

# **City of Charlotte**

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



## **Meeting Agenda**

**Monday, October 9, 2017**

**Council Chambers**

### **City Council Business Meeting**

*Mayor Jennifer W. Roberts  
Mayor Pro Tem Vi Lyles  
Council Member Dimple Ajmera  
Council Member Ed Driggs  
Council Member Julie Eiselt  
Council Member Claire Fallon  
Council Member Carlenia Ivory  
Council Member Patsy Kinsey  
Council Member LaWana Mayfield  
Council Member James Mitchell  
Council Member Greg Phipps  
Council Member Kenny Smith*

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

Kim Eagle, City Manager's Office

**Time:** 5 minutes

**Synopsis**

Mayor and Council may ask questions about Consent agenda items. Staff will address questions at the end of the dinner meeting.

**2. Closed Session****3. Agenda Overview****Staff Resource(s):**

Marcus Jones, City Manager

**4. Cross Charlotte Trail Update and TIGER Grant Application****Committee Chair:**

Vi Lyles, Transportation and Planning

**Staff Resource(s):**

Liz Babson, Transportation

Mike Davis, Engineering and Property Management

Vivian Coleman, Transportation

Joe Frey, Engineering and Property Management

**Time:** 15 minutes

**Explanation**

- This briefing will provide background on the City's work to date on the Cross Charlotte Trail (XCLT) and the path forward. Staff will specifically provide additional information on the proposed pedestrian/bicyclist bridge over US 74 being presented as part of a TIGER grant application for City Council support.

**Future Action**

This presentation is for informational purposes only.

[Council Dinner Briefing 2017-10-09 v2](#)

**5. Uptown Connects Bicycle Lane Demonstration and Charlotte Placemaking Hub****Committee Chair:**

Vi Lyles, Transportation and Planning

**Staff Resource(s):**

Liz Babson, Transportation

Ben Miller, Transportation

Monica Holmes, Planning

**Time:** 30 minutes

**Explanation**

- The Uptown Connects Study recommends solutions for bicycling through Uptown to connect to existing and future greenways.
- The Charlotte Department of Transportation is implementing a temporary separated bicycle lane that connects Little Sugar Creek Greenway to Irwin Creek Greenway via 5th and 6th Streets and in Uptown.
- The project will close one lane of traffic along its route from October 22-29, 2017.
- The City will collect data to study the transportation impacts and benefits of the lane closure and the separated bike lane.
- The data collected during the pilot will be used to inform future separated bike lane designs throughout Charlotte.
- The City of Charlotte, Sustain Charlotte, and Charlotte Center City Partners are teaming together to sponsor this project.
- This one-week pilot project is part of a broader effort related to the City's new Placemaking Hub, and will help inform the City's approach to transportation and placemaking projects city-wide.

**Future Action**

This presentation is for informational purposes only.

**Attachment(s)**

Map

[UptownConnectsPilotMap](#)

[Uptown Connects Demonstration Project and Charlotte Placemaking City Council Dinner Briefing - 10.9](#)

## 6. Boards and Commissions Membership Eligibility Criteria

**Committee Chair:**

Kenny Smith, Governance and Accountability Committee

**Staff Resource(s):**

Stephanie Kelly, City Clerk

**Time:** 15 minutes

**Explanation**

- On July 24, 2017 City Council referred to the Governance and Accountability Committee review of boards and commissions' membership eligibility criteria and whether criteria used for the Citizens Review Board should be expanded to other City boards and commissions.
- The purpose of this presentation is to provide an update on the Governance and Accountability Committee's review and recommendation.

**Future Action**

City Council will be asked to consider an eligibility revision for the Civil Service Review Board at the October 23, 2017 Business meeting.

## 7. Answers to Mayor and Council Consent Item Questions

**Staff Resource(s):**

Kim Eagle, City Manager's Office

**Time:** 10 minutes

**Synopsis**

Staff responses to questions from the beginning of the dinner meeting.

***Call to Order***

***Roll Call***

***Introductions***

***Invocation***

***Pledge of Allegiance***

- 8. Consent agenda items 23 through 48 may be considered in one motion except for those items removed by a Council member. Items are removed by notifying the City Clerk.**

Consideration of Consent Items shall occur in the following order:

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

## **7:00 P.M. AWARDS AND RECOGNITION**

- 9. Veterans Day Recognition Proclamation**

**Action:**

Council member Driggs will read a proclamation recognizing November 11, 2017, as Veterans Day.

- 10. Anthony Hamilton Day Proclamation**

**Action:**

Mayor Roberts will read a proclamation declaring October 19, 2017 Anthony Hamilton Day in recognition of his induction into the North Carolina Music Hall of Fame.

## PUBLIC HEARING

### 11. Public Hearing on Voluntary Annexation

**Action:**

- A. Hold a public hearing for the Berewick Commons voluntary annexation, and**
- B. Adopt an annexation ordinance with an effective date of October 9, 2017 to extend the corporate limits to include this property and assign it to the adjacent City Council District 3.**

**Staff Resource(s):**

Ed McKinney, Planning

Jonathan Wells, Planning

**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 owners of this 17.850-acre property located off Berewick Commons Parkway in southwestern Mecklenburg County.
- The property is owned by Mattamy Homes.
- The property is vacant and is zoned CC - Commercial Center.
- The petitioned area consists of three parcels.
- The property is located within Charlotte's extraterritorial jurisdiction and shares boundaries with current city limits.
- Intent of the annexation is to enable construction of a 107-unit townhome development.
- The effective annexation date for this property is October 9, 2017.
- The Annexation Ordinance assigns the annexed area to adjacent City Council District 3.

**Consistent with City Council Policies**

- The annexation is consistent with City voluntary annexation policies approved by the City Council on March 24, 2003; more specifically this annexation:
  - Will not adversely affect the City's ability to undertake future annexations;
  - Will not have undue negative impact on City finances or services; and
  - Will not result in a situation where unincorporated areas will be encompassed by new City limits.

**Attachment(s)**

Map

Annexation Ordinance

[Map for Council Berewick](#)[Ordinance Berewick Commons corrected.pdf](#)

### 12. Public Hearing on Voluntary Annexation

**Action:**

- A. Hold a public hearing for the Rocky River MPV voluntary annexation, and**
- B. Adopt an annexation ordinance with an effective date of October 9, 2017 to extend the corporate limits to include this property and assign it to the adjacent City Council District 4.**

**Staff Resource(s):**

Ed McKinney, Planning

Jonathan Wells, Planning

**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 owners of this 87.555-acre property located off Rocky River Road east of I-485 in eastern Mecklenburg County.
- The property is owned by Rocky River Road Associates, LLC, c/o MPV Properties, LLC.
- The property is vacant and contains a small portion of I-485 right-of-way and is zoned CC - Commercial Center.
- The petitioned area consists of three parcels, plus some interstate right-of-way.
- The property is located within Charlotte's extraterritorial jurisdiction and shares boundaries with current city limits.
- Intent of the annexation is to enable construction of a mixed-use development and the ability to master plan the development with internal street network consistent with City of Charlotte street design guidelines.
- The effective annexation date for this property is October 9, 2017.
- The Annexation Ordinance assigns the annexed area to adjacent City Council District 4.

**Consistent with City Council Policies**

- The annexation is consistent with City voluntary annexation policies approved by the City Council on March 24, 2003; more specifically this annexation:
  - Will not adversely affect the City's ability to undertake future annexations;
  - Will not have undue negative impact on City finances or services; and
  - Will not result in a situation where unincorporated areas will be encompassed by new City limits.

**Attachment(s)**

Map

Annexation Ordinance

[Map for Council Rocky River](#)[Ordinance Rocky River MPV](#)

## 13. Public Hearing on Voluntary Annexation

**Action:**

- A. Hold a public hearing for the Reedy Creek Nature Preserve extension voluntary annexation, and**
- B. Adopt an annexation ordinance with an effective date of October 9, 2017 to extend the corporate limits to include this property and assign it to the adjacent City Council District 4.**

**Staff Resource(s):**

Ed McKinney, Planning

Jonathan Wells, Planning

**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 owners of this 96.470-acre property located off Rocky River Road in eastern Mecklenburg County.
- The property is owned by Mecklenburg County.
- The property is vacant and is zoned R-3 - Residential and MX-1 - Mixed Use.
- The petitioned property consists of two parcels.
- The property is located within Charlotte's extraterritorial jurisdiction and shares boundaries with current city limits.



- Intent of the annexation is to enable the property's continued use as a public park and nature preserve (Mecklenburg County routinely petitions for annexation of property it acquires immediately outside Charlotte's boundaries).
- The effective annexation date for this property is October 9, 2017.
- The Annexation Ordinance assigns the annexed area to adjacent City Council District 4.

**Consistent with City Council Policies**

- The annexation is consistent with City voluntary annexation policies approved by the City Council on March 24, 2003; more specifically this annexation:
  - Will not adversely affect the City's ability to undertake future annexations;
  - Will not have undue negative impact on City finances or services; and
  - Will not result in a situation where unincorporated areas will be encompassed by new City limits.

**Attachment(s)**

Map

Annexation Ordinance

[Map for Council Reedy Creek](#)[Ordinance Reedy Creek corrected.pdf](#)

## 14. Public Hearing on Voluntary Annexation

**Action:**

- A. Hold a public hearing for the Winget Park/Nature Preserve voluntary annexation, and**
- B. Adopt an annexation ordinance with an effective date of October 9, 2017 to extend the corporate limits to include this property and assign it to the adjacent City Council District 3.**

**Staff Resource(s):**

Ed McKinney, Planning

Jonathan Wells, Planning

**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 owners of this 108.446-acre property located off Winget Road in southwestern Mecklenburg County.
- The property is owned by Mecklenburg County.
- The property is largely vacant and contains a rural farmhouse and is zoned R-3 - Residential and MX-1(Innov) - Mixed use - Innovative.
- The petitioned area consists of four parcels.
- The property is located within Charlotte's extraterritorial jurisdiction and shares boundaries with current city limits.
- Intent of the annexation is to enable the property's continued use as a public park and nature preserve (Mecklenburg County routinely petitions for annexation of property it acquires immediately outside Charlotte's boundaries).
- The effective annexation date for this property is October 9, 2017.
- The Annexation Ordinance assigns the annexed area to adjacent City Council District 3.

**Consistent with City Council Policies**

- The annexation is consistent with City voluntary annexation policies approved by the City Council on March 24, 2003; more specifically this annexation:
  - Will not adversely affect the City's ability to undertake future annexations;
  - Will not have undue negative impact on City finances or services; and

- Will not result in a situation where unincorporated areas will be encompassed by new City limits.

**Attachment(s)**

Map

Annexation Ordinance

[Map for Council Winget](#)[Ordinance Winget corrected.pdf](#)

## 15. Public Hearing on Voluntary Annexation

**Action:**

- A. Hold a public hearing for the Byrum/NC160 voluntary annexation, and**
- B. Adopt an annexation ordinance with an effective date of October 9, 2017 to extend the corporate limits to include this property and assign it to the adjacent City Council District 3.**

**Staff Resource(s):**

Ed McKinney, Planning

Jonathan Wells, Planning

**Explanation**

- Public hearings to obtain community input are required prior to City Council taking action on proposed annexations.
- A 44.33-acre unincorporated City-owned area is located at the intersection of Byrum Drive and NC160 (West Boulevard) in western Mecklenburg County.
- The property is vacant (and contains small portions of Byrum Drive and NC160 road rights-of-way) and is zoned I-2 Industrial and I-2(CD) Industrial - Conditional.
- The property consists of two parcels, segments of three other parcels, plus some road right-of-way.
- The property is located within Charlotte's extraterritorial jurisdiction and shares boundaries with current city limits.
- Intent of the annexation is to enable better coordination of roadway improvements associated with the River District development planned to occur nearby and to coordinate future annexation of other nearby unincorporated properties in the future.
- The effective annexation date for this property is October 9, 2017.
- The Annexation Ordinance assigns the annexed area to adjacent City Council District 3.

**Consistent with City Council Policies**

- The annexation is consistent with the following City voluntary annexation policies approved by the City Council on March 24, 2003:
  - Will not adversely affect the City's ability to undertake future annexations; and
  - Will not have undue negative impact on City finances or services.
  - Will not result in a situation where unincorporated areas will be encompassed by new City limits.

**Attachment(s)**

Map

Annexation Ordinance

[Map for Council Byrum 160](#)[Ordinance Byrum 160](#)

## **POLICY**

### **16. City Manager's Report**

## BUSINESS

### 17. Cross Charlotte Trail Pedestrian Bridge 2017 TIGER Grant

**Action:**

**Adopt a resolution authorizing the City Manager to submit an application to negotiate and execute a TIGER 2017 Grant Agreement with the U.S. Department of Transportation for the Cross Charlotte Trail Pedestrian Bridge over US 74.**

**Staff Resource(s):**

Liz Babson, Transportation

Vivian Coleman, Transportation

**Explanation**

- Transportation Investments Generating Economic Recovery, also known as TIGER Discretionary Grants, are authorized and funded by the U.S. Department of Transportation (USDOT) for transportation infrastructure projects. Eight previous rounds of TIGER grants have been authorized.
- On September 6, 2017, the USDOT issued a Notice of Funding Opportunity (NOFO) for the ninth round of TIGER Discretionary Grants, detailing the availability of \$500 million in competitive capital grants and announcing selection criteria.
- The primary selection criteria in the NOFO includes:
  - Safety,
  - State of Good Repair,
  - Economic Competitiveness,
  - Environmental Sustainability, and
  - Quality of Life.
- The secondary selection criteria are Innovation and Partnership.
- The minimum capital grant award is \$5 million with a maximum award of \$25 million, except for projects located in rural areas the minimum TIGER Discretionary Grant size is \$1 million. TIGER Discretionary Grants may be used for up to 80 percent of the total cost of projects located in urban areas and up to 100 percent of total costs of projects located in rural areas.

**Applications/Proposals**

- Staff requests authorization to submit one capital grant application from the City of Charlotte for the Cross Charlotte Trail Pedestrian Bridge over US 74.
- The projected total project will cost up to \$16.7 million:
  - \$1.9 million (planning, design, construction administration, inspection, and testing),
  - \$12.5 million (construction cost for the bridge and trail approaches), and
  - \$2.3 million (project contingency).
- The project will construct a pedestrian and bicycle bridge over the U.S. Highway 74 and Interstate-277 interchange to connect the Cross Charlotte Trail (Little Sugar Creek Greenway) from 7th Street to 10th Street completing a significant gap in the greenway system.
- The City is partnering with Mecklenburg County to develop this 30+ mile trail and greenway facility that will stretch from the Town of Pineville, through Center City and on to the University of North Carolina at Charlotte campus and the Cabarrus County line.
- Staff is proposing a 30 percent match for this grant with funds anticipated from the 2016 Transportation Bonds.
- Final applications must be submitted by October 16, 2017.

**Fiscal Note**

Funding: Transportation Community Investment Plan

**Attachment (s)**

Map

Resolution

[Bridge concept for RCA 091317](#)

[TIGER resolution XCLT 091317](#)

## 18. Appointments to the Domestic Violence Advisory Board

**Action:**

**Vote on blue ballots and return to Clerk at dinner.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a three-year term beginning September 23, 2017, and ending September 22, 2020.
- One appointment for a partial term beginning immediately and ending September 21, 2018.
  - Gabrielle Alsop, nominated by Council members Driggs, Eiselt, and Fallon
  - Rita Brown, nominated by Council members Driggs, Eiselt, and Fallon
  - Linda Carr, nominated by Council members Ajmera and Mitchell
  - Monique Cleckley, nominated by Council members Ajmera and Mitchell
  - Pamela Johnson, nominated by Council members Ivory and Mayfield
  - Tiffani Newbold, nominated by Council members Ivory and Mayfield

**Attachment(s)**

Domestic Violence Advisory Board Applicants

## 19. Appointment to the Housing Appeals Board

**Action:**

**Vote on blue ballots and return to Clerk at dinner.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment in the At-Large category for a partial term beginning immediately and ending December 31, 2018.
  - Gregory Pizarro, Jr., nominated by Council members Ajmera, Kinsey and Mitchell
  - Cherie Readus, nominated by Council members Driggs and Smith
  - Tyjuana Wilson, nominated by Council members Ivory and Mayfield

**Attachment(s)**

Housing Appeals Board Applicants

## 20. Appointments to Keep Charlotte Beautiful

**Action:**

**Vote on blue ballots and return to Clerk at dinner.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a partial term beginning immediately and ending June 30, 2018.
  - Jesse Boyd, nominated by Council members Ajmera, Fallon, and Mitchell
  - Tonya Clarkston, nominated by Council members Kinsey and Lyles
  - Myra Foster, nominated by Council members Ivory and Mayfield
  - Jordan McGee, nominated by Council members Ivory and Mayfield
  - Gita Patel, nominated by Council members Ajmera and Mitchell

**Attachment(s)**

Keep Charlotte Beautiful Applicants

## **21. Appointments to the Zoning Board of Adjustment**

**Action:**

**Vote on blue ballots and return to Clerk at dinner.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a partial term beginning immediately and ending January 31, 2019.
- One appointment for a partial term beginning immediately and ending June 30, 2020.
  - Terry Brown, nominated by Council members Ajmera and Mitchell
  - Scott Campagna, nominated by Council members Driggs, Eiselt, Ivory, Mayfield, and Smith
  - Thomas Rothrock, nominated by Council members Fallon and Lyles
  - Marshall Williamson, nominated by Council members Driggs, Eiselt, Lyles, and Smith

**Attachment(s)**

Zoning Board of Adjustment Applicants

## **22. Mayor and City Council Topics**

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

## CONSENT

### 23. Charlotte-Mecklenburg Police Department Aviation Helicopter Computers

**Action:**

- A. Approve the purchase of Charlotte-Mecklenburg Police Department (CMPD) aviation helicopter computers, as authorized by the sole source exemption of G.S. 143-129 (e)(6), and
- B. Approve a contract with AeroComputers, Inc. for the purchase of two CMPD aviation helicopter computers for the term of one year.

**Staff Resource(s):**

Kerr Putney, Police

Kenneth Anderson, Police

**Sole Source Exemption**

- G.S. 143-129 (e) (6) provides that formal bidding requirements do not apply when:
  - Performance or price competition are not available;
  - A needed product is available from only one source or supply; or
  - Standardization or compatibility is the overriding consideration.
- Sole sourcing is necessary for this contract because the current CMPD helicopters are designed to sync with the Aerocomputer components.
- Choosing competitor products would require rewiring of both helicopters. Competitor products also would not sync with current mission equipment (search lights, camera, infrared camera) and would cost an additional, estimated \$50,000.
- The City Council must approve purchases made under the sole source exception.

**Explanation**

- AeroComputers, Inc. has supplied computer systems for CMPD helicopters for more than 15 years.
- Continued partnership with AeroComputers would allow current support services to be upgraded seamlessly to the most recent technology services for helicopter computer operations.
- The existing computers are being replaced because they are outdated; the average life expectancy of the computers is six years.
- The computers are used to provide flight mapping, altitude speed, GPS coordinates, and terrain mapping. The computers also allow the search light to coordinate with the helicopter's camera.
- The unit price will be \$100,695.
- Any maintenance required outside of the warranty is calculated in the current operating budget.
- Annual expenditures under the contract are estimated to be \$201,390.

**Charlotte Business INclusion**

This is a sole source contract and is exempt (Part A: Appendix 27 of the Charlotte Business INclusion Policy).

**Fiscal Note**

Funding: Police Operating Budget

### 24. Fire Station 15 Facility Expansion

**Action:**

Award a contract in the amount of \$380,160 to the lowest responsive bidder Encompass Building Group, Inc. for the Fire Station 15 Facility Expansion project.

**Staff Resource(s):**

Mike Davis, Engineering and Property Management  
William Haas, Engineering and Property Management  
Pete Key, Fire Department  
Kevin Gordon, Fire Department

**Explanation**

- Fire Station 15, located at 3617 Frontenac Avenue, will be expanded 920 square feet in order to add a new weight room, locker and shower room, and storage room for protective equipment, fire hoses and other specialized equipment.
- Charlotte Fire has been making improvements to stations with inadequate fitness rooms and female locker rooms since the mid 1990's. These renovations will upgrade this station to current standards and defer the need for facility replacement which will ultimately prove more cost effective.
- Firefighters use a variety of specialized and protective equipment that require sufficient space for adequate storage and immediate retrieval. This additional storage space is required in order to properly house the oversized specialty equipment.
- Firefighters are on duty for 24 hour shifts and the department requires they maintain a level of physical fitness. Gym facilities are necessary for firefighters to maintain the fitness level necessary to pass physical standards to be fit for duty. Thus, providing an onsite area to train and maintain their fitness for duty allows them to respond immediately when an incident occurs.
- Prior to gender diversification within the fire service, most older facilities included only one locker and shower room. Since firefighters are on shift 24 hours a day and perform a task that often covers them in dirt and residue, separate shower and locker facilities are necessary in order to attend to personal needs.
- On July 27, 2017, the City issued an Invitation to Bid for the Fire Station Addition project; five bids were received from interested service providers.
- Encompass Building Group, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by summer of 2018.

**Charlotte Business INclusion**

Established SBE Goal: 0.00%

Committed SBE Goal: 17.10%

Encompass Building Group, Inc. exceeded the established SBE subcontracting goal, and has committed 17.10% (\$65,000) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- G & Y Masonry (SBE, MBE) (\$65,000) (masonry)

Established MBE Goal: 10.00%

Committed MBE Goal: 17.10%

Encompass Building Group, Inc. exceeded the established MBE subcontracting goal, and has committed 17.10% (\$65,000) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- G & Y Masonry (SBE, MBE) (\$65,000) (masonry)

**Fiscal Note**

Funding: General Community Investment Plan

**Attachment(s)**

Map

[Location Map - Fire Station 15 Addition](#)

## 25. Charlotte-Mecklenburg Government Center Fire Alarm Upgrade



**Action:**

- A. Approve the purchase of fire alarm equipment from a cooperative purchasing contract as authorized by G.S. 143-129(e)(3), and**
- B. Approve a contract in the amount of \$161,392 with SimplexGrinnell for the purchase and installation of fire alarm equipment under the National Joint Powers Alliance contract 031517-SGL, effective until June 30, 2021.**

**Staff Resource(s):**

Mike Davis, Engineering and Property Management  
William Haas, Engineering and Property Management

**Cooperative Purchasing Exemption**

NC S.L. 2001-328, effective January 1, 2002, authorizes competitive group purchasing.

**Explanation**

- The existing fire alarm panel located in the Charlotte-Mecklenburg Government Center has exceeded its useful life and needs to be expanded for additional fire monitoring devices to be added.
- Fire alarm panels act as a control unit for fire alarm systems that have multiple linked detectors. The panels are to monitor fires, alert people to the location of a fire, and supply power to fire detectors.
- This contract will upgrade the existing fire alarm control panel and include replacement of fire alarm accessories such as relays and monitoring devices.
- This upgrade will offer flexibility, low life-cycle costs, and operational efficiency while leveraging existing infrastructure and meeting all regulatory requirements for life safety solutions.
- SimplexGrinnell has a contract awarded through the National Joint Powers Alliance that offers competitively obtained contracts to public agencies nationwide for technology, security, and communication solutions.
- The contract includes design, installation, construction management, and technical services.
- This project is anticipated to be complete by January 2018.

**Charlotte Business INClusion**

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

**Fiscal Note**

Funding: General Community Investment Plan

## **26. Structural Engineering Services Contracts**

**Action:**

**Approve unit price contracts with the following firms for structural engineering services for a three-year term:**

- **Labella Associates, P.C.**
- **Structural Capacity, PC**
- **STV Engineers, Inc.**
- **Zapata Engineering of North Carolina, Inc.**

**Staff Resource(s):**

Mike Davis, Engineering and Property Management  
William Haas, Engineering and Property Management  
Steve Marlowe, Engineering and Property Management

**Explanation**

- The City maintains approximately 3.2 million square feet of City buildings, including Police and Fire

Stations, the Charlotte-Mecklenburg Government Center, and cultural facilities.

- The City also maintains approximately 2.1 million square feet of roofing and approximately 6.5 million square feet of parking lots.
- There are ongoing needs for structural engineering services contracts for City facilities including, but not limited to:
  - Foundation wall evaluation and design,
  - Adding weight loads to existing structures,
  - Roofing deck evaluation and design,
  - Exterior structural wall evaluations,
  - Structural Evaluation and Design after vehicular accidents,
  - Emergency evaluation and design, and
  - Other unforeseen needs.
- On March 16, 2017, the City issued a Request for Qualifications (RFQ); 12 proposals were received from interested professional service providers.
- These firms are the best qualified to meet the City's needs on the basis of demonstrated competence and qualification of professional services.
- Estimated contract expenditures for all contracts are \$600,000 annually for a total of \$1,800,000 over a three-year term.

#### **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). On these contracts, the Prime Consultants have each committed 10% of the total contract amounts to the following firms:

##### LaBella Associates

- Capstone Civil Engineering (SBE, MBE) (geotechnical, testing/inspection services)
- Richa Graphics (SBE, MBE) (printing services)

##### Structural Capacity

- Capstone Civil Engineering (SBE, MBE) (engineering services)

##### STV Engineers

- Capstone Civil Engineering (SBE, MBE) (engineering services)

##### Zapata Engineering

- LDSI, Inc. (SBE) (surveying)

#### **Fiscal Note**

Funding: General Community Investment Plan

## **27. Storm Water Repair and Improvement Fiscal Year 2018-B Contract**

#### **Action:**

**Award a contract in the amount of \$2,450,856 to the lowest responsive bidder Onsite Development, LLC for the Storm Water Repair and Improvement Fiscal Year 2018-B.**

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

Mike Davis, Engineering and Property Management  
Susan Tolan, Engineering and Property Management

#### **Explanation**

- This contract is part of an ongoing program to provide repairs and/or improvements to existing storm drainage systems and construction of new storm drainage systems.

- Each request is investigated and prioritized based on the severity of potential public/private property flooding and/or property damage.
  - The necessary repairs for each project are designed and a work order prepared including an estimated list of quantities.
- Approximately 25 projects may be constructed within a contract term that may not exceed 18 months. The number may vary depending on the nature and extent of the repairs actually constructed.
- On August 11, 2017, the City issued an Invitation to Bid; four bids were received from interested service providers.
- Onsite Development, LLC was selected as the lowest responsive, responsible bidder.

**Charlotte Business INclusion**

Established SBE Goal: 18.00%

Committed SBE Goal: 18.00%

Onsite Development, LLC has identified SBEs on its project team, and for each work order issued, committed 18.00% of the total contract amount to the following certified firms:

- Axiom Foundations, LLC (SBE) (foundation protection)
- B&N Grading, Inc. (SBE) (asphalt)
- L. Carranza Dumptruck Service Company (SBE) (hauling)
- MTS Trucking Inc. (SBE, MBE) (hauling)
- On Time Construction, Inc. (SBE, MBE) (concrete)
- R.R.C. Concrete, Inc (SBE, MBE) (concrete)
- Streeter Trucking Company, Inc. (SBE, MBE) (hauling)

Established MBE Goal: 6.00%

Committed MBE Goal: 6.00%

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

- MTS Trucking Inc. (SBE, MBE) (hauling)
- On Time Construction, Inc. (SBE, MBE) (concrete)
- R.R.C. Concrete, Inc (SBE, MBE) (concrete)
- Streeter Trucking Company, Inc. (SBE, MBE) (hauling)

**Fiscal Note**

Funding: Storm Water Community Investment Plan

## **28. Lease of City-owned Property at the Charlotte Transportation Center**

**Action:**

**Adopt a resolution approving a retail lease agreement with Wireless City Fashion, Inc. for the use of approximately 442 square feet of the Charlotte Transportation Center for a five-year term.**

**Staff Resource(s):**

John Lewis, Charlotte Area Transit System

Mike Davis, Engineering and Property Management

Tony Korolos, Engineering and Property Management

**Explanation**

- The Charlotte Transportation Center (CTC), located at 310 East Trade Street, is the main connecting transit hub within the Charlotte Area Transit System's (CATS) public transit system.
- The CTC includes retail space that provides services and amenities to riders and generates revenue to defray operating expenses incurred by CATS to operate the CTC.

- On June 22, 2015, City Council approved a contract with NAI Southern Real Estate (NAI) to identify retail vendors and negotiate leases at the CTC.
- Wireless City Fashion, Inc., a cellular phone retailer, is requesting to lease retail space in the CTC. NAI determined Wireless City Fashion, Inc. to be a suitable tenant.
- The lease terms with Wireless City Fashion, LLC are:
  - Term: Five years
  - Rent: \$3,267.23 per month (\$39,206.76 per year) with 2.5 percent annual increases
  - Premises: 316 square feet (Store) and 126 square feet (Kiosk Expansion) in the Brevard Street Pavilion
- This lease is consistent with City Council's City-Owned Real Estate and Facilities Policy, adopted on June 12, 2017.

**Fiscal Note**

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

**Attachment(s)**

Map

Resolution

[Location Map - Lease of City-owned Property at the Charlotte Transportation Center](#)

[Resolution CATS lease at Transportation Center](#)

## 29. Snow/Ice Removal Services for City Maintained Streets

**Action:**

- A. Approve unit price contracts with the following companies for removal of snow and ice on City-maintained streets for an initial term of three years:**
- Blythe Construction, Inc.,
  - Blythe Development Company, and
- B. Authorize the City Manager to renew the contracts for one additional three 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

Charles Jones, Transportation

**Explanation:**

- The Charlotte Department of Transportation (CDOT) is responsible for the removal of snow and ice on City maintained streets.
- Additional resources are needed to clear streets during extraordinary winter weather events.
- Contractors provide additional dump trucks and plowing equipment with licensed operators to supplement City services.
- Precise estimates of expenditures are difficult due to the unknown duration and severity of winter weather events.
- On July 25, 2017, the City issued a Request for Proposals (RFP); four proposals were received from interested service providers.
- Blythe Construction, Inc. and Blythe Development Company best meet the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- The contract provides the City with the option to renew for one additional three-year term. Any increase in the unit costs associated with the contract will be adjusted based on the consumer price index.
- In addition to providing support for CDOT, it is anticipated that the vendors will be able to provide support to other City departments on a limited basis during snow and ice events.

- Estimated contract expenditures for all contracts are \$250,000 annually over the three-year term.

**Charlotte Business INclusion**

No subcontracting goal/s were established because there are no subcontracting opportunities (Part C: Section 2.1(a) of the Charlotte Business INclusion Policy).

**Fiscal Note**

Funding: Charlotte Department of Transportation Street Maintenance Powell Bill Fund

### 30. Generator and Uninterruptible Power Supply Project

**Action:**

**Approve a contract in the amount of \$163,000 with AME Consulting Engineers, Inc. for professional engineering services for the Generator and Uninterruptible Power Supply Project.**

**Staff Resource(s):**

Barry Gullet, Charlotte Water  
Carl Wilson, Charlotte Water

**Explanation**

- The Environmental Services Facility (ESF), located at 4222 Westmont Drive, is the central laboratory facility for the majority of the water and wastewater testing in Mecklenburg County. More than 250,000 analyses for organic and inorganic chemical components and microbiological organisms are performed annually.
- The contract with AME Consulting Engineers, Inc. will provide professional engineering design and construction administration services for the upsizing of the existing generator systems, related equipment, and installation of a centralized Uninterruptible Power Supply (UPS).
- The current generator at the ESF does not provide sufficient power for all existing equipment to function in the event of an emergency. The new, upsized generator will provide complete power for the entire facility, allowing sustained operations in the case of an emergency event.
- Additionally, a UPS is needed to prevent momentary loss of power that can damage sensitive lab equipment.
- Three proposals were received from interested service providers in response to the City's Request for Qualifications.
- AME Consulting Engineers, Inc. was determined as the best qualified firm to meet the City's needs on the basis of demonstrated competence and qualification of professional services.
- The construction contract is anticipated to come to City Council for approval in fall of 2018.

**Charlotte Business INclusion**

For services contracts under \$200,000, a City MWSBE may count the work it intends to perform with its own workforces towards the MWSBE Subcontracting Goals (Part C: Section 3.1.4 of the Charlotte Business Policy). Therefore, 100% of the project participation is being committed to AME Consulting Engineers, Inc., an SBE, who has committed 7.33% (\$11,950) of the total contract amount to the following certified firms:

- Zapata, Inc. (MBE) (\$10,100) (site, civil, and structural engineering services)
- LDSI, Inc. (SBE) (\$1,850) (surveying)

**Fiscal Note**

Funding: Charlotte Water Community Investment Plan

**Attachment(s)**

Map

[Environmental Services Facility](#)

### 31. Wilson Air North Terminal Design and Construction Services Contract

**Action:**

**Approve a contract in the amount of \$1,366,050 to The Wilson Group Architects, PA for design and construction administration services for a new general aviation charter terminal.**

**Staff Resource(s)**

Brent Cagle, Aviation

Jack Christine, Aviation

**Explanation**

- The Wilson Air Terminal was built in 1983, and is no longer functional to effectively service Airport passengers.
- This contract will provide design and construction administration services for a 23,000 square foot facility that includes an expanded parking area for buses and a new 3,500 square foot Federal Inspection Services (FIS) area to accommodate non-commercial international passengers. The United States Customs and Border Protection Services will manage this portion of the facility.
- About 180 international passengers enter the United States at Wilson Air monthly. These passengers are then transported across the airfield to the main passenger terminal for FIS processing. The new facility will eliminate the need to transport passengers to the terminal for customs screening.
- On March 23, 2017, the City issued a Request for Qualifications; 16 proposals were received from interested service providers.
- The Wilson Group was selected based on experience designing similar facilities at other Airports.

**Charlotte Business INclusion**

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

The Wilson Group Architects, PA has committed 9.23% (\$126,150) of the total contract amount to the following certified firms:

- Hartranft Light Design (SBE) (\$24,710) (specialty lighting design consultant)
- Urban Design Partners (SBE) (\$14,940) (landscape design)
- Saber Engineering, PA (SBE) (\$37,000) (mechanical, electrical, plumbing and fire protection engineering)
- Accutech Surveying & Mapping, LLP (SBE) (\$49,500) (ground survey)

The Wilson Group Architects, PA is a City SBE firm.

**Fiscal Note**

Funding: Aviation Community Investment Plan

## **32. Taxiway A Rehabilitation Construction**

**Action:**

**A. Award a contract in the amount of \$12,823,949 to the lowest responsive bidder Hi-Way Paving Inc. for the Taxiway A Rehabilitation project, and**

**B. Adopt a budget ordinance appropriating \$380,645 from the Aviation Discretionary Fund to the Aviation Community Investment Plan Fund.**

**Staff Resource(s):**

Brent Cagle, Aviation

Jack Christine, Aviation

**Explanation**

- This project consists of rehabilitating the existing concrete and asphalt pavements of Taxiway A from Taxiway E to Taxiway R.
- Work related to this project includes grading, drainage, erosion control measures, asphalt and

- concrete pavement rehabilitation, pavement markings, and airfield lighting and signage.
- On June 23, 2017, the City issued an Invitation to Bid for construction; two bids were received from interested service providers.
  - In accordance to North Carolina General Statute 143-132, if three bids are not received from reputable and qualified contractors, the project must be re-advertised. During the re-advertisement, the contract may be awarded to the lowest responsible bidder even if only one bid is received from an interested service provider.
  - On July 20, 2017, the project was re-bid; two bids were submitted by interested service providers.
- Hi-Way Paving Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to begin in April 2018 and be completed by October 2018.
- Due to previous appropriations of Passenger Facility Charge funding and Federal Aviation Administration grant funding, a budget ordinance for the balance of the contract need of \$380,645 is requested for approval.

**Disadvantaged Business Enterprise**

Established DBE Goal: 14.00%

Committed DBE Goal: 14.00%

Hi-Way Paving, Inc. met the established goal, and has committed 14.00% (\$1,795,423.50) of the total contract amount to the following firms:

- All Points Trucking, Inc. (DBE, SBE, WBE) (\$546,746) (stone and materials hauling)
- Southeastern Public Safety Group (DBE, SBE) (\$362,500) (security guard and flaggers)
- Speidel Construction, Inc. (DBE) (\$251,965) (pavement marking and removal)
- Express Logistics Services, Inc. (DBE, SBE, MBE) (\$222,503.50) (hauling asphalt, millings and sand)
- Bullseye Equipment & Supply, LLC (DBE) (\$178,776) (barricades, lighted runway signs, materials)
- Martin Landscaping Co., Inc. (DBE, SBE, WBE) (\$102,700) (erosion control, seeding)
- GC Electrical Solutions, LLC (DBE) (\$81,000) (electrical materials)
- DM Conlon, Inc./dba/Dan-Kel (DBE) (\$49,233) (demo, saw cutting)

**Fiscal Note**

Funding: Aviation Community Investment Plan

This project will be funded by an Airport Improvement Program Grant from the Federal Aviation Administration, which will cover 75% of the costs. The local match on the grant funding portion is to be replaced with future Passenger Facility Charge funds.

**Attachment(s)**

Budget Ordinance

[Airport ORD092517 -Taxiway A Rehabilitation Contract](#)

### 33. Refund of Property Taxes

**Action:**

**Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$2,326.57.**

**Staff Resource(s):**

Randy Harrington, Management and Financial Services

Sarah Richards, Management and Financial Services

**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 and Refunds Requested](#)

[Resolution](#)

## 34. Meeting Minutes

**Action:**

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

- **September 11, 2017, Business Meeting**
- **September 18, 2017, Zoning Meeting**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office



## PROPERTY TRANSACTIONS

### 35. In Rem Remedy: 905 Aileen 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 & 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: (905 Aileen Circle)**

**Action:**

Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at (905 Aileen Circle) (Neighborhood Profile Area 116).

**Attachment(s)**

In Rem Packet for (905 Aileen Circle)

[In Rem Remedy 905 Aileen Cr.pdf](#)

### 36. Aviation Property Transaction

**Action:**

Approve the following Property Acquisition - 8403 Tuckaseegee Road

**Project:** Airport Area Master Plan - Project AMP

**Owner(s):** Randall A. Crain and Freddy V. Crain

**Property Address:** 8403 Tuckaseegee Road

**Total Parcel Area:** 1.477 acres

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

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

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

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 055-371-12

**Purchase Price:** \$250,000 and all relocation benefits in compliance with federal, state, or local regulations

**Council District:** 3

### **37. Aviation Property Transaction - 8021 Tuckaseegee Road**

**Action:**

**Approve the following Property Acquisition - 8201 Tuckaseegee Road**

**Project:** Airport Area Master Plan - Project AMP

**Owner(s):** Frances Query Heirs

**Property Address:** 8021 Tuckaseegee Road

**Total Parcel Area:** 1.16 acres

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

**Structures/Improvements to be impacted:** Single-family Home

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

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 055-371-05

**Purchase Price:** \$175,000 and all relocation benefits in compliance with federal, state, or local regulations

**Council District:** 3

### **38. Property Transactions - 25th Street Connection, Parcel #2.1**

**Action:**

**Approve the following Acquisition: 25th Street Connection, Parcel #2.1**

**Project:** 25th Street Connection, Parcel #2.1

**Owner(s):** Paul H. and Maricar Hochartz

**Property Address:** 411 East 25th Street

**Total Parcel Area:** 3,818 sq. ft. (.088 ac.)

**Property to be acquired by Easements:** 530 sq. ft. (.012 ac.) in Utility Easement, plus

634 sq. ft. (.015 ac.) in Gas Line Easement

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

**Landscaping to be impacted:** None

**Zoned:** I-2

**Use:** Industrial

**Tax Code:** 083-053-05

**Purchase Price:** \$21,950

**Council District:** 1

### **39. Property Transactions - 25th Street Connection, Parcel #11**

**Action:**

**Approve the following Acquisition: 25th Street Connection, Parcel #11**

**Project:** 25th Street Connection, Parcel #11

**Owner(s):** Harvey Kendall

**Property Address:** East 24th Street

**Total Parcel Area:** 87,073 sq. ft. (1.999 ac.)

**Property to be acquired by Fee:** 2,892 sq. ft. (.066 ac.) in Fee Simple

**Property to be acquired by Easements:** 1,005 sq. ft. (.023 ac.) in Storm Drainage Easement, plus 1,435 sq. ft. (.033 ac.) in Sanitary Sewer Easement, plus 1,166 sq. ft. (.027 ac.) in Sidewalk and Utility Easement, plus 2,910 sq. ft. (.067 ac.) in Waterline Easement, plus 16,022 sq. ft. (.368 ac.) in Temporary Construction Easement, plus 1,144 sq. ft. (.026 ac.) in Utility Easement

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

**Landscaping to be impacted:** None

**Zoned:** I-2

**Use:** Industrial

**Tax Code:** 083-047-03

**Purchase Price:** \$63,800

**Council District:** 1

### **40. Property Transactions - Clanton Road and Barringer Drive Fire Site, Parcels #1, 2, 3, and 4**

**Action:**

**Approve the following Condemnation: Clanton Road and Barringer Drive Fire Site, Parcels #1, 2, 3,**

and 4

**Project:** Clanton Road and Barringer Drive Fire Site, Parcels #1, 2, 3 and 4

**Owner(s):** Robert Alexander

**Property Address:** 421 Clanton Road

**Total Parcel Area:** 20,038 sq. ft. (.460 ac.)

**Property to be acquired by Fee:** 97,097 sq. ft. (2.229 ac.) in Fee Simple

**Structures/Improvements to be impacted:** Car wash

**Landscaping to be impacted:** None

**Zoned:** I-1

**Use:** Car Wash

**Tax Code:** 145-133-02, 145-133-03, 145-133-15 and 145-133-21

**Appraised Value:** \$820,000

**Property Owner's Counteroffer:** \$2,000,000

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

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

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

**Council District:** 3

## **41. Property Transactions - Sanitary Sewer to Serve 13720 Mallard Creek Road, Parcel #1**

**Action:**

**Approve the following Condemnation: Sanitary Sewer to Serve 13720 Mallard Creek Road, Parcel #1**

**Project:** Sanitary Sewer to Serve 13720 Mallard Creek Road, Parcel #1

**Owner(s):** Odell School Highway Investment Traders, LLC

**Property Address:** Mallard Creek Road

**Total Parcel Area:** 110,065 sq. ft. (2.527 ac.)

**Property to be acquired by Easements:** 5,766 sq. ft. (.132 ac.) in Sanitary Sewer Easement, plus 11,121 sq. ft. (.255 ac.) in Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** CC

**Use:** Single-family Residential

**Tax Code:** 029-191-17

**Appraised Value:** \$23,375

**Property Owner's Counteroffer:** \$37,650

**Recommendation:** Staff is currently waiting on signed documents but to avoid delay in the project schedule, staff recommends proceeding to condemnation during which time negotiations can continue, mediation is available and if necessary, just compensation can be determined by the court.

**Council District:** N/A

## **42. Property Transactions - Sanitary Sewer to Serve 13720 Mallard Creek Road, Parcel #2**

**Action:**

**Approve the following Condemnation: Sanitary Sewer to Serve 13720 Mallard Creek Road, Parcel #2**

**Project:** Sanitary Sewer to Serve 13720 Mallard Creek Road, Parcel #2

**Owner(s):** Odell School Highway Investment Traders, LLC

**Property Address:** Mallard Creek Road

**Total Parcel Area:** 162,223 sq. ft. (3.724 ac.)

**Property to be acquired by Easements:** 2,048 sq. ft. (.047 ac.) in Sanitary Sewer Easement, plus 5,656 sq. ft. (.13 ac.) in Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** CC

**Use:** Single-family Residential

**Tax Code:** 029-191-06

**Appraised Value:** \$9,550

**Property Owner's Counteroffer:** \$14,618

**Recommendation:** Staff is currently waiting on signed documents but to avoid delay in the

project schedule, staff recommends proceeding to condemnation during which time negotiations can continue, mediation is available and if necessary, just compensation can be determined by the court.

**Council District:** N/A

#### **43. Property Transactions - Gum Branch Sanitary Sewer, Parcel #7**

**Action:**

**Approve the following Condemnation: Gum Branch Sanitary Sewer, Parcel #7**

**Project:** Gum Branch Sanitary Sewer, Parcel #7

**Owner(s):** Eric S. Trivette

**Property Address:** 635 Belmorrow Drive

**Total Parcel Area:** 32,258 sq. ft. (.741 ac.)

**Property to be acquired by Easements:** 2,279 sq. ft. (.052 ac.) in Sanitary Sewer Easement

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

**Landscaping to be impacted:** None

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 031-421-34

**Appraised Value:** \$525

**Property Owner's Concerns:** The property owner is concerned about the potential impacts to the property during construction, future maintenance, and the amount of compensation being offered.

**City's Response to Property Owner's Concerns:** Staff informed the property owner that the City would restore and repair the areas impacted. Staff informed the property owner that he could present a counter offer with justification.

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

**Council District:** 2

#### **44. Property Transactions - Gum Branch Sanitary Sewer, Parcel #35**

**Action:**

**Approve the following Condemnation: Gum Branch Sanitary Sewer, Parcel #35**

**Project:** Gum Branch Sanitary Sewer, Parcel #35

**Owner(s):** Red Rooster Farms of St. Petersburg, LLC

**Property Address:** 7023 Seney Drive

**Total Parcel Area:** 17,746 sq. ft. (.407 ac.)

**Property to be acquired by Easements:** 2,548 sq. ft. (.058 ac.) in Sanitary Sewer Easement

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

**Landscaping to be impacted:** None

**Zoned:** R-4

**Use:** Single-family Residential

**Tax Code:** 035-233-70

**Appraised Value:** \$800

**Property Owner's Counteroffer:** \$10,000

**Property Owner's Concerns:** The property owner would like the City to purchase the entire parcel.

**City's Response to Property Owner's Concerns:** Staff explained that the City can only acquire the necessary easements needed for the project, therefore the City is unable to purchase the entire parcel.

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

**Council District:** 2

## **45. Property Transactions - North Wendover Road 6" Water Main, Parcels #1 and 2 and 3**

**Action:**

**Approve the following Condemnation: North Wendover Road 6" Water Main, Parcels #1 and 2 and 3**

**Project:** North Wendover Road 6" Water Main, Parcels #1 and 2 and 3

**Owner(s):** Wendover Green, LLC

**Property Address:** 617 North Wendover Road

**Total Parcel Area:** 62,769 sq. ft. (1.441 ac.)

**Property to be acquired by Easements:** 2,507 sq. ft. (.058 ac.) in Waterline Easement, plus 8,757 sq. ft. (.201 ac.) in Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** R-22MF

**Use:** Multi-family

**Tax Code:** 157-072-16, 157-072-01 and 157-071-02

**Appraised Value:** \$28,250

**Outstanding Concerns:** The property owners' legal representative is currently reviewing the documents.

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

**Council District:** 1

## **46. Property Transactions - Linda Lake Drive Dam & Oakwood Lane Dam Maintenance Project, Parcel #2**

**Action:**

**Approve the following Condemnation: Linda Lake Drive Dam & Oakwood Lane Dam Maintenance Project, Parcel #2**

**Project:** Linda Lake Drive Dam & Oakwood Lane Dam Maintenance Project, Parcel #2

**Program:** Flood Control

**Owner(s):** Joseph M. Jones and Deborah W. Jones

**Property Address:** 6520 Randy Drive

**Total Parcel Area:** 15,862 sq. ft. (.364 ac.)

**Property to be acquired by Easements:** 1,159 sq. ft. (.027 ac.) in Storm Drainage Easement

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

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

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 107-161-08

**Appraised Value:** \$675

**Property Owner's Concerns:** The property owner disagrees with the project and the joint maintenance responsibility required by the State.



**City's Response to Property Owner's Concerns:** Staff explained the obligation of the City of Charlotte and the property owners to comply with the North Carolina Dam Safety Act requirements.

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

**Council District:** 5

## **47. Property Transactions - Linda Lake Drive Dam & Oakwood Lane Dam Maintenance Project, Parcel #3**

**Action:**

**Approve the following Condemnation: Linda Lake Drive Dam & Oakwood Lane Dam Maintenance Project, Parcel #3**

**Project:** Linda Lake Drive Dam & Oakwood Lane Dam Maintenance Project, Parcel #3

**Program:** Flood Control

**Owner(s):** Ronald Lee Stading

**Property Address:** 7400 Oakwood Lane

**Total Parcel Area:** 66,614 sq. ft. (1.529 ac.)

**Property to be acquired by Easements:** 6,786 sq. ft. (.156 ac.) in Storm Drainage Easement

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

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

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 107-172-23

**Appraised Value:** \$875

**Property Owner's Concerns:** The property owner disagrees with the project and the joint maintenance responsibility required by the State.

**City's Response to Property Owner's Concerns:** Staff explained the obligation of the City of Charlotte and the property owners to comply with the North Carolina Dam Safety Act requirements.

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

**Council District:** 5

## **48. Property Transactions - South Tryon Sidewalk Improvement Project Phase II, Parcel #24**

**Action:** Approve the following Acquisition: South Tryon Sidewalk Improvement Project Phase II, Parcel #24

**Project:** South Tryon Sidewalk Improvement Project Phase II, Parcel #24

**Owner(s):** WFC Steelescroft Fund II, LLC

**Property Address:** 13000 South Tryon Street

**Total Parcel Area:** 373,301 sq. ft. (8.570 ac.)

**Property to be acquired by Easements:** 2,428 sq. ft. (.056 ac.) in Sidewalk and Utility Easement, plus 280 sq. ft. (.006 ac.) in Temporary Construction Easement, plus 328 sq. ft. (.008 ac.) in easement

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

**Landscaping to be impacted:** Shrubs, tree

**Zoned:** CC

**Use:** Commercial

**Tax Code:** 199-551-09

**Purchase Price:** \$10,000

**Council District:** 3

## ***Adjournment***

## REFERENCES

### 49. 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 which reference the Charlotte Business INClusion Policy in the business meeting agenda.

#### **Part A: Administration & Enforcement**

**Appendix Section 20: Contract:** For the purposes of establishing an 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, MBE or WBE Goal has been set.
- Financial Partner Agreements, Development Agreements, 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 shall be "Exempt Contracts" from all aspects of the Charlotte Business INClusion Policy, unless the Department responsible for procuring the Contract decides otherwise:

**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 shall be Exempt Contracts, 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 shall be Exempt Contracts.

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

**Federal Contracts Subject to 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 shall be Exempt Contracts.

**State Contracts Subject to MWBE Requirements:** Contracts for which a minority and women business participation goal is set pursuant to G.S. 143-128.2(a) due to a building project receiving funding from the State of North Carolina shall be Exempt Contracts.

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

**Interlocal Agreements:** Contracts with other units of federal, state, or local government shall be Exempt Contracts.

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

**Contracts with Waivers:** Contracts for which the SBO Program Manager or the City Manager waives the SBO Program requirements shall be Exempt Contracts (such as when there are no SBE subcontracting opportunities on a Contract).

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

**Appendix Section 35: Informal Contracts:** Contracts and purchase orders through which the City procures services from a Business Enterprise that fall within one of the following two categories:

**Construction Contracts Less Than or Equal To \$500,000:**

**Service and Commodities Contracts That Are Less Than or Equal To \$100,000:**

**Part B: Formal Construction Bidding**

**Part B: Section 2.1:** When the City Solicitation Documents for a Construction Contract contain an MWSBE Goal, each Bidder must either: (a) meet the MWSBE Goal, or (b) comply with the Good Faith Negotiation and Good Faith Efforts requirements. Failure to do so 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: Services Procurement**

**Part C: Section 2.1:** When the City Solicitation Documents for a Service Contract do not contain an SBE Goal, each Proposer must negotiate in good faith with each MWSBE that responds to the Proposer's solicitations and each MWSBE that contacts the Proposer on its own accord. Additionally, the City may negotiate a Committed SBE Goal with the successful Proposer after the Proposal Opening.

**Part C: Section 2.1:** No Goal When There Are No MWSBE Subcontracting Opportunities. The City shall not establish an MWSBE Goal for Service Contracts where there are no MWSBEs certified to perform the scopes of work that the City regards as realistic opportunities for subcontracting.

**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:

- Notify the Contractor that there will be no Supplemental MWSBE Goal for the new work; or
- Establish and notify the Contractor of a Supplemental MWSBE Goal for the new work.

## 50. 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
  - Leave 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 definition of fee simple 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, commonly, synonym for ownership.

## 51. 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.