRMP, INC. has committed 8.00% (\$32,000) of the total contract amount to the following certified firms.
  - Hinde Engineering, Inc. (SBE) (Utility management services, construction management services)
- Exult Engineering, PC has committed 8.00% (\$56,000) of the total contract amount to the following certified firms.
  - Kennerly Engineering & Design, Inc. (SBE) (Utility management services, Design services, Drafting services)
  - DPR Associates, Inc. (SBE) (Utility management services, Design services, Drafting services)
- HNTB North Carolina, PC, has committed 8.00% (\$32,000) of the total contract amount to the following certified firms.
  - Utility Coordination Consultants, Inc. (SBE) (Utility management services, construction management services)

- Kimley-Horn and Associates, Inc., has committed 8.00% (\$56,000) of the total contract amount to the following certified firms.
  - Exult Engineering, PC (SBE) (Construction inspection and management services)
  - Hinde Engineering, Inc. (SBE) (Utility management services, construction management services)
- Midsouth Consulting Engineers, Inc. has committed 10.00% (\$55,000) of the total contract amount to the following certified firms.
  - SEPI Engineering and Construction, Inc. (SBE) (Construction inspection and management services)

**Fiscal Note**

Funding: General Capital Investment Plan

## 37. Construct Bryant Farms Road Sidewalk

### Action:

- A. Reject the low-bid by M & V Builders, LLC for the Bryant Farms Road Sidewalk Project, and**
- B. Approve a contract in the amount of \$706,873.86 to the lowest responsive bidder Nassiri Development, LLC for construction of the Bryant Farms Road Sidewalk.**

### **Staff Resource(s):**

Angela Lee, General Services  
Mike Davis, General Services  
Derrel Poole, General Services

### **Explanation**

- This project will include construction of approximately 0.57 mile of sidewalk along Bryant Farms Road, providing a continuous sidewalk between Hawk Ridge Elementary School and Elm Lane, in Council District 7. Work will include new sidewalk, driveways, crosswalks, accessible curb ramps, pedestrian refuge islands, grading, clearing, and storm drainage.
- New mid-block pedestrian crossings will also be installed on Bryant Farms Road as part of the project.
- On July 15, 2019, the city issued an Invitation to Bid; three bids were received.
- Nassiri Development, LLC was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by second quarter 2020.

### **Reject Low-Bid Explanation**

- M & V Builders, LLC, (whose bid was in the amount of \$691,175.10), was found to be non-responsive for failure to meet the General Contracting Licensing requirements as stipulated in the project solicitation.

### **Charlotte Business INclusion**

Established SBE Goal: 14.00%

Committed SBE Goal: 20.44%

Nassiri Development, LLC exceeded the established SBE subcontracting goal, and has committed 20.44% (\$144,478.75) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- B&M Concrete, Inc. (SBE, MBE) (\$90,000) (concrete sidewalk, driveways)
- Trull Contracting, LLC (SBE) (\$45,000) (asphalt paving)
- Mid-Atlantic Erosion Control, Inc. (SBE, MBE) (\$4,918.75) (erosion control)
- Striping Concepts, LLC (SBE) (\$4,560) (striping, marking)

Established MBE Goal: 8.00%

Committed MBE Goal: 13.43%

Nassiri Development, LLC exceeded the established MBE subcontracting goal, and has committed 13.43% (\$94,918.75) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- B&M Concrete, Inc. (SBE, MBE) (\$90,000) (concrete sidewalk, driveways)
- Mid-Atlantic Erosion Control, Inc. (SBE, MBE) (\$4,918.75) (erosion control)

### **Fiscal Note**

Funding: General Capital Investment Plan

### **Attachment(s)**

Map

[Location Map - Construct Bryant Farms Road Sidewalk Project](#)

## 38. Construct Highway NC-51 Sidewalk from McAlpine Creek to Ridgeloach Place

### **Action:**

**Approve a contract in the amount of \$2,035,600.49 to the lowest responsive bidder DOT Construction, Inc. for construction of the NC-51 sidewalk (McAlpine Creek to Ridgeloach Place) project.**

### **Staff Resource(s):**

Angela Lee, General Services

Mike Davis, General Services

Chandler Crofts, General Services

### **Explanation**

- This project will construct new sidewalk along the north side of Highway NC-51 (Pineville-Matthews Road) from McAlpine Creek to Ridgeloach Place (approximately 2.9 miles) in Council District 7. The work will include new sidewalk, crosswalks, accessible curb ramps, pedestrian refuge islands, grading, clearing, storm drainage, and paving.
- Once complete, this project will provide continuous sidewalk along both sides of Highway NC-51 from Park Road to Echo Forest Drive.
- On February 26, 2018, Council approved accepting a grant for this project in an amount not to exceed \$3,101,240.
- On July 23, 2019, the city issued an Invitation to Bid; three bids were received.
- DOT Construction, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by fourth quarter 2020.

### **Disadvantaged Business Enterprise**

DOT Construction, Inc. is DBE certified.

Established DBE Goal: 5.00%

Committed DBE Goal: 6.39%

DOT Construction, Inc. exceeded the established subcontracting goal, and has committed 6.39% (\$130,000) of the total contract amount to the following certified firms:

- D's Trucking Services Inc (DBE) (\$10,000) (hauling)
- DOT Construction, Inc. (DBE) (\$120,000) (concrete)

### **Fiscal Note**

Funding: General Capital Investment Plan

### **Attachment(s)**

Map

[Location Map - Construct NC-51 Sidewalk \(McAlpine Creek to Ridgeloach Place\) Project](#)

## 39. Construct Storm Drainage Improvement Projects

### **Action:**

**Approve a contract in the amount of \$1,969,841.50 to the lowest responsive bidder Onsite Development, LLC, for the Collective Storm Drainage Improvement Projects - Series D.**

### **Staff Resource(s):**

Angela Lee, 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.
- This contract will address storm drainage systems at:
  - 5801 Hornet Drive (Council District 2)
  - 728 Tom Sadler Road (Council District 2)
  - 920 White Plains Road (Council District 4)
  - 721 Georgetown Drive (Council District 4)
  - 6624 Wenda Place Plan (Council District 5)
  - 7000 Folger Drive (Council District 6)
  - 10518 Moss Mill Lane (Council District 7)
- Work will also include grading, drainage, sidewalks, curb and gutter.
- On August 2, 2019, the city issued an Invitation to Bid; four bids were received.
- Onsite Development, LLC was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by end of fourth quarter 2020.

### **Charlotte Business INclusion**

Established SBE Goal: 18.00%

Committed SBE Goal: 30.08%

Onsite Development, LLC exceeded the established SBE subcontracting goal, and has committed 30.08% (\$592,500) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- AMP Utility Distribution Services, LLC (SBE) (\$150,000) (material)
- Affordable Source Trucking, LLC (SBE, MBE) (\$53,666) (hauling)
- JV Trucking, LLC (SBE) (\$53,666) (hauling)
- MTS Trucking Inc. (SBE, MBE) (\$53,666) (hauling)
- Streeter Trucking Company, Inc. (SBE, MBE) (\$53,666) (hauling)
- Tony's Trucking Inc. (SBE, MBE) (\$53,666) (hauling)
- Solanos Trucking Company, Inc. (SBE) (\$53,670) (hauling)
- LJR Concrete LLC(SBE) (\$75,000) (concrete)
- R.R.C. Concrete Inc. (SBE, MBE) (\$30,000) (concrete)
- B & N Grading, Inc. (SBE) (\$10,500) (milling)
- Combs Tree Service LLC (SBE) (\$5,000) (tree service)

Established MBE Goal: 12.00%

Committed MBE Goal: 12.42%

Onsite Development, LLC exceeded the established MBE subcontracting goal, and has committed 12.42% (\$244,664) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Affordable Source Trucking, LLC (SBE, MBE) (\$53,666) (hauling)
- MTS Trucking Inc. (SBE, MBE) (\$53,666) (hauling)
- Streeter Trucking Company, Inc. (SBE, MBE) (\$53,666) (hauling)
- Tony's Trucking Inc. (SBE, MBE) (\$53,666) (hauling)
- R.R.C. Concrete Inc. (SBE, MBE) (\$30,000) (concrete)

**Fiscal Note**

Funding: Storm Water Capital Investment Plan

**Attachment(s)**

Map

[Location Map - Construct Storm Drainage Improvement Projects](#)

## 40. Construct Storm Water Repairs and Improvements

### Action:

- A. Approve a contract in the amount of \$4,196,195 to the lowest responsive bidder Onsite Development, LLC for the Storm Water Repair and Improvement Fiscal Year 2020-A project, and**
- B. Approve a contract in the amount of \$3,941,003 to the lowest responsive bidder Onsite Development, LLC for the Storm Water Repair and Improvement Fiscal Year 2020-B project.**

### **Staff Resource(s):**

Angela Lee, General Services  
Kruti Desai, General Services  
Susan Tolan, General Services

### **Explanation**

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

### Action A

- On July 17, 2019, the city issued an Invitation to Bid; three bids were received.
- Onsite Development, LLC was selected as the lowest responsive, responsible bidder.

### Action B

- On July 17, 2019, the city issued an Invitation to Bid; four bids were received.
- Onsite Development, LLC was selected as the lowest responsive, responsible bidder.

### **Charlotte Business INclusion**

#### Action A:

Established SBE Goal: 19.00%

Committed SBE Goal: 19.01%

Onsite Development, LLC has identified SBEs on its project team, and for each work order issued committed 19.01% of the total contract amount to the following certified firms:

- Affordable Source Trucking, LLC (SBE, MBE) (hauling)
- AMP Utility Distribution Services, LLC (SBE) (material)
- 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)
- Solanos Trucking Company. Inc. (SBE) (hauling)
- Streeter Trucking Company, Inc. (SBE, MBE) (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)

Action B:

Established SBE Goal: 19.00%

Committed SBE Goal: 19.01%

Onsite Development, LLC has identified SBEs on its project team, and for each work order issued committed 19.01% of the total contract amount to the following certified firms:

- Affordable Source Trucking, LLC (SBE, MBE) (hauling)
- AMP Utility Distribution Services, LLC (SBE) (material)
- 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)
- Solanos Trucking Company. Inc. (SBE) (hauling)
- Streeter Trucking Company, 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)

**Fiscal Note**

Funding: Storm Water Capital Investment Plan

## 41. Professional Engineering Services for Minor Storm Drainage Projects

### **Action:**

- A. Approve unit price contracts for project engineering services for an initial term of three years to the following:**
- CALYX Engineers and Consultants, Inc.,
  - ESP Associates, Inc.,
  - Kimley Horn and Associates, Inc.,
  - LaBella Associates, PC,
  - LandDesign, Inc.,
  - The John R. McAdams Company, 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):**

Angela Lee, General Services  
Kruti Desai, General Services  
Stewart Edwards, General Services

### **Explanation**

- Storm Water Services is using consultant engineers to provide design services for minor storm drainage projects throughout the city. This will increase the capacity for Storm Water Services to complete additional minor projects.
- On June 19, 2019, the city issued a Request for Qualifications (RFQ); 12 proposals were received.
- The firms selected are the best qualified to meet the city's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- Annual expenditures for all contracts combined are estimated to be \$4.5 million.

### **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: Storm Water Capital Investment Plan

## 42. Construct McAlpine Creek Wastewater Treatment Plant Reliability and Process Improvements

### Action:

- A. Approve a guaranteed maximum price of \$43,494,549 to Garney Companies, Inc. for Design-Build construction services for the McAlpine Creek Wastewater Treatment Plant Reliability and Process Improvements project, and**
- B. Approve contract amendment #1 for \$2,931,730 to the contract with Black and Veatch International Company for consultant services for the McAlpine Creek Wastewater Treatment Plant Reliability and Process Improvements project.**

### **Staff Resource(s):**

David Czerr, Charlotte Water  
Ron Hargrove, Charlotte Water  
Carl Wilson, Charlotte Water

### **Explanation**

- This project will rehabilitate or replace critical components of the wastewater treatment process systems at the McAlpine Creek Wastewater Treatment Plant (WWTP), located in the Town of Pineville (adjacent to Council District 7), to ensure reliable discharge permit compliance.

### Action A

- Garney Companies, Inc. has developed a guaranteed maximum price (GMP) for construction of aeration tank improvements.
- This project will be designed and constructed in phases over a span of up to five years and has an estimated construction cost of approximately \$120,000,000. The first phase contract was approved by City Council on February 26, 2018, with subsequent phase approvals on May 14, 2018, January 14, 2019, and May 13, 2019.
- In the future, Council will receive requests for the approval of remaining project GMPs once they are established.

### Action B

- This contract amendment is for additional consultant services associated with the design of the process pilot and the accelerated schedule for the overall project. The full-scale process pilot will provide necessary data to implement improvements to the wastewater treatment process that could result in significant savings in chemical and energy costs.
- On December 12, 2016, Council approved a contract with Black and Veatch International Company for consultant services.
- The new value of the contract including the amendment will be \$7,505,728.

### **Charlotte Business INClusion**

#### Action A - Construction Contract

The city negotiates subcontracting participation for Design-Build contracts after scopes of work are defined for construction services (Part G: Section 2.7 of the Charlotte Business INClusion Policy). Garney Companies, Inc. has committed 18.26% (\$7,943,847) to the following certified firms:

- CITI, LLC (MBE) (\$3,970,747) (instrumentation and control services)
- East Coast Construction Services, LLC (WBE) (\$3,268,600) (electrical services)
- Southeastern Consulting Engineers, Inc. (SBE) (\$603,000) (electrical design)
- JB Long Photography (SBE) (\$70,000) (construction photography)
- Richa Graphics (SBE) (\$16,500) (printing services)
- Joel E. Wood & Associates, PLLC (SBE) (\$15,000) (geotechnical)

#### Action B - Contract Amendment

All additional work for this amendment will be performed by Black and Veatch International Company and their existing subconsultants (Part D: Section 6 of the Charlotte Business INclusion Policy). Black and Veatch International Company has committed 3.41% (\$100,000) of the total amendment to the following certified firms:

- The Survey Company, Inc. (SBE) (\$70,000) (surveying)
- Chef Charles Catering Inc. (SBE) (\$30,000) (catering)

**Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

**Attachment(s)**

Map

[Map-McAlpine Creek Wastewater Treatment Plant Reliability and Process Improvements Construction](#)

## 43. Odor Scrubber Units

**Action:**

- A. Approve a contract with Syneco Systems, Inc. for the leasing of odor scrubber units for an initial term of three years, and**
  
- B. Authorize the City Manager to renew the contract for up to two, three-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

Travis Hunnicutt, Charlotte Water

**Explanation**

- This contract allows the city to lease odor scrubber units as an odor control solution for its sewage pumping stations.
- Pumping stations are essential to providing wastewater service, and these odor scrubber units reduce odors associated with the pumping stations.
- Leasing odor scrubber units, which have a relatively short useful life of two to three years, is a best practice.
- The lease contract provides for any necessary replacement parts and maintenance during the lease period.
- Annual expenditures are estimated to be \$138,000.

**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 (b) - there are no SBEs or MBEs certified to provide the product.

**Fiscal Note**

Funding: Charlotte Water Operating Budget

## 44. Water and Sanitary Sewer Parts and Fittings

### **Action:**

- A. **Approve a unit price contract to the lowest responsive bidder Ferguson Enterprises, Inc. for the purchase of water and sanitary sewer parts and fittings for an initial term of two years, and**
- B. **Authorize the City Manager to renew the contract for up to three, 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 for parts and fittings which are required for the installation and repair of water and sanitary sewer lines and meters.
- Parts and fittings purchased through this contract must be available to the city immediately, at all times, for use in emergency repairs.
- On July 29, 2019, the city issued an Invitation to Bid; three bids were received.
- Ferguson Enterprises, Inc. was selected as the lowest responsive, responsible bidder.
- Estimated annual expenditures are \$1,500,000.

### **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 (b) - There are no SBEs or MBEs certified to perform the scopes of work that the city regards as realistic opportunities for subcontracting.

### **Fiscal Note**

Funding: Charlotte Water Operating Budget

## 45. Brass Parts and Fittings

### Action:

- A. **Approve a unit price contract to the lowest responsive bidder Fortiline Inc. dba Fortiline Waterworks for the purchase of brass parts and fittings for an initial term of one year, 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 parts and fittings contract will provide specialty brass components needed for the installation and repair of water lines, sanitary sewer lines, and meters.
- These items are not required to be available on an immediate basis, and may be ordered with a lead time.
- On July 17, 2019, the city issued an Invitation to Bid; four bids were received.
- Fortiline Inc. dba Fortiline Waterworks was selected as the lowest responsive, responsible bidder.
- Estimated annual expenditures are \$590,000.

### **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; and (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 (b) there are no SBEs or MBEs certified to provide the product.

### **Fiscal Note**

Funding: Charlotte Water Operating Budget

## 46. Motor and Pump Repair Services for Water and Wastewater Facilities

### Action:

- A. Approve unit price contracts for motor and pump repair services at water and wastewater facilities for an initial term of three years to the following:**
- **A & W Electric Inc.,**
  - **American Rewinding of NC Inc. dba American MTS,**
  - **B&M Electric Motor Services Inc.,**
  - **Dixie Electro Mechanical Services Inc.,**
  - **Integrated Power Services LLC,**
  - **Purser Central Rewinding Co Inc.,**
  - **Randall Supply Inc., 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

Travis Hunnicutt, Charlotte Water

### **Explanation**

- The city owns a large number of pumps and motors throughout its facilities that are used for all types of pumping and treatment equipment. That equipment requires a wide variety of repair services. These contracts will provide the technical expertise to provide those services.
- On June 17, 2019, the city issued a Request for Proposals (RFP); eight responses were received.
- The companies selected best meet the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$2,250,000.

### **Charlotte Business INCLUSION**

Dixie Electro Mechanical Services Inc is a WBE.

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

## 47. Engineering Services to Support Field Operations System Repairs

### Action:

- A. **Approve a contract for up to \$2,500,000 with Freese and Nichols, Inc. for engineering services to support field operations system repairs, 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

### **Explanation**

- This contract provides planning and design; construction drawings and specifications; and, as applicable, construction management for support of Field Operations repairs to the water distribution and sanitary sewer collection systems.
- Charlotte Water is responsible for operating and maintaining approximately 8,800 miles of water and sanitary sewer infrastructure.
- On July 11, 2019, the city issued a Request for Qualifications (RFQ); two responses were received.
- Freese and Nichols, Inc. is the best qualified firm to meet the city's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.

### **Charlotte Business INCLUSION**

The city negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1 (h) of the Charlotte Business INCLUSION Policy). Freese and Nichols, Inc. has committed 10.28% (\$257,000) of the total contract amount to the following certified firms to be utilized as project scopes are defined:

- CriTek Engineering Group, P.C. (SBE, MBE) (\$200,000) (inspection services)
- Stewart Engineering, Inc. (MBE) (\$50,000) (surveying)
- Carolina Wetland Services (SBE, WBE) (\$7,000) (wetland and environmental services)

### **Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

## 48. Bus Replacement Parts for Allison Transmissions

### Action:

- A. Approve unit price contracts for the purchase of Allison transmissions and parts for an initial term of three years to the following:**
- **Reliable Transmission Service,**
  - **Clarke Power Services, 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 they were approved.**

### **Staff Resource(s):**

John Lewis, CATS

Tangee Mobley, CATS

### **Explanation**

- The contracts will provide bus transmissions and replacement parts for maintenance of the Charlotte Area Transit System (CATS) bus fleet.
- On May 24, 2019, the city issued an Invitation to Bid; six bids were received.
- Reliable Transmission Service and Clarke Power Services were selected as the lowest responsive, responsible bidders.
- Total annual expenditures are estimated to be \$290,000.

### **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 (b) there are no SBEs or MBEs certified to provide the product.

### **Fiscal Note**

Funding: CATS Operating Budget

## 49. Bus Pneumatic Parts

### Action:

- A. **Approve a unit price contract with the lowest responsive bidder Muncie Transit Supply for the purchase of select pneumatic parts for the Charlotte Area Transit System bus fleet for a three-year term, 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):**

John Lewis, CATS

Tangee Mobley, CATS

### **Explanation**

- The contract will provide pneumatic parts for the maintenance of the Charlotte Area Transit System (CATS) bus fleet.
- On May 24, 2019, the city issued an Invitation to Bid; eight bids were received.
- Muncie Transit Supply was selected as the lowest responsive, responsible bidder.
- Total annual expenditures are estimated to be \$120,000.

### **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 (b) - there are no SBEs or MBEs certified to provide the product.

### **Fiscal Note**

Funding: CATS Operating Budget

## 50. Airport Baggage Claim Carousel Replacement

### Action:

- A. **Approve a contract in the amount of \$695,172.66 to the lowest responsive bidder Pteris Global USA, Inc. for baggage claim carousel replacement, and**
- B. **Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.**

### **Staff Resource(s):**

Brent Cagle, Aviation  
Jack Christine, Aviation

### **Explanation**

- Two airport baggage claim carousels have reached the end of their useful life and require replacement to ensure the proper movement of bags to baggage claim.
- This contract provides for the removal and disposal of the old baggage claim carousels and design, manufacture, and installation of new replacement carousels.
- On June 13, 2019, the city issued an Invitation to Bid; four bids were received.
- Pteris Global USA, Inc. was selected as the lowest responsive, responsible bidder.
- This 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**

The city negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy).

Pteris Global USA, Inc. has committed 13.69% (\$95,171.15) of the total contract amount to the following certified firms:

- Link Staffing (SBE) (\$17,096.15) (staffing; personnel services)
- All-Pro Builders & Restorations, LLC. (SBE, MBE) (\$78,075) (carousel, infield installation)

### **Fiscal Note**

Funding: Aviation Capital Investment Plan

## 51. American Airlines Cargo and Catering Lease

### Action:

- A. **Approve a 10-year lease agreement with American Airlines for the cargo and catering facility at Charlotte Douglas International Airport, and**
- B. **Authorize the City Manager to approve up to two, five-year lease extensions consistent with the purpose for which the agreement was approved.**

### **Staff Resource(s):**

Brent Cagle, Aviation  
Haley Gentry, Aviation

### **Explanation**

- This action is to lease a cargo and catering facility to American Airlines to support its airline operations. American Airlines currently occupies this space. The facility consists of 17,379 square feet of office space and 65,584 square feet of cargo space.
- Annual rent for the facility is \$396,610.50, with the total 10-year lease value equaling \$3,966,105.
- Rents for the facility will be adjusted periodically per the terms and conditions of the lease to keep pace with market conditions.
- This activity is occurring on airport property, located in Council District 3.

### **Fiscal Note**

Funding: Revenue to be deposited into the Aviation Operating Budget

## 52. FedEx Parking Facility Lease

### Action:

- A. **Approve a five-year lease agreement with Federal Express Corporation for parking facilities, and**
- B. **Authorize the City Manager to approve up to two, five-year lease extensions consistent with the purpose for which the agreement was approved.**

### **Staff Resource(s):**

Brent Cagle, Aviation  
Haley Gentry, Aviation

### **Explanation**

- Federal Express Corporation (FedEx) currently leases two cargo facilities from the Airport.
- This lease will provide FedEx with additional parking capacity for its tractor trailers.
- The annual value of the parking facility lease is estimated to be \$108,369.10, for a five-year total of \$541,845.50.
- This activity is occurring on airport property, located in Council District 3.

### **Fiscal Note**

Funding: Revenue to be deposited into the Aviation Operating Budget

## 53. Airport Concourse A Expansion Phase 2 - Preconstruction Services

### **Action:**

**Approve a contract in the amount of \$825,280 with JE Dunn Construction for preconstruction management at risk services for the Concourse A Expansion Phase 2 project.**

### **Staff Resource(s):**

Brent Cagle, Aviation

Jack Christine, Aviation

### **Explanation**

- Phase 2 of the Concourse A Expansion is the second of three phases and includes the addition of 215,000 square feet, 10 aircraft gates, and a connector to Phase 1 of the Concourse A Expansion.
- On March 25, 2019, City Council approved a contract with Perkins+Will North Carolina, Inc. for \$8,428,000 to provide design services for the Concourse A Expansion Phase 2 Project.
- On May 31, 2019, the city issued a Request for Qualifications (RFQ); five proposals were received.
- JE Dunn Construction was selected as the Construction Manager at Risk firm based on its extensive aviation experience, particularly as it relates to large hub airports with projects of this magnitude, its overall project construction approach, and Charlotte Business INclusion plan of participation.
- This contract includes:
  - Organizing the work into bid packages, conducting a public bidding process for each subcontracting opportunity, and awarding each package to the lowest, responsive bidder;
  - Pre-qualifying first tier sub-contractors as required by North Carolina state statute; and
  - Monitoring the design process for adherence to the project budget
- Aviation intends to return to City Council in the spring of 2020 with a guaranteed maximum price contract for full construction and a contract for construction administration services.
- This activity is occurring on airport property, located in Council District 3.

### **Charlotte Business INclusion**

The city negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). JE Dunn Construction has committed 19.98% (\$164,915) of the total contract amount to the following certified firm(s):

- McFarland Construction (MBE) (\$117,315) (preconstruction services, diversity outreach)
- Superior Mechanical Systems (MBE) (\$21,000) (HVAC consultant)
- Pic-Tec Inc. (SBE) (\$26,600) (scheduling consultant)

### **Fiscal Note**

Funding: Aviation Capital Investment Plan

## 54. Airport Entrance Monument Construction Services

### **Action:**

**Approve a contract in the amount of \$4,048,100 to the lowest responsive bidder Edison Foard, Inc. for the Airport Entrance Monument project.**

### **Staff Resource(s):**

Brent Cagle, Aviation  
Jack Christine, Aviation

### **Explanation**

- The Entrance Monument project was recommended in the Wayfinding and Signage Master Plan to celebrate the entrance to the City of Charlotte.
- This contract includes the installation of a cast-in-place concrete structure covered with glass fiber reinforced plastic panels, illuminated custom metal fins, and entry signage for the Airport. It also includes grading, landscaping, and irrigation throughout the 4.37-acre site.
- On February 25, 2019, City Council approved a contract with C Design Inc. for the professional design services associated with the Entrance Monument project.
- On July 15, 2019, the city issued an Invitation to Bid; five bids were received.
- Edison Foard, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by August 2020.
- This activity is occurring on airport property, located in Council District 3.

### **Charlotte Business INclusion**

Established SBE Goal: 9.00%

Committed SBE Goal: 26.86%

Edison Foard, Inc. exceeded the established subcontracting goal, and has committed 26.86% (\$1,087,350) of the base bid amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- On Time Construction, Inc.(SBE) (\$80,000) (masonry)
- Friends and Brothers Concrete, Inc. (SBE/MBE) (\$193,200) (concrete)
- Skyline Design & Landscape, LLC (SBE) (\$703,231) (landscaping)
- Glaze Independent Trucking (SBE/MBE) (\$12,000) (hauling)
- Treadaway & Sons Painting & Wallcovering, Inc. (SBE) (\$4,695) (painting)
- Fuller & Co. Construction, LLC (SBE) (\$94,224) (boring)

Established MBE Goal: 5.00%

Committed MBE Goal: 5.07%

Edison Foard, Inc. exceeded the established subcontracting goal, and has committed 5.07% (\$205,200) of the base bid amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Friends and Brothers Concrete, Inc. (MBE/SBE) (\$193,200) (concrete)
- Glaze Independent Trucking (MBE/SBE) (\$12,000) (hauling)

### **Fiscal Note**

Funding: Aviation Capital Investment Plan

### **Attachment(s)**

Site Renderings

[pic 1](#)

[pic 2](#)

[pic 3](#)

## 55. Airport On-Call Property Surveying Services

### Action:

- A. Approve unit price contracts for on-call survey services as needed for an initial term of three years to the following:**
- Professional Property Surveyors, Inc.
  - Calyx Engineers and Consultants, and
- B. Authorize the City Manager to renew the contracts for up to two, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

### **Staff Resource(s):**

Brent Cagle, Aviation

Haley Gentry, Aviation

### **Explanation**

- Aviation has many construction projects and real estate transactions that will require surveying various properties.
- On June 19, 2019, the city issued a Request for Proposals (RFP); 10 responses were received.
- Professional Property Surveyors, Inc. and Calyx Engineers and Consultants best meet the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Pricing for these services will be based on the size and nature of the projects.
- Annual expenditures for both contracts combined are estimated to be \$600,000.
- These activities are occurring near airport property, located in Council District 3, in unincorporated Mecklenburg County.

### **Disadvantaged Business Enterprise**

The city negotiates subcontracting participation after the proposal selection process. The specific tasks and subcontracting opportunities associated with this contract are undefined; however, each prime consultant, Professional Property Surveyors, Inc. and Calyx Engineers and Consultants, has identified certified firms to be utilized as the contract evolves and the scopes of work are defined:

- Professional Property Surveyors, Inc.
  - Bird Dog Traffic Control, LLC (DBE, SBE) (traffic control services)
  - Avioimage Mapping Services, Inc (SBE) (aerial mapping)
  - Sweetwater Utility Exploration (SBE) (utility locating)
  - Red Tie Courier Services (SBE, MBE) (courier services)
- Calyx Engineers and Consultants
  - Bird Dog Traffic Control, LLC (DBE, SBE) (traffic control services)
  - Probe Utility Locating (SBE) (utility locating)
  - Avioimage Mapping Services, Inc (SBE) (aerial mapping)

### **Fiscal Note**

Funding: Aviation Capital Investment Plan

## 56. Technology Portfolio Management Tool

### Action:

- A. **Approve a contract with Decision Lens Inc. to provide, implement, and maintain investment portfolio software,**
- B. **Authorize the City Manager to approve price adjustments and amend the contract consistent with the purpose for which the contract was approved, and**
- C. **Authorize the City Manager to purchase such additional software licenses, services, hardware, maintenance, and support as required to maintain the system for as long as the city uses the system.**

### **Staff Resource(s):**

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

### **Explanation**

- The city will implement a portfolio management tool to manage and prioritize the citywide technology investment portfolio.
- The portfolio management tool will be used for:
  - Technology investment portfolio management,
  - Existing investment/application portfolio management, and
  - Technology planning.
- Having accurate portfolio information better equips the city to allocate limited funds to the most critical needs.
- On May 6, 2019, the city issued a Request for Proposals (RFP); six responses were received.
- Decision Lens 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 \$80,000.

### **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: Innovation and Technology Operating Budget

## 57. Managed Information Technology Security Services

### **Action:**

- A. Authorize the City Manager to negotiate and approve a contract with Root9b LLC to provide Managed Security 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 amend the contract consistent with the purpose for which the contract was approved.**

### **Staff Resource(s):**

Reenie Askew, Innovation and Technology  
Randy Moulton, Innovation and Technology

### **Explanation**

- The city requires monitoring of technology security devices for attacks or malicious activity and protection of its critical information technology assets. The city uses a third-party service provider to provide these managed services.
- The services include real-time monitoring of perimeter firewalls and other security devices as well as event correlation and log analysis. The services are provided 24 hours a day, seven days a week.
- On June 13, 2019, the city issued a Request for Proposals (RFP); 10 responses were received.
- Root9b LLC best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$875,000.

### **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: Innovation and Technology Operating Budget

## 58. Midland Commons Apartments Bond Issuance Approval

### **Action:**

**Adopt a resolution granting the Charlotte Housing Authority's request to issue multi-family housing revenue bonds, in an amount not to exceed \$3,246,000, to finance the acquisition and rehabilitation of Midland Commons Apartments.**

### **Staff Resource(s):**

Kelly Flannery, Finance

Pamela Wideman, Housing and Neighborhood Services

### **Explanation**

- This action will not obligate the city financially or impact the Capital Investment Plan. The adoption of the resolution is required by the governmental unit with jurisdiction over the area where the development is located in order to satisfy Section 147(f) of the Internal Revenue Service Code of 1986.
- The Charlotte Housing Authority (CHA) is requesting that City Council adopt a resolution authorizing the issuance of multi-family housing revenue bonds for Midland Commons Apartments, a 60-unit affordable housing development.
- National Church Residences is the developer of the community, which is located at 2457 Midland Avenue in Council District 3.
- The CHA bonds, which are not to exceed \$3,246,000, will be used to finance acquisition and rehabilitation of the existing development.

### **Background**

- The North Carolina Housing Finance Agency approved a four percent tax credit and a bond allocation capacity totaling \$3,246,000 for the project.

### **Attachment(s)**

City of Charlotte Resolution

CHA Resolution for Midland Commons

[Midland Commons- City Resolution](#)

[Active 110425655 1 CHA - Midland Commons - Inducement Resolution](#)

## 59. Heritage Park Apartments Bond Issuance Approval

### **Action:**

**Adopt a resolution granting the Charlotte Housing Authority's request to issue multi-family housing revenue bonds, in an amount not to exceed \$13,000,000, to finance the acquisition and rehabilitation of Heritage Park Apartments.**

### **Staff Resource(s):**

Kelly Flannery, Finance

Pamela Wideman, Housing and Neighborhood Services

### **Explanation**

- This action will not obligate the city financially or impact the Capital Investment Plan. The adoption of the resolution is required by the governmental unit with jurisdiction over the area where the development is located in order to satisfy Section 147(f) of the Internal Revenue Service Code of 1986.
- The Charlotte Housing Authority (CHA) is requesting that City Council adopt a resolution authorizing the issuance of multi-family housing revenue bonds for Heritage Park Apartments, a 151-unit affordable housing development located at 7100 Snow Lane in Council District 5.
- The CHA bonds, which are not to exceed \$13,000,000, will be used to finance acquisition and rehabilitation of the existing development.

### **Background**

- In 2014, The Banyan Foundation, Inc. (Banyan), the former apartment complex owners, responded to a city-issued Request for Proposal for multi-family housing rehabilitation projects. The City Council approved \$650,000 in Community Development Block Grant funding for property improvements, mainly exterior infrastructure improvements. The project was completed in compliance with local and federal regulations.
- The transfer of ownership of the apartment complex from Banyan to Heritage Park Housing Partners, LP was completed on March 4, 2019.
- On July 22, 2019, City Council awarded a \$600,000 Housing Trust Fund allocation to Heritage Park Housing Partners, LP for the rehabilitation of Heritage Park Apartments. The North Carolina Housing Finance Agency awarded a four percent tax credit allocation totaling \$780,264 for the project.

### **Attachment(s)**

City of Charlotte Resolution

CHA Resolution for Heritage Park

[Heritage Park - City Resolution](#)

[Heritage Park-CHA Resolution](#)

## 60. Set Public Hearing on Larkhaven Annexation

### **Action:**

**Adopt a resolution setting the public hearing for October 28, 2019, for the Larkhaven voluntary annexation petition.**

### **Staff Resource(s):**

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

### **Explanation**

- The city has received a petition for voluntary annexation of private property.
- Public hearings are required prior to City Council action on annexation requests.
- This property is located within Charlotte's extraterritorial jurisdiction.
- The area proposed for annexation shares boundary with current city limits.
- Annexation of this area will allow for more orderly land development review, extension of city services, capital investments, and future annexation processes.
- The 141.9-acre site is located east of Interstate 485 and south of Camp Stewart Road in eastern Mecklenburg County.
  - The property is currently vacant.
  - The petitioner has plans to construct up to 350 single family residential dwelling units in accordance with rezoning petition number 2018-005.
  - The property is zoned (R-5 CD) Single Family Residential which allows up to five units per acres with conditions.
  - The property is located immediately adjacent to Council District 5.
  - The petitioned area consists of two parcels: parcel identification numbers 111-211-12 and 111-211-08.

### **Consistency with City Council Policies**

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

### **Public Hearing Date**

The resolution sets Monday, October 28, 2019, for the public hearing.

### **Attachment(s)**

Map  
Resolution

[Larkhaven Area Annexation Map](#)

[Resolution to set date of Public Hearing - Larkhaven](#)

## 61. Set Public Hearing on Rocky River Road and I-485 Voluntary Annexation

### **Action:**

**Adopt a resolution setting the public hearing for October 28, 2019, for the Rocky River and I-485 voluntary annexation petition.**

### **Staff Resource(s):**

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

### **Explanation**

- The city has received a petition for voluntary annexation of private property.
- Public hearings are required prior to City Council action on annexation requests.
- This property is located within Charlotte's extraterritorial jurisdiction.
- The area proposed for annexation is across a major highway that shares boundary with current city limits.
- Annexation of this area will allow for more orderly land development review, extension of city services, capital investments, and future annexation processes.
- The 77.31-acre site is located east of Interstate 485 Highway and southwest of Caldwell Road in western Mecklenburg County.
  - The property is currently vacant.
  - The petitioner has plans to construct a pedestrian-friendly, mixed-use center with 102 single family residential dwelling units, 275 multi-family units, 131,000 square feet of retail, a hotel with 120 rooms, and a 50,000-square foot movie theater on the site.
  - The property is zoned (CC) Commercial Center Development District, which allows for large-scale development.
  - The property is located immediately adjacent to Council District 4.
  - The petitioned area consists of three parcels: parcel identification numbers 105-361-01, 105-361-05, and 105-361-06.

### **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;
  - Per policy, voluntary annexations that encompass unincorporated areas by new city limits may be approved if either of the following conditions exist:
    - A petitioner for a voluntary annexation would experience a significant hardship if the annexation were not approved; or
    - Under the facts of a particular voluntary annexation petition, the city's interests are served by varying the application of one of more of these policies.
  - This voluntary annexation is being recommended because the city's interests will be served by annexing the petitioned property.

### **Public Hearing Date**

The resolution sets Monday, October 28, 2019, for the public hearing.

### **Attachment(s)**

Map  
Resolution

[RockyRiverRd\\_I485 Mixed Use Area](#)

[Resolution to set date of Public Hearing - Rocky River Road and I-485](#)

## 62. Set Public Hearing on Dulin Farms Annexation

### **Action:**

**Adopt a resolution setting the public hearing for October 28, 2019, for the Dulin Farms voluntary annexation petition.**

### **Staff Resource(s):**

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

### **Explanation**

- The city has received a petition for voluntary annexation of private property.
- Public hearings are required prior to City Council action on annexation requests.
- This property is located within Charlotte's extraterritorial jurisdiction.
- The area proposed for annexation shares boundary with current city limits.
- Annexation of this area will allow for more orderly land development review, extension of city services, capital investments, and future annexation processes.
- The 25-acre site is located north of Plaza Road Extension and west of Interstate 485 in eastern Mecklenburg County.
  - The property is currently vacant.
  - The petitioner has plans to construct 81 single family residential units.
  - The property is zoned (R-4) Single Family Residential, which allows up to four units per acre.
  - The property is located immediately adjacent to Council District 4.
  - Petitioned area consists of seven parcels: parcel identification numbers 105-142-48, 105-142-49, 105-142-50, 105-142-51, 105-142-52, 105-142-53, and 105-142-54.

### **Consistency with City Council Policies**

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

### **Public Hearing Date**

The resolution sets Monday, October 28, 2019, for the public hearing.

### **Attachment(s)**

Map

Resolution

[Dulin Farms Area Annexation Map](#)

[Resolution to set date of Public Hearing - Dulin Farms](#)

## 63. Refund of Property Taxes

**Action:**

**Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$15,587.36.**

**Staff Resource(s):**

Kelly Flannery, Finance

**Explanation**

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

**Attachment(s)**

Taxpayers and Refunds Requested  
Resolution Property Tax Refunds

[List of Taxpayers](#)

[Resolution](#)

## 64. Meeting Minutes

**Action:**

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

- **July 15, 2019, Zoning Meeting,**
- **July 22, 2019, Business Meeting,**
- **August 26, 2019, Business Meeting, and**
- **September 3, 2019, Strategy Session.**

**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>](https://charlottenc.gov/CityClerk/Pages/Minutes.aspx)

## PROPERTY TRANSACTIONS

### 65. In Rem Remedy 1321 Harrill Street

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 3 categories:**

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

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

**Public Safety: (1321 Harrill Street, Council District 1)**

**Action:**

**Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at (1321 Harrill Street) (Neighborhood Profile Area 37).**

**Attachment(s)**

In Rem Packet for (1321 Harrill Street)

[1321 Harrill St Final](#)

## 66. In Rem Remedy 1106 Pondella Drive

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

**Public Purpose:**

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

**Policy:**

- Housing and Neighborhood Development and Community Safety

**The In Rem Remedy items were initiated from 3 categories:**

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

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

**Public Safety: (1106 Pondella Drive, Council District 4)**

**Action:**

**Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at (1106 Pondella Drive) (Neighborhood Profile Area 371).**

**Attachment(s)**

In Rem Packet for (1106 Pondella Drive)

[1106 Pondella Dr](#)

## 67. In Rem Remedy 633 Dawn Circle

**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 3 categories:**

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

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

**Public Safety: (633 Dawn Circle, Council District 4)**

**Action:**

**Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at (633 Dawn Circle) (Neighborhood Profile Area 371).**

**Attachment(s)**

In Rem Packet for (633 Dawn Circle)

[633 Dawn Cr](#)

## 68. In Rem Remedy 111 Shenandoah Place Accessory Structure

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 3 categories:**

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

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

**Field Observation: (111 Shenandoah Place Accessory Structure, Council District 5)**

**Action:**

**Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at (111 Shenandoah Place Accessory Structure) (Neighborhood Profile Area 325).**

**Attachment(s)**

In Rem Packet for (111 Shenandoah Place Accessory Structure)

[111 Shenandoah Pl - Acc Str](#)

## 69. Airport Property Transaction - 9115 West Steeleberry Drive

**Action:**

**Approve the following Property Acquisition - EIS Mitigation Land South**

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

**Project:** EIS Mitigation Land South

**Owner(s):** Larry K. Johnson and Laura Ann Johnson

**Property Address:** 9115 West Steeleberry Drive

**Total Parcel Area:** 2.089 acres

**Property to be acquired by Easements:** N/A

**Structures/Improvements to be impacted:** N/A

**Landscaping to be impacted:** Trees and shrubs

**Zoned:** R-3

**Use:** Vacant land

**Tax Code:** 141-112-16

**Purchase Price:** \$108,000.00

**Council District:** Adjacent to Council District 3.

[Location Map - 9115 W Steeleberry Dr](#)

## 70. Property Transactions - Lakeview Road Farm to Market, Parcel #2

**Action:** Approve the following Condemnation: Lakeview Road Farm to Market, Parcel #2

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

**Project:** Lakeview Road Farm to Market, Parcel #2

**Owner(s):** Albany Road-77 Overlook, LLC

**Property Address:** 5527 Lakeview Road

**Total Parcel Area:** 238,160 sq. ft. (5.467 ac.)

**Property to be acquired by Easements:** 403 sq. ft. (0.009 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Trees

**Zoned:** I-1

**Use:** Industrial

**Tax Code:** 025-122-13

**Appraised Value:** \$225

**Property Owner's Concerns:** Property owner does not agree with the amount of compensation offered.

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

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

**Council District:** 2

[Location Map - Condemnation - Lakeview Road Farm to Market.P2.docx](#)

## 71. Property Transactions - Lakeview Road Farm to Market, Parcel #3

**Action:** Approve the following Condemnation: Lakeview Road Farm to Market, Parcel #3

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

**Project:** Lakeview Road Farm to Market, Parcel #3

**Owner(s):** Carolina Blue Sky Property, LLC

**Property Address:** 5615 Lakeview Road

**Total Parcel Area:** 34,888 sq. ft. (0.801 ac.)

**Property to be acquired by Easements:** 3,386 sq. ft. (0.078 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** None

**Zoned:** I-1

**Use:** Industrial

**Tax Code:** 025-122-14

**Appraised Value:** \$1,175

**Recommendation:** To proceed with 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

[Location Map - Condemnation - Lakeview Road Farm to Market.P3.docx](#)

## 72. Property Transactions - Lakeview Road Farm to Market, Parcel #6

**Action:** Approve the following Acquisition: Lakeview Road Farm to Market, Parcel #6

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

**Project:** Lakeview Road Farm to Market, Parcel #6

**Owner(s):** Duke Energy Carolinas, LLC

**Property Address:** 6055 Lakeview Road

**Total Parcel Area:** 308,496 sq. ft. (7.082 ac.)

**Property to be acquired by Easements:** 2,405 sq. ft. (0.055 ac.) in Storm Drainage Easement, plus 5,118 sq. ft. (0.117 ac.) in Sidewalk and Utility Easement, plus 10,055 sq. ft. (0.231 ac.) in Temporary Construction Easement, plus 406 sq. ft. (0.009 ac.) in Sidewalk Utility Easement and Storm Drainage Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Trees and various plantings

**Zoned:** I-2

**Tax Code:** 025-022-08

**Purchase Price:** \$27,675

**Council District:** 2

[Location Map - Closing - Lakeview Road Farm to Market.P6.docx](#)

## 73. 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 and Federal Transit Administration 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:** 146,060 sq. ft. (3.353 ac.)

**Property to be acquired by Easements:** 6,375 sq. ft. (0.146 ac.) in Storm Drainage Easement, plus 1,786 sq. ft. (0.041 ac.) in Sidewalk and Utility Easement, plus 5,008 sq. ft. (0.115 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

**Purchase Price:** \$69,075

**Council District:** 2

[Location Map - Closing - Lakeview Road Farm to Market.P9.docx](#)

## 74. 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 and Federal Transit Administration reimbursement.

**Project:** Lakeview Road Farm to Market, Parcel #10

**Owner(s):** Gerdau Ameristeel US Inc.

**Property Address:** 6601 Lakeview Road

**Total Parcel Area:** 3,673,938 sq. ft. (84.342 ac.)

**Property to be acquired by Easements:** 18,669 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

**Appraised Value:** \$68,850

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

**City's Response to Property Owner's Concerns:** Staff informed property owner they could obtain their own appraisal in order to justify a counter offer.

**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

[Location Map - Condemnation - Lakeview Road Farm to Market.P10.docx](#)

## 75. Property Transactions - Lakeview Road Farm to Market, Parcel #12

**Action:** Approve the following Condemnation: Lakeview Road Farm to Market, Parcel #12

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

**Project:** Lakeview Road Farm to Market, Parcel #12

**Owner(s):** LC Concrete and Masonry, Inc.

**Property Address:** 5626 Lakeview Road

**Total Parcel Area:** 207,011 sq. ft. (4.752 ac.)

**Property to be acquired by Easements:** 497 sq. ft. (0.011 ac.) in Temporary Construction Easement, plus 342 sq. ft. (0.008 ac.) in Utility Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** None

**Zoned:** I-2

**Use:** Industrial

**Tax Code:** 037-333-04

**Appraised Value:** \$750

**Recommendation:** To obtain clear title and avoid delay in the project schedule, the recommendation is to proceed to condemnation.

**Council District:** 2

[Location Map - Condemnation - Lakeview Road Farm to Market.P12.docx](#)

## 76. Property Transactions - Lakeview Road Farm to Market, Parcels #17 and 18

**Action:** Approve the following Condemnation: Lakeview Road Farm to Market, Parcels #17 and 18

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

**Project:** Lakeview Road Farm to Market, Parcels #17 and 18

**Owner(s):** State Employees' Credit Union

**Property Address:** 6124 and 6134 Lakeview Road

**Total Parcel Area:** 47,058 sq. ft. (1.080 ac.)

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

**Property to be acquired by Easements:** 536 sq. ft. (0.012 ac.) in Storm Drainage Easement, plus 5,138 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, 037-258-02

**Appraised Value:** \$18,900

**Property Owner's Concerns:** Property owner was concerned with the project construction impacting their construction on the property.

**City's Response to Property Owner's Concerns:** The owner was informed that the project construction would coordinate with the owner's construction project on the property.

**Recommendation:** To proceed with 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

[Location Map - Condemnation - Lakeview Road Farm to Market.P17.P18.docx](#)

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

**Action:** Approve the following Condemnation: 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 and Federal Transit Administration 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:** 161,778 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

**Appraised Value:** \$22,175

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

**City's Response to Property Owner's Concerns:** The property owner was notified that they could obtain their own appraisal in order to justify a counter offer and discussions continue on addressing project impacts.

**Recommendation:** To proceed with 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

[Location Map - Condemnation - Lakeview Road Farm to Market.P19.docx](#)

## 78. Property Transactions - Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #2

**Action:** Approve the following Condemnation: Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #2

**Project:** Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #2

**Owner(s):** Lee Randall Estes

**Property Address:** 2054 Edgewater Drive

**Total Parcel Area:** 21,898 sq. ft. (0.503 ac.)

**Property to be acquired by Easements:** 4,726.98 sq. ft. (0.109 ac.) in Sanitary Sewer Easement, plus 1,517.41 sq. ft. (0.035 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Trees

**Zoned:** R-4

**Use:** Single-family Residential

**Tax Code:** 173-112-35

**Appraised Value:** \$18,975

**Property Owner's Concerns:** Property owner does not agree with the amount of compensation offered.

**City's Response to Property Owner's Concerns:** The property owner was informed that they could obtain their own appraisal in order to justify a counter offer.

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

**Council District:** 6

[Location Map - Condemnation - Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement.P2.d](#)

## 79. Property Transactions - Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #3

**Action:** Approve the following Condemnation: Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #3

**Project:** Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #3

**Owner(s):** Russell Thompson

**Property Address:** 2048 Edgewater Drive

**Total Parcel Area:** 12,449 sq. ft. (0.286 ac.)

**Property to be acquired by Easements:** 1,745.38 sq. ft. (0.04 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Trees and various plantings

**Zoned:** R-4

**Use:** Single-family Residential

**Tax Code:** 173-112-36

**Appraised Value:** \$4,625

**Outstanding Concerns:** 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:** 6

[Location Map - Condemnation - Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement.P3.d](#)

## 80. Property Transactions - Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #7

**Action:** Approve the following Condemnation: Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #7

**Project:** Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #7

**Owner(s):** Kathryn H. Jones

**Property Address:** 2024 Edgewater Drive

**Total Parcel Area:** 32,540 sq. ft. (0.747 ac.)

**Property to be acquired by Easements:** 1,763.38 sq. ft. (0.04 ac.) in Sanitary Sewer Easement, plus 2,301.82 sq. ft. (0.053 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** Fence

**Landscaping to be impacted:** Trees

**Zoned:** R-4

**Use:** Single-family Residential

**Tax Code:** 173-112-40

**Appraised Value:** \$9,175

**Outstanding Concerns:** Property owner is non-responsive.

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

**Council District:** 6

[Location Map - Condemnation - Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement.P7.d](#)

## 81. Property Transactions - Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #15

**Action:** Approve the following Acquisition: Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #15

**Project:** Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #15

**Owner(s):** Sean Thomas McCarthy

**Property Address:** 6514 Wycliff Place

**Total Parcel Area:** 30,382 sq. ft. (0.697 ac.)

**Property to be acquired by Easements:** 3,132.97 sq. ft. (0.072 ac.) in Sanitary Sewer Easement, plus 3,582.41 sq. ft. (0.082 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Trees

**Zoned:** R-4

**Use:** Single-family Residential

**Tax Code:** 173-111-44

**Purchase Price:** \$12,175

**Council District:** 6

[Location Map - Closing - Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement.P15.docx](#)

## 82. Property Transactions - Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #20

**Action:** Approve the following Condemnation: Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #20

**Project:** Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #20

**Owner(s):** Thomas D. Cunningham III and Eilizabeth Verdone Cunningham

**Property Address:** 1714 Edgewater Drive

**Total Parcel Area:** 17,653 sq. ft. (0.405 ac.)

**Property to be acquired by Easements:** 1,256.97 sq. ft. (0.029 ac.) in Sanitary Sewer Easement, plus 1,634 sq. ft. (0.038 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Trees

**Zoned:** R-4

**Use:** Single-family Residential

**Tax Code:** 173-111-52

**Appraised Value:** \$8,575

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

**Council District:** 6

[Location Map - Condemnation - Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement.P20.](#)

### **83. Property Transactions - Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #25**

**Action:** Approve the following Acquisition: Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #25

**Project:** Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #25

**Owner(s):** Benjamin M. Berezney and Lauren B. Berezney

**Property Address:** 1534 Edgewater Drive

**Total Parcel Area:** 22,101 sq. ft. (0.507 ac.)

**Property to be acquired by Easements:** 1,903.12 sq. ft. (0.044 ac.) in Sanitary Sewer Easement, plus 2,371.45 sq. ft. (0.054 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Trees

**Zoned:** R-4

**Use:** Single-family Residential

**Tax Code:** 173-105-01

**Purchase Price:** \$15,000

**Council District:** 6

[Location Map - Closing - Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement.P25.docx](#)

## 84. Property Transactions - Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #30

**Action:** Approve the following Condemnation: Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #30

**Project:** Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #30

**Owner(s):** Julio Cesar Chicas Lopez and Maria V. Cortez

**Property Address:** 1500 Edgewater Drive

**Total Parcel Area:** 17,433 sq. ft. (0.400 ac.)

**Property to be acquired by Easements:** 3,912.71 sq. ft. (0.09 ac.) in Sanitary Sewer Easement, plus 1,846.21 sq. ft. (0.042 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Trees

**Zoned:** R-4

**Use:** Single-family Residential

**Tax Code:** 173-105-06

**Appraised Value:** \$24,650

**Property Owner's Concerns:** The property owner wants the city to purchase the entire property.

**City's Response to Property Owner's Concerns:** The owner was informed that since the entire property was not needed for the project, that the city would not be able to purchase the entire property.

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

**Council District:** 6

[Location Map - Condemnation - Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement.P30.](#)

## 85. Property Transactions - Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #39

**Action:** Approve the following Condemnation: Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #39

**Project:** Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #39

**Owner(s):** Jesus Cuna Lopez and Liza Ann Lozano

**Property Address:** 6538 Candlewood Drive

**Total Parcel Area:** 13,958 sq. ft. (0.320 ac.)

**Property to be acquired by Easements:** 871.84 sq. ft. (0.02 ac.) in Sanitary Sewer Easement, plus 1,063.27 sq. ft. (0.024 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Trees

**Zoned:** R-4

**Use:** Single-family Residential

**Tax Code:** 173-041-32

**Appraised Value:** \$9,000

**Recommendation:** To obtain clear title and avoid delay in the project schedule, the recommendation is to proceed to condemnation.

**Council District:** 6

[Location Map - Condemnation - Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement.P39.](#)

## 86. Property Transactions - Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #40

**Action:** Approve the following Condemnation: Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #40

**Project:** Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #40

**Owner(s):** John Henry Costello and Jennifer L. Costello

**Property Address:** 6532 Candlewood Drive

**Total Parcel Area:** 14,652 sq. ft. (0.336 ac.)

**Property to be acquired by Easements:** 1,134.41 sq. ft. (0.026 ac.) in Sanitary Sewer Easement, plus 1,098.55 sq. ft. (0.025 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Trees and shrubs

**Zoned:** R-4

**Use:** Single-family Residential

**Tax Code:** 173-041-33

**Appraised Value:** \$8,250

**Property Owner's Concerns:** Property owner does not want to grant the additional sewer easement needed for the project.

**City's Response to Property Owner's Concerns:** The owner was informed of the necessity of the additional easement in order to install and maintain a bigger pipe to address the capacity problem.

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

**Council District:** 6

[Location Map - Condemnation - Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement.P40.](#)

## 87. Property Transactions - Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #44

**Action:** Approve the following Acquisition: Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #44

**Project:** Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #44

**Owner(s):** 4523 Park Road, LLC

**Property Address:** 6510 Candlewood Drive

**Total Parcel Area:** 16,663 sq. ft. (0.383 ac.)

**Property to be acquired by Easements:** 3,528.54 sq. ft. (0.081 ac.) in Sanitary Sewer Easement, plus 1,856.53 sq. ft. (0.043 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Trees

**Zoned:** R-4

**Use:** Single-family Residential

**Tax Code:** 173-041-37

**Purchase Price:** \$10,726

**Council District:** 6

[Location Map - Closing - Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement.P44.docx](#)

## 88. Property Transactions - Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #46

**Action:** Approve the following Acquisition: Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #46

**Project:** Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #46

**Owner(s):** Nicolas Corriveau Gaston

**Property Address:** 6500 Candlewood Drive

**Total Parcel Area:** 13,977 sq. ft. (0.321 ac.)

**Property to be acquired by Easements:** 1,652.73 sq. ft. (0.038 ac.) in Sanitary Sewer Easement, plus 1,505.53 sq. ft. (0.035 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Trees

**Zoned:** R-4

**Use:** Single-family Residential

**Tax Code:** 173-041-39

**Purchase Price:** \$16,800

**Council District:** 6

[Location Map - Closing - Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement.P46.docx](#)

## 89. Property Transactions - Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #50

**Action:** Approve the following Acquisition: Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #50

**Project:** Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #50

**Owner(s):** John D. Pondo and Lana W. Pondo

**Property Address:** 6514 Rosecrest Drive

**Total Parcel Area:** 15,322 sq. ft. (.352 ac.)

**Property to be acquired by Easements:** 874.76 sq. ft. (0.02 ac.) in Sanitary Sewer Easement, plus 2,423.07 sq. ft. (0.056 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Trees and various plantings

**Zoned:** R-4

**Use:** Single-family Residential

**Tax Code:** 173-041-44

**Purchase Price:** \$23,200

**Council District:** 6

[Location Map - Closing - Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement.P50.docx](#)

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

**Action:** Approve the following Condemnation: 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

**Appraised Value:** \$19,850

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

**Council District:** 6

[Location Map - Condemnation - Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement.P51.](#)

## 91. Property Transactions - Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #52

**Action:** Approve the following Condemnation: Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #52

**Project:** Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #52

**Owner(s):** Cecil J. Little and Margaret G. Little

**Property Address:** Edgewater Drive

**Total Parcel Area:** 4,386 sq. ft. (0.101 ac.)

**Property to be acquired by Easements:** 2,139.83 sq. ft. (0.049 ac.) in Sanitary Sewer Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** None

**Zoned:** R-4

**Use:** Flum/Swim Floodway (No Build Zone)

**Tax Code:** 173-112-82

**Appraised Value:** \$2,625

**Recommendation:** To obtain clear title and avoid delay in the project schedule, the recommendation is to proceed to condemnation.

**Council District:** 6

[Location Map - Condemnation - Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement.P52.1](#)

## 92. Property Transactions - Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #55

**Action:** Approve the following Condemnation: Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #55

**Project:** Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #55

**Owner(s):** James G Bolton III, and Catherine E. Bolton

**Property Address:** Brookcrest Drive

**Total Parcel Area:** 11,664 sq. ft. (0.268 ac.)

**Property to be acquired by Easements:** 356.62 sq. ft. (0.008 ac.) in Sanitary Sewer Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** None

**Zoned:** R-4

**Use:** Flum/Swim Floodway (No Build Zone)

**Tax Code:** 173-111-61

**Appraised Value:** \$150

**Recommendation:** To obtain clear title and avoid delay in the project schedule, the recommendation is to proceed to condemnation.

**Council District:** 6

[Location Map - Condemnation - Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement.P55.](#)

## 93. Property Transactions - Lakeview-Reames Intersection Improvements, Parcel #29

**Action:** Approve the following Condemnation: Lakeview-Reames Intersection Improvements, Parcel #29

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

**Project:** Lakeview-Reames Intersection Improvements, Parcel #29

**Owner(s):** Heirs of Robert Dennis Hill

**Property Address:** 5000 Lakeview Road

**Total Parcel Area:** 135,056 sq. ft. (3.100 ac.)

**Property to be acquired by Fee:** 2,487 sq. ft. (0.057 ac.) in Fee Simple, plus 4,106 sq. ft. (0.094 ac.) in Fee Simple within Existing Right-of-Way

**Property to be acquired by Easements:** 1,853 sq. ft. (0.043 ac.) in Sidewalk and Utility Easement, plus 1,970 sq. ft. (0.045 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** None

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 037-163-08

**Appraised Value:** \$2,600

**Recommendation:** To obtain clear title and avoid delay in the project schedule, the recommendation is to proceed to condemnation.

**Council District:** 2

[Location Map - Condemnation - Lakeview - Reames Intersection Improvements.P29.docx](#)

## 94. Property Transactions - Lakeview-Reames Intersection Improvements, Parcels #59 and 77

**Action:** Approve the following Condemnation: Lakeview-Reames Intersection Improvements, Parcels #59 and 77

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

**Project:** Lakeview-Reames Intersection Improvements, Parcels #59 and 77

**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 and 025-123-61

**Appraised Value:** \$104,625

**Counter Offer:** \$115,000

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

**City's Response to Property Owner's Concerns:** Property owner was informed of their option to obtain their own appraisal in order to justify a counter offer and concerns with project impacts were addressed.

**Outstanding Concerns:** Property owner is still concerned with the project impacts.

**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

[Location Map - Condemnation - Lakeview - Reames Intersection Improvements.P59and77.docx](#)

## 95. Property Transactions - Lakeview-Reames Intersection Improvements, Parcel #71

**Action:** Approve the following Condemnation: Lakeview-Reames Intersection Improvements, Parcel #71

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

**Project:** Lakeview-Reames Intersection Improvements, Parcel #71

**Owner(s):** Proximity at Northlake, LLC

**Property Address:** 411 Napa Oak Drive

**Total Parcel Area:** 539,307 sq. ft. (12.381 ac.)

**Property to be acquired by Easements:** 133 sq. ft. (0.003 ac.) in Sidewalk and Utility Easement, plus 538 sq. ft. (0.012 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Trees and shrubs

**Zoned:** UR-2

**Use:** Multi-family

**Tax Code:** 025-135-01

**Appraised Value:** \$2,150

**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

[Location Map - Condemnation - Lakeview - Reames Intersection Improvements.P71.docx](#)

## 96. Property Transactions - Sugar Creek Road Streetscape, Parcel #20

**Action:** Approve the following Condemnation: Sugar Creek Road Streetscape, Parcel #20

**Project:** Sugar Creek Road Streetscape, Parcel #20

**Owner(s):** Konstantinos V., Christina S., Vasilios K. and Vasiliki V. Beligrinis

**Property Address:** 350 East Sugar Creek Road

**Total Parcel Area:** 31,240 sq. ft. (0.717 ac.)

**Property to be acquired by Fee:** 25 sq. ft. (0.001 ac.) in Fee Simple

**Property to be acquired by Easements:** 1,034 sq. ft. (0.024 ac.) in Temporary Construction Easement, plus 152 sq. ft. (0.003 ac.) in Utility Easement

**Structures/Improvements to be impacted:** Asphalt paving

**Landscaping to be impacted:** None

**Zoned:** I-2

**Use:** Commercial

**Tax Code:** 091-081-07

**Appraised Value:** \$6,275

**Recommendation:** To proceed with 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

[Location Map - Condemnation - Sugar Creek Road Streetscape.P20.docx](#)

## 97. Property Transactions - Sugar Creek Road Streetscape, Parcel #24

**Action:** Approve the following Acquisition: Sugar Creek Road Streetscape, Parcel #24

**Project:** Sugar Creek Road Streetscape, Parcel #24

**Owner(s):** Vien Chi Chau, Phuong Thi Vuu, Nam My Chau, Van My Ngo, Tam My Chau and Lien My Chau Quach

**Property Address:** East Sugar Creek Road

**Total Parcel Area:** 22,755 sq. ft. (0.522 ac.)

**Property to be acquired by Fee:** 762 sq. ft. (0.017 ac.) in Fee Simple

**Property to be acquired by Easements:** 2,826 sq. ft. (0.065 ac.) in Storm Drainage Easement, plus 464 sq. ft. (0.011 ac.) in Temporary Construction Easement, plus 1,422 sq. ft. (0.033 ac.) in Utility Easement, plus 996 sq. ft. (0.023 ac.) in Storm Drainage Easement and Utility Easement

**Structures/Improvements to be impacted:** Asphalt Pavement

**Landscaping to be impacted:** None

**Use:** Commercial

**Tax Code:** 091-051-49

**Purchase Price:** \$23,750

**Council District:** 1

[Location Map - Closing - Sugar Creek Road Streetscape.P24.docx](#)

## 98. Property Transactions - Sugar Creek Road Streetscape, Parcel #27

**Action:** Approve the following Acquisition: Sugar Creek Road Streetscape, Parcel #27

**Project:** Sugar Creek Road Streetscape, Parcel #27

**Owner(s):** The Thayer Residuary Trust and The Thayer Surviving Spouse's Trust, et al

**Property Address:** 4220 North Tryon Street

**Total Parcel Area:** 77,129 sq. ft. (1.771 ac.)

**Property to be acquired by Easements:** 3,643 sq. ft. (0.084 ac.) in Temporary Construction Easement, plus 1,085 sq. ft. (0.025 ac.) in Utility Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** None

**Zoned:** B-2

**Use:** Commercial

**Tax Code:** 091-081-08

**Purchase Price:** \$19,175

**Council District:** 1

[Location Map - Closing - Sugar Creek Road Streetscape.P27.docx](#)

## 99. Property Transactions - West Mallard Creek Church Sidewalk, Parcels #5 and 6

**Action:** Approve the following Condemnation: West Mallard Creek Church Sidewalk, Parcels #5 and 6

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

**Project:** West Mallard Creek Church Sidewalk, Parcels #5 and 6

**Owner(s):** Crescent Acquisitions, LLC

**Property Address:** 2615 and 2411 West Mallard Creek Church Road

**Total Parcel Area:** 726,876 sq. ft. (16.687 ac.)

**Property to be acquired by Easements:** 483 sq. ft. (0.011 ac.) in Storm Drainage Easement, plus 290 sq. ft. (0.007 ac.) in Sidewalk and Utility Easement, plus 5,109 sq. ft. (0.117 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Trees

**Zoned:** RE-2

**Use:** Laboratory / Research

**Tax Code:** 047-162-11, 047-162-05

**Appraised Value:** \$4,825

**Outstanding Concerns:** Property owner and the city are working through the agreement language.

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

**Council District:** 4

[Location Map - Condemnation - West Mallard Creek Church Sidewalk.P5.P6.docx](#)

## 100. Property Transactions - West Mallard Creek Church Sidewalk, Parcel #10

**Action:** Approve the following Condemnation: West Mallard Creek Church Sidewalk, 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 and Federal Transit Administration reimbursement.

**Project:** West Mallard Creek Church Sidewalk, Parcel #10

**Owner(s):** Cambridge Acquisitions LLC et al.

**Property Address:** 10101 Claude Freeman Drive

**Total Parcel Area:** 2,154,040 sq. ft. (49.450 ac.)

**Property to be acquired by Easements:** 99 sq. ft. (0.002 ac.) in Storm Drainage Easement, plus 20,264 sq. ft. (0.465 ac.) in Sidewalk and Utility Easement, plus 6,357 sq. ft. (0.146 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** Stone Wall

**Landscaping to be impacted:** Trees and various plants

**Zoned:** RE-2

**Use:** Laboratory / Research

**Tax Code:** 047-162-02

**Appraised Value:** \$75,675

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

**Council District:** 4

[Location Map - Condemnation - West Mallard Creek Church Sidewalk.P10.docx](#)

## 101. Property Transactions - West Mallard Creek Church Sidewalk, Parcel #11

**Action:** Approve the following Condemnation: West Mallard Creek Church Sidewalk, Parcel #11

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

**Project:** West Mallard Creek Church Sidewalk, Parcel #11

**Owner(s):** Lilly Industries (USA), Inc.

**Property Address:** 10300 Claude Freeman Drive

**Total Parcel Area:** 784,731 sq. ft. (18.015 ac.)

**Property to be acquired by Easements:** 477 sq. ft. (0.011 ac.) in Storm Drainage Easement, plus 4,613 sq. ft. (0.106 ac.) in Sidewalk and Utility Easement, plus 3,363 sq. ft. (0.077 ac.) in Temporary Construction Easement, plus 28 sq. ft. (0.001 ac.) in Utility Easement

**Structures/Improvements to be impacted:** Retaining wall

**Landscaping to be impacted:** None

**Zoned:** RE-2

**Use:** Laboratory / Research

**Tax Code:** 047-421-03

**Appraised Value:** \$17,550

**Outstanding Concerns:** Property owner and the city are working through the agreement language.

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

**Council District:** 4

[Location Map - Condemnation - West Mallard Creek Church Sidewalk.P11.docx](#)

## 102. Property Transactions - West Mallard Creek Church Sidewalk, Parcel #12

**Action:** Approve the following Condemnation: West Mallard Creek Church Sidewalk, Parcel #12

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

**Project:** West Mallard Creek Church Sidewalk, Parcel #12

**Owner(s):** Ronald H. Adams

**Property Address:** 2107 West Mallard Creek Church Road

**Total Parcel Area:** 41,777 sq. ft. (0.959 ac.)

**Property to be acquired by Easements:** 2,264 sq. ft. (0.052 ac.) in Sidewalk and Utility Easement, plus 749 sq. ft. (0.017 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** None

**Zoned:** R-3

**Use:** Rural Homesite

**Tax Code:** 047-421-04

**Appraised Value:** \$14,400

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

**Council District:** 4

[Location Map - Condemnation - West Mallard Creek Church Sidewalk.P12.docx](#)

### **103. Property Transactions - Upper Little Sugar Creek Sanitary Sewer Replacement Phase 2, Parcel #18**

**Action:** Approve the following Acquisition: Upper Little Sugar Creek Sanitary Sewer Replacement Phase 2, Parcel #18

**Project:** Upper Little Sugar Creek Sanitary Sewer Replacement Phase 2, Parcel #18

**Owner(s):** Sabino Omar Ramos

**Property Address:** 2501 Massey Court

**Total Parcel Area:** 12,280 sq. ft. (0.282 ac.)

**Property to be acquired by Easements:** 1,936.64 sq. ft. (0.044 ac.) in Sanitary Sewer Easement, plus 618.77 sq. ft. (0.014 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** Shed

**Landscaping to be impacted:** Trees and various plantings

**Zoned:** R-4

**Use:** Single-family Residential

**Tax Code:** 089-144-54

**Purchase Price:** \$11,250

**Council District:** 4

[Location Map - Closing - Upper Little Sugar Creek Sanitary Sewer Replacement Phase 2.P18.docx](#)

## 104. Property Transactions - Water Oak Storm Drainage Improvements, Parcel #2

**Action:** Approve the following Acquisition: Water Oak Storm Drainage Improvements, Parcel #2

**Project:** Water Oak Storm Drainage Improvements, Parcel #2

**Program:** Flood Control

**Owner(s):** Madeline Guadiana and Edward Guadiana

**Property Address:** 810 Judith Court

**Total Parcel Area:** 14,980 sq. ft. (0.344 ac.)

**Property to be acquired by Easements:** 834 sq. ft. (0.019 ac.) in Storm Drainage Easement, plus 93 sq. ft. (0.002 ac.) in Temporary Construction Easement, plus 858 sq. ft. (0.02 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:** 157-131-20

**Purchase Price:** \$12,167

**Council District:** 5

[Location Map - Closing - Water Oak Storm Drainage Improvements.P2.docx](#)

## 105. Property Transactions - The Retreat at Rocky River, Parcel #3

**Action:** Approve the following Acquisition: The Retreat at Rocky River, Parcel #3

**Project:** The Retreat at Rocky River, Parcel #3

**Owner(s):** Hassab Hashemloo and Barbara Draughon Hashemloo

**Property Address:** 9224 Four Farms Road

**Total Parcel Area:** 44,493 sq. ft. (1.021 ac.)

**Property to be acquired by Easements:** 4,369 sq. ft. (0.1 ac.) in Sanitary Sewer Easement, plus 2,188 sq. ft. (0.05 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Trees

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 105-251-11

**Purchase Price:** \$26,175

**Council District:** 4

[Location Map - Closing - The Retreat at Rocky River.P3.docx](#)

**106. Property Transactions - Hertford Road 1528, Parcel #2**

**Action:** Approve the following Acquisition: Hertford Road 1528, Parcel #2

**Project:** Hertford Road 1528, Parcel #2

**Program:** Flood Control

**Owner(s):** Matthew Todd Ashworth and Jamie M. Ashworth

**Property Address:** 1600 Hertford Road

**Total Parcel Area:** 13,033 sq. ft. (0.299 ac.)

**Property to be acquired by Easements:** 2,135 sq. ft. (0.049 ac.) in Storm Drainage Easement, plus 1,135 sq. ft. (0.026 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** Brick columns, brick wall and brick paving

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

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 153-061-18

**Purchase Price:** \$93,700

**Council District:** 1

[Location Map - Closing - Hertford Road 1528, Parcel 2.docx](#)

## ZONING

### 107. Rezoning Petition: 2019-036 by BSL Galbreath, Inc.

**Update: *Petitioner is requesting deferral to October 21, 2019***

**Location:** Approximately 8.70 acres located on the west side of Rhyne Road, south of Mt. Holly Road, west of Interstate 485. (Outside City Limits)

**Current Zoning:** R-3 LWPA (single family residential, Lake Wylie Watershed - overlay, protected area)

**Proposed Zoning:** I-2(CD) LWPA (general industrial, conditional, Lake Wylie Watershed - overlay, protected area)

### 108. Rezoning Petition: 2019-056 by White Point Partners, LLC

**Location:** Approximately 4.95 acres located on the south side of West Morehead Street, west of Julian Price Place. (Council District 3 - Mayfield)

**Current Zoning:** I-2 (general industrial)

**Proposed Zoning:** MUDD-O (mixed use development, optional)

**Staff Recommendation:**

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation.

**Attachments:**

Pre-Hearing Staff Analysis

Site Plan

[2019-056 PH 09-16-2019 DONE](#)

[2019-056 RevSitePlan 08-13-2019](#)

### 109. Rezoning Petition: 2019-061 by Davis Development

**Location:** Approximately 15.55 acres located on the east side of Northlake Centre Parkway, north of Calhoun Street, south of Interstate 485. (Outside City Limits)

**Current Zoning:** BP (business park)

**Proposed Zoning:** UR-2(CD) (urban residential, conditional)

**Staff Recommendation:**

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation.

**Attachments:**

Pre-Hearing Staff Analysis

Site Plan

[2019-061 PHstaff\\_done](#)

[2019-061 RevSitePlan 08-12-2019](#)

## 110. Rezoning Petition: 2019-062 by Suncrest Real Estate & Land

**Location:** Approximately 13.01 acres located at the southeast intersection of Rocky River Road and Old Concord Road. (Council District 4 - Phipps)

**Current Zoning:** B-1(CD) (neighborhood business, conditional) and O-1(CD) (office, conditional)

**Proposed Zoning:** UR-2(CD) (urban residential, conditional)

**Staff Recommendation:**

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation and requested site design and environmental technical revisions.

**Attachments:**

Pre-Hearing Staff Analysis

Site Plan

Previously Approved Site Plan

[2019-062 PHstaff DONE](#)

[2019-062 RevSitePlan 08-12-2019](#)

[Previously Approved Cover Page](#)

[2019-062 PrevApproved Site Plan 2012-084](#)

## 111. Rezoning Petition: 2019-070 by RENC CH, LLC

**Location:** Approximately 42.41 acres located on Wallace Road between Woodberry Road and East Independence Boulevard. (Council District 5 - Newton)

**Current Zoning:** B-2 (general business) and B-2(CD) (general business, conditional)

**Proposed Zoning:** B-2 (general business) and B-2(CD) SPA (general business, conditional, site plan amendment)

**Staff Recommendation:**

Staff recommends approval of this petition.

**Attachments:**

Pre-Hearing Staff Analysis

Site Plan

Previously Approved Site Plan

[2019-070 PHstaff 9-16-19 done](#)

[2019-070 RevSitePlan 08-12-2019](#)

[Previously Approved Cover Page](#)

[2019-070 Prev Approved Plan2016-141](#)

## 112. Rezoning Petition: 2019-071 by FH 1524 Sunset Road, LLC

**Location:** Approximately 54.99 acres located on the south side of Sunset Road, east of Oakdale Road. (Outside City Limits)

**Current Zoning:** R-3 LWPA (single family residential, Lake Wylie watershed - overlay, protected area)

**Proposed Zoning:** MX-2 LWPA (mixed use, Lake Wylie watershed - overlay, protected area)

**Staff Recommendation:**

Staff recommends approval of this petition.

**Attachments:**

Pre-Hearing Staff Analysis

Site Plan

[2019-071 PHstaff done](#)

[2019-071 RevSitePlan 08-12-2019](#)

## 113. Rezoning Petition: 2019-074 by Josh Jolley

**Location:** Approximately 3.96 acres located on the west side of Wallace Road, north of Woodberry Road, west of East Independent Boulevard. (Council District 5 - Newton)

**Current Zoning:** R-3 (single family residential)

**Proposed Zoning:** UR-2(CD) (urban residential, conditional)

**Staff Recommendation:**

Staff recommends approval of this petition upon resolution of outstanding issues related to site and building design and curb and gutter construction.

**Attachments:**

Pre-Hearing Staff Analysis

Site Plan

[2019-074 PHstaff 9-16-19 done](#)

[2019-074 RevSitePlan 08-12-2019](#)

## 114. Rezoning Petition: 2019-076 by Hopper Communities

**Location:** Approximately 2.39 acres located on the south side of Rozzelles Ferry Road, west of South Turner Avenue, east of South Gardner Avenue. (Council District 2 - Harlow)

**Current Zoning:** R-8 (single family residential)

**Proposed Zoning:** UR-2(CD) (urban residential, conditional)

**Staff Recommendation:**

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation and technical revisions related to site design.

**Attachments:**

Pre-Hearing Staff Analysis

Site Plan

[2019-076 PHstaff done](#)

[2019-076 RevSitePlan 08-12-2019](#)

**115. Rezoning Petition: 2019-079 by Sankofa Development, LLC**

**Location:** Approximately 1.25 acres located on the west side Statesville Road, south of Riley Avenue, north of Distribution Center Drive. (Council District 2 - Harlow)

**Current Zoning:** R-4 (single family residential) and B-2 (general business)

**Proposed Zoning:** NS (neighborhood services)

**Staff Recommendation:**

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation.

**Attachments:**

Pre-Hearing Staff Analysis

Site Plan

[2019-079 PHstaff\\_done](#)

[2019-079\\_RevSitePlan\\_08-12-2019](#)

**116. Rezoning Petition: 2019-081 by Tyvola Station Partners, LLC**

**Location:** Approximately 10.5 acres located on the north side of Tyvola Road, west of Old Pineville Road. (Council District 3 - Mayfield)

**Current Zoning:** I-2 (general industrial)

**Proposed Zoning:** TOD-CC (transit oriented development - community center) and TOD-TR (transit oriented development - transition)

**Staff Recommendation:**

Staff does not recommend approval of this petition in its current form.

**Attachment:**

Pre-Hearing Staff Analysis

[2019-081 PHstaff\\_9-16-19\\_done](#)

**117. Rezoning Petition: 2019-082 by Pacific National Group, LLC**

**Location:** Approximately 0.32 acres located on the east side of South Boulevard, south of East Worthington Avenue. (Council District 1 - Egleston)

**Current Zoning:** B-1 (neighborhood business)

**Proposed Zoning:** TOD-UC (transit oriented development - urban center)

**Staff Recommendation:**

Staff recommends approval of this petition.

**Attachment:**

Pre-Hearing Staff Analysis

[2019-082 PHstaff\\_07-31-2019\\_done](#)

## 118. Rezoning Petition: 2019-083 by James M. Howell

**Location:** Approximately 0.56 acres located on the west side of China Grove Church Road, south of Aileen Circle, north of Ervin Lane. (Council District 3 - Mayfield)

**Current Zoning:** R-4 (single family residential)

**Proposed Zoning:** R-8 (single family residential)

**Staff Recommendation:**

Staff recommends approval of this petition.

**Attachment:**

Pre-Hearing Staff Analysis

[2019-083 PHstaff 9-16-19 done](#)

## 119. Rezoning Petition: 2019-118 by Beacon Development Company

**Location:** Approximately 90.47 acres located on the west side of Beam Road, north of Cross Beam Drive. (Council District 3 - Mayfield)

**Current Zoning:** BD(CD) AIR (distributive business, conditional, airport noise overlay)

**Proposed Zoning:** I-1 AIR (light industrial, airport noise overlay)

**Staff Recommendation:**

Staff recommends approval of this petition.

**Attachments:**

Pre-Hearing Staff Analysis

Previously Approved Site Plan

[2019-118 PHstaff DONE](#)

[Previously Approved Cover Page](#)

[2019-118 approved site plan 1988-12\(C\)](#)

## Adjournment

## REFERENCES

## 120. 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.

## 121. 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.

## 122. 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.