

# **City of Charlotte**

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



## **Meeting Agenda**

**Monday, October 23, 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):**

Randy Harrington, Management and Financial Services

**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. 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.

[Boards Commissions Membership Eligibility Criteria.ppt](#)

### **5. Unified Development Ordinance and Place Type Policy**

**Committee Chair:**

Vi Lyles, Transportation and Planning

**Staff Resource(s):**

Ed McKinney, Planning

**Time:** 45 minutes

**Explanation**

- The Charlotte Planning Department is currently leading a multi-department effort to update the City Zoning Ordinance and combine other City development ordinances to create one user-friendly Unified Development Ordinance (UDO).
- The Planning Department is also developing Place Type policies to help guide future growth and development and inform the creation of the UDO.
- Staff will brief Council on the work that has been completed to date and share an updated schedule of key milestones.
- This presentation is a referral from the Transportation and Planning Committee's April 10, 2017 meeting.

**Future Action**

For informational purposes only.

[UDO Council Council Dinner Briefing 10-23-17 FINAL](#)

## **6. Answers to Mayor and Council Consent Item Questions**

**Staff Resource(s):**

Randy Harrington, Management and Financial Services

**Time:** 10 minutes

**Synopsis**

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

**6:30 P.M. PUBLIC FORUM, CHARLOTTE-MECKLENBURG  
GOVERNMENT CENTER, CHAMBER**

**7. Public Forum**

**7:00 P.M. BUSINESS MEETING,  
CHARLOTTE-MECKLENBURG GOVERNMENT CENTER,  
CHAMBER**

***Call to Order***

***Roll Call***

***Introductions***

***Invocation***

***Pledge of Allegiance***

**8. Consent agenda items 13 through 33 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.

## POLICY

### 9. City Manager's Report

### 10. Amending City Council's Resolution on Boards and Commissions

**Action:**

Approve the Governance and Accountability Committee's recommendation and adopt a revised resolution on Boards and Commissions amending the appointment eligibility criteria for the Civil Service Board.

**Committee Chair:**

Kenny Smith, Governance and Accountability Committee

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- The revised resolution changes the criteria for appointment to the Civil Service Board.
- The revised resolution will exclude current and former City employees, and the spouse, parents, and children of a current or former Charlotte-Mecklenburg Police Department (CMPD) officer or Charlotte Fire Department (CFD) firefighter from serving on the Civil Service Board.
- This revised resolution also adds the language from the Citizens Review Board revised ordinance regarding appointment criteria to the resolution.
- This Resolution on Boards and Commissions was adopted by the City Council in 1997 and amended in 2000, 2003, 2009, and 2016.

**Governance and Accountability Committee Discussion**

- At the June 26, 2017 City Council Business Meeting, Council approved the Community Safety Committee's recommendation to revise Citizens' Review Board appointment criteria; adding language to the ordinance where current and former City employees, and the spouse, parents, and children of a current or former CMPD officer shall not be eligible to serve on the board.
- At the July 24, 2017 City Council Business Meeting, Council member Smith requested a referral to the Governance and Accountability Committee to examine if the criteria for Citizens' Review Board appointments should extend to additional Council advisory boards.
- At the September 25, 2017 Committee meeting, appointment eligibility criteria, as well as potential options, were reviewed by the Committee.
- The Committee voted 4-0 (Smith, Mayfield, Kinsey, and Lyles; Phipps was not present) to recommend this revision to the resolution on Boards and Commissions.

**Attachment(s)**

Revised Boards and Commissions Resolution  
June 26, 2017 Approved Citizens Review Board Ordinance  
October 23, 2017 Dinner Briefing Presentation  
List of City Council Advisory Boards and Commissions

[Revised Boards and Commissions Resolution.pdf](#)

[June 26, 2017 Approved Citizens Review Board Ordinance.pdf](#)

[October 9, 2017 Dinner Briefing Power Point.pdf](#)

[List of City Council Advisory Boards and Commissions.pdf](#)

## **BUSINESS**

### **11. 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

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

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



## CONSENT

### 13. U.S. Department of Justice National Sexual Assault Kit Initiative Grant

**Action:**

Authorize the City Manager to accept a grant in the amount of \$837,342 from the U.S. Department of Justice over a three year period to test backlogged sexual assault kits and hire personnel for the Charlotte-Mecklenburg Police Department's Crime Laboratory Division and Sexual Assault Unit/Cold Case Unit.

**Staff Resource(s):**

Kerr Putney, Police  
Melanie Peacock, Police  
Matthew Mathis, Police

**Explanation**

- The Charlotte-Mecklenburg Police Department (CMPD) has been awarded a grant from the U.S. Department of Justice for a FY 2017 National Sexual Assault Kit Initiative (SAKI) Program.
- On September 28, 2015, City Council authorized the city manager to accept a grant from the New York County District Attorney's Office to test 885 unprocessed sexual assault kits.
- On October 10, 2016, City Council authorized the city manager to accept a grant from the U.S. Department of Justice to test 300 remaining unprocessed sexual assault kits (SAKs).
- The objective of the FY 2017 SAKI grant is to provide funding to test "partially tested" SAKs that were subjected to serological (blood and other bodily fluids) screening or previous non-Combined DNA Index System (CODIS) eligible DNA testing methodologies.
- The FY 2017 SAKI grant award will allow CMPD to conduct DNA testing on "partially tested" SAKs in the hope of yielding a CODIS eligible profile that could potentially solve cases that pre-dated DNA testing.
- CMPD will use its most recent FY 2017 SAKI grant to fund the following:
  - Outsource 600 partially tested SAKs to an accredited lab.
  - Purchase two laptops for the part-time, hire-back Sexual Assault Unit detectives, funded by the FY 2016 SAKI grant, to conduct case follow-up, and contact victims.
  - Hire one part-time former assistant district attorney for 1,040 hours annually to research and prepare cases for prosecution that have resulted from CODIS hits.
  - Lease one vehicle to allow travel to area hospitals to deliver supplies and training to nurses (site coordinator), and to meet with victims and attend sexual assault response team meetings (victim advocate).
    - The site coordinator and victim advocate are funded by the FY 2016 SAKI grant.
- The total amount of the grant award is \$837,342.
- This grant does not require the City to match funds.
- The grant period is October 1, 2017, through September 30, 2020.
- The City must accept this award by October 23, 2017.
- At the conclusion of the grant, CMPD will evaluate the need for the grant-funded positions.

**Fiscal Note**

Funding: United States Department of Justice Grant Fund

### 14. U.S. Department of Justice FY 2017 DNA Capacity Enhancement and Backlog Reduction Program

**Action:**

Authorize the City Manager to accept a grant from the U.S. Department of Justice in the amount of \$331,814 to continue funding four existing DNA positions and a quality assurance audit in the

**Charlotte-Mecklenburg Police Department DNA Crime Laboratory Division.****Staff Resource(s):**

Kerr Putney, Police

Bruce Bellamy, Police

Matthew Mathis, Police

**Explanation**

- Annually, since 2006, the Charlotte-Mecklenburg Police Department (CMPD) has received a grant from the U.S. Department of Justice DNA Capacity Enhancement and Backlog Reduction Program.
- The U.S Department of Justice DNA Backlog Reduction grant for Fiscal Year 2016 currently funds four existing grant positions.
- By November 13, 2017, the City of Charlotte must accept the Fiscal Year 2017 DNA Capacity Enhancement and Backlog Reduction Program grant award for the performance of DNA analysis on current and active cases.
- The Biology Unit of CMPD's Crime Laboratory Division continues to experience an increase in the demands for DNA testing. Currently, the Biology Unit tests cases including, but not limited to, homicides, rapes, robberies, and property crimes (e.g. burglaries).
- DNA Backlog Reduction grant funds will allow the Biology Unit to process more DNA samples, thereby helping to reduce the number of forensic DNA and DNA database samples awaiting analysis.
- The grant funds are to be used to help decrease the backlog of cases with DNA evidence by providing:
  - \$138,420 will fund two Criminalist DNA Analysts for 12 months.
  - \$52,251 will fund one DNA Analyst Trainee for 12 months. At the completion of the training period, the DNA Analyst Trainee will be qualified to assume full DNA analysis duties.
  - \$47,749 will fund a DNA Laboratory Technician for 12 months. The DNA Laboratory Technician reviews requests for DNA analysis, conducts quality control checks of instruments, makes necessary repairs, and prepares reagents (chemicals) for testing.
  - \$69,761 will fund the benefits for the four positions during the grant period.
  - \$14,639 for supplies including amplification, quantification, and extraction kits.
  - \$8,994 will fund a quality assurance audit that is required by the Federal Bureau of Investigation for all laboratories participating in the Combined DNA Index System (CODIS).
- The 24-month grant period is from January 1, 2018 to December 31, 2019.

**Fiscal Note**

Funding: United States Department of Justice Grant

**15. Granite Pointe 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 \$23 million to finance the development of Granite Point Apartments.**

**Staff Resource(s):**

Pamela Wideman, Housing and Neighborhood Services

Zelleka Biermann, Housing and Neighborhood Services

**Explanation**

- The Charlotte Housing Authority (CHA) is requesting that City Council adopt a resolution authorizing the issuance of multi-family housing revenue bonds for Granite Pointe Apartments, a 198-unit affordable housing development. Pedcor Investments is the developer of the community, which will be located at 9101 Nations Ford Road.
- This development supports City Council's commitment of achieving 5,000 affordable housing units within three years as outlined in the Community Letter.
- The CHA bonds, which are not to exceed \$23 million, will be used to finance land acquisition and

construction.

- 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. This action will not obligate the City financially or impact the Community Investment Plan.

**Background**

- On September 12, 2016, City Council approved a waiver of the Housing Locational Policy to support the development of Granite Pointe Apartments.
- The North Carolina Housing Finance Agency approved a four percent tax credit and a bond allocation capacity totaling \$23 million to be used for the Granite Pointe Apartments affordable housing development.

**Fiscal Note**

Funding: Charlotte Housing Authority Budget

**Attachment(s)**

Charlotte Housing Authority Resolution

City of Charlotte Resolution

[CHA Resolution](#)

[City of Charlotte Resolution](#)

## 16. Private Developer Funds for Traffic Signal Improvements

**Action:**

**Adopt a budget ordinance appropriating \$21,200 in private developer funds for traffic signal improvements and related work.**

**Staff Resource(s):**

Liz Babson, Transportation

Debbie Smith, Transportation

**Explanation**

- Private developer funding is for traffic signals, upgrades, and related work associated with developer projects.
- Central Piedmont Community College (CPCC) contributed \$16,200 to fund traffic signal modifications to mitigate traffic impacts on Hebron Street at the CPCC Campus.
- Lennar Carolinas, LLC contributed \$5,000 to fund traffic signal modifications at the intersection of S. Tryon and Choate Circle.
- The above signals meet the same criteria as other traffic signals approved by the City.
- Payments made by the developers are in response to estimates of work prepared by the Charlotte Department of Transportation (CDOT) and supplied to the developers.
- Any funding contributed by developers for signal projects that is unused by the City will be refunded after project completion.
- CDOT will install and operate these signals as part of the existing signal system in the area.

**Fiscal Note**

Funding: Private Developer Contributions

**Attachment(s)**

Map

Budget Ordinance

[Traffic Signal Improvements 090517](#)

[CDOT ord 10-23-17 Developer Contributions](#)

## 17. Parking Citation Management System and Related Services Contract Amendment

**Action:**

**Approve a contract amendment with Complus Data Innovation, Inc. for a parking citation management system and related services for an extension period of six months.**

**Staff Resource(s):**

Liz Babson, Transportation

Kathy Dennis, Transportation

**Explanation**

- The City contracts with Complus Data Innovations, Inc. to provide a parking citation management system and collections services for the Charlotte Department of Transportation's (CDOT) Park It! Program.
- CDOT's Park It! office issues an average of 33,215 citations annually representing over \$1.1 million in revenue.
- The City actively looks for opportunities to leverage savings by combining contract usage among departments where applicable.
- Both the Aviation and the Transportation Departments currently contract separately with Complus Data Innovations, Inc. to provide citation management and collection services. The current Transportation contract with Complus Data Innovations will expire on January 14, 2018 and the Aviation contract with Complus Data Innovation Inc. will expire on July 31, 2018.
- In order to align the two contract terms and enable the City to solicit and provide one contract for citation management system and collection services that can be used citywide, a six month amendment to the Transportation Department's contract is needed.
- The estimated contract expenditures for the six month contract extension are projected to be \$142,000.

**Charlotte Business INclusion**

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

**Fiscal Note**

Funding: Transportation Operating Budget

## 18. Monroe Road Streetscape Planning and Design Contract

**Action:**

**Approve a contract in the amount of \$1,699,100 with RS&H Architects-Engineers-Planners, Inc. for planning and design services for Monroe Road Streetscape.**

**Staff Resource(s):**

Mike Davis, Engineering and Property Management

Bette Frederick, Engineering and Property Management

**Explanation**

- The Monroe Road Streetscape project was identified in the Independence Boulevard Area Plan. The proposed project includes making improvements between Briar Creek Road and Sharon Amity Road to create a more pedestrian-oriented and mixed use development. Proposed improvements include sidewalks, mid-block crossings, bicycle lanes, and on-street parking.
- On February 17, 2014, the City issued a Request for Qualifications (RFQ); five proposals were received from interested service providers.
- RS&H Architects-Engineers-Planners, Inc. (RS&H) was selected to orchestrate a pre-planning phase

to garner community support and help provide community engagement with other projects in the area. The project received \$75,000 in initial funding to complete the pre-planning phase.

- In November 2016, \$2.08 million was approved in the Transportation bonds for planning and design.
- This contract will include, but is not limited to traffic analysis, public involvement, coordination with private development, right-of-way plans, and traffic control plans.
- An additional \$8.32 million is proposed to be included in the 2018 bond referendum for a total project budget of \$10.4 million.
- This contract is for planning and design phase plans. This phased approach to completing construction plans is consistent with City contracting procedures.
- It is anticipated that City Council will be asked to approve a construction contract in the future when the planning and design phase has been completed.

#### **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). RS&H Architects-Engineers-Planners, Inc. has committed 10 percent of the total contract to the following certified firms:

- Capstone Civil Engineering (MBE, SBE) (\$30,000) (geotechnical)
- The Dodd Studio (SBE) (\$41,452.50) (landscape architecture)
- Carolina Wetland Services (SBE, WBE) (\$19,905) (field surveying)
- Utility Coordination Consultants (SBE) (\$79,515) (utility coordination)

#### **Fiscal Note**

Funding: General Community Investment Plan

#### **Attachment(s)**

Map

[Location Map - Monroe Road Streetscape](#)

## **19. Charlotte-Mecklenburg Police Department Central Division Construction Manager at Risk Pre-Construction Services**

#### **Action:**

**Approve a contract in the amount of \$157,700 with Edifice, Inc. for Construction Manager at Risk Pre-Construction Services for the Charlotte-Mecklenburg Police Department Central Division Station.**

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

Mike Davis, Engineering and Property Management  
William Haas, Engineering and Property Management  
Kerr Putney, Police  
Katrina Graue, Police

#### **Explanation**

- The Charlotte-Mecklenburg Police Department (CMPD) Central Division comprises of 100 staff members who serve 4.2 square miles of area inside I-277 and portions of South End.
- The CMPD Central Division currently occupies a building leased from Bank of America at 119 East 7th Street. This project would replace the current leased building with a new, City-owned facility located at the intersection of 5th and 6th streets.
- The proposed project is to construct a three-story, 31,000-square-foot facility and a 250-space parking deck for the CMPD Central Division and potentially space for another City Department.
- The City will use the Construction Manager at Risk (CMAR) project delivery method to provide more certainty with respect to project cost and schedule, mitigate risk during construction, and enhance

Charlotte Business Inclusion participation

- This contract with Edifice, Inc. will provide pre-construction services, including but not limited to:
  - Construction estimating,
  - Developing the project schedule,
  - Constructability reviews of the design plans,
  - Developing a Charlotte Business Inclusion utilization plan, and
  - Pre-qualification of contractors
- On April 28, 2017, the City issued a Request for Qualifications (RFQ) for construction manager-at-risk services; eight proposals were received from interested service providers.
- Edifice, Inc. was selected as the most qualified firm to meet the City's needs on the basis of demonstrated competence, qualifications, experience, and responsiveness to RFQ requirements.
- The CMAR delivery method will require one additional contract for the construction phase. It is anticipated that City Council will be asked to award a construction contract in spring of 2018.
- After construction award, Edifice, Inc. will award the subcontracts and manage the construction.
- An update was provided to City Council on the CMPD Central Division project during the dinner briefing on April 10, 2017. Additional follow-up responses to questions posed by City Council during the dinner briefing are included as an attachment.

#### **Background**

- In February 2010, CMPD adopted the Facilities Strategic Plan, which outlines division facility goals through 2025. In this plan, CMPD prioritized the transition from renting spaces to occupying City-owned facilities. This recommendation supports CMPD's objectives to be highly visible and accessible within the community, reduce operating costs, and accommodate future personnel growth.
- On April 24, 2017, Council approved the design contract with ADW Architects and authorized staff to proceed with the condemnation of 0.17 acres needed for this development which would bring the total site to 1.27 acres.

#### **Charlotte Business INclusion for Design Contract**

The City negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). Edifice, Inc. has committed 25.05% (\$39,500) of the total contract amount to the following certified firms:

- NJR Construction, LLC (SBE) (\$20,000) (pre-construction services)
- Lil Associates II, Inc. (SBE/MBE) (\$19,500) (CBI compliance services)

A Charlotte Business INclusion goal will be part of the construction contract anticipated for City Council consideration in spring 2018.

#### **Fiscal Note**

Funding: General Community Investment Plan

#### **Attachment(s)**

Map

Questions and Answers from April 10th Council Dinner Briefing

Resolution

[Location Map - CMPD Central Division Office Construction Manager-at-Risk Pre-Construction Services](#)

[Central Division Station DB Follow-up 4-24-17](#)

[Condemnation resolution](#)

## **20. Storm Water Repair and Improvement Contract (Fiscal Year 2018-C)**

**Action:**

**Award a contract in the amount of \$3,579,712.25 to the lowest responsive bidder Blythe Development Company for the Storm Water Repair and Improvement Fiscal Year 2018-C project.**

**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.
- Approximately 30 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 September 6, 2017, the City issued an Invitation to Bid; five bids were received from interested service providers.
- Blythe Development Company was selected as the lowest responsive, responsible bidder.

**Charlotte Business INClusion**

Established SBE Goal: 19.00%

Committed SBE Goal: 19.00%

Blythe Development Co. has identified SBEs on its project team, and for each work order issued, committed 19.00% of the total contract amount to the following certified firms:

- B & B Concrete Construction of Charlotte, Inc. (SBE) (concrete)
- Express Logistics Services, Inc. (SBE, MBE) (hauling)
- Landmark Materials, LLC (SBE) (hauling)
- Maybury Fencing, Inc (SBE, WBE) (fencing)
- P and TL, Inc. (SBE) (erosion control)

Established MBE Goal: 10.00%

Committed MBE Goal: 10.00%

Blythe Development Co. has identified MBEs on its project team, and for each work order issued, committed 10.00% of the total contract amount to the following certified firms:

- Express Logistics, LLC (SBE, MBE) (hauling)

**Fiscal Note**

Funding: Storm Water Community Investment Plan

## **21. McAlpine Creek Wastewater Treatment Plant Equipment Procurement**

**Action:**

- A. Approve the purchase of submersible mixers and submersible pumps, as authorized by the sole source exemption of G.S. 143-129 (e)(6),**
- B. Approve a contract with Xylem Water Solutions USA, Inc. for the purchase of Flygt Pumps and Mixers for a term of one year.**

**Staff Resource(s):**

Barry Gullet, Charlotte Water  
Ron Hargrove, Charlotte Water

Carl Wilson, Charlotte Water

**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 to provide compatibility with existing equipment.

**Explanation**

- This contract is for new Flygt submersible mixers and submersible pumps that will be utilized at the McAlpine Creek Wastewater Treatment Plant.
- The intent is to utilize this equipment for a pilot of a new biological treatment process but the equipment could also be used as backup equipment when necessary.
- Total estimated expenditures under the contract is \$500,000.

**Charlotte Business INclusion**

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

**Fiscal Note**

Funding: Charlotte Water Community Investment Plan

## 22. Water Service Parts and Fittings

**Action:**

**Award a two-year unit price contract to each of the lowest responsive bidders Core & Main LP and Fortiline Inc. for the purchase of water service parts and fittings.**

**Staff Resource(s):**

Barry Gullet, Charlotte Water

Angela Lee, Charlotte Water

**Explanation**

- Parts and fittings are required for the installation and repair of residential and commercial water services and meters.
- On August 18, 2017, Charlotte Water issued an Invitation to Bid; three bids were received from interested service providers.
- The following vendors were selected as the lowest responsive, responsible bidder:
  - Core & Main LP for No Lead Brass
  - Fortiline Inc. for Meter Setters with No Lead Brass
- This contract establishes fixed and firm pricing for the term of the contract.
- Estimated annual expenditures for both contracts are \$1,074,911.

**Charlotte Business INclusion**

No subcontracting goals were established because there are no subcontracting opportunities (Part B: Section 2.3 of the Charlotte Business INclusion Policy).

**Fiscal Note**

Funding: Charlotte Water Operating Budget

## 23. Professional Engineering Services for Small Water and Sewer Related Projects

**Action:**



**Approve a contract in the amount of \$500,000 with Gavel & Dorn Engineering, PLLC for design and construction inspection services of small water and sewer related projects.**

**Staff Resource(s):**

Barry Gullet, Charlotte Water

Carl Wilson, Charlotte Water

**Explanation**

- The contract with Gavel & Dorn Engineering, PLLC is for the design and construction inspection services of small diameter water and sanitary sewer mains as well as locating and overseeing installation of water quality sampling stations and automatic flushing devices to analyze and improve water quality for Charlotte Water customers.
- Engineering consultants are used to supplement City staff resources. This contract will provide preliminary and final design, drafting services, and inspection services as needed.
- On July 19, 2017, the City issued a Request for Qualifications; 11 proposals were received from interested professional service providers.
- Gavel & Dorn Engineering, PLLC was determined to be the best qualified firm to meet the City's needs in terms of competence and professional services qualifications for these projects.

**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). Gavel & Dorn Engineering, PLLC, a City SBE, has committed 1.60% (\$8,000) of the total contract amount to the following certified firm:

- AmeriDrill, Inc. (SBE) (\$8,000) (soil test borings)

**Fiscal Note**

Funding: Charlotte Water Community Investment Plan

## **24. Charlotte Water Construction Management Software**

**Action:**

- A. Approve a contract with e-Builder, Inc. in the amount up to \$530,000 for the implementation of cloud-based construction management software as well as initial support and subscription-based licenses,**
- B. Authorize the City Manager to purchase subscription licenses, maintenance, and support for as long as the City uses the system, and**
- C. Authorize the City Manager to purchase such additional software licenses, services, and hardware as needed to optimize the City's use of the system, and to approve other amendments consistent with the purpose for which the contract was approved.**

**Staff Resource(s):**

Barry Gullet, Charlotte Water

Ron Hargrove, Charlotte Water

Shawn Coffman, Charlotte Water

**Explanation**

- Charlotte Water's adopted five year Community Investment Plan (CIP) is approximately \$944 million. Given the significant cost and project complexity, a dedicated system is required for the effective management and coordination of construction projects.
- The e-Builder product will fulfill Charlotte Water's need for a construction management system.
- E-Builder is currently in use by the Charlotte Area Transit System (CATS) and Aviation. As a component of a long-term enterprise technology strategy, e-Builder is being extended for use in departments as construction program management needs arise.
- A waiver of a competitive solicitation process may be granted when deemed appropriate and in the

City's best interest. Such a finding has been made and a waiver granted for this procurement.

- The contract includes initial implementation services as well as subscription licensing for a five-year period. The one-time expenditure for licensing and implementing the system, including the first year of service, is estimated to be \$530,000. This includes the configuration of the system to meet the department's needs and integration with existing City systems.
- Annual estimated expenditures for annual licensing, maintenance and support are \$245,000.

**Charlotte Business INclusion**

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

**Fiscal Note**

Funding: Charlotte Water Community Investment Plan

## 25. Charlotte Water PCB Handling Services

**Action:**

**Approve a contract with Synagro-WWT, Inc. for Polychlorinated Biphenyl (PCB) Handling Services for a term of five years.**

**Staff Resource(s):**

Barry Gullet, Charlotte Water  
Jackie Jarrell, Charlotte Water

**Explanation**

- This contract will provide an on-call Service Provider to coordinate and execute additional projects related to the PCB contamination at Mallard Creek Wastewater Treatment Plant (WWTP), McAlpine Creek WWTP and the wastewater collection systems that carry the wastewater to the treatment plants.
- Task orders may be executed that may include decontamination, hauling, and disposal services.
- On July 20, 2017, the City issued a Request for Qualifications; six proposals were received from interested service providers.
- Synagro-WWT, Inc. was determined to be the best qualified firm to meet the City's needs in terms of competence and qualifications for these projects.
- Total contract expenditures over the five year period are estimated to be \$6,000,000.

**Background**

- On February 6, 2014, wastes containing PCB and trichlorobenzene were illegally discharged to the sewage collection system that flows to the Mallard Creek WWTP and the collection system that flows to the McAlpine Creek WWTP.
- Structures and equipment contaminated with PCBs above certain thresholds are regulated by the U.S. Environmental Protection Agency and require decontamination to levels and by methods outlined in the Toxic Substance Control Act (TSCA).
- Materials contaminated with PCBs above certain thresholds are also regulated by the EPA and TSCA and are required to be disposed of in permitted hazardous waste landfills, boiled, or incinerated.

**Charlotte Business INclusion**

The City requested proposers to submit a MSBE Participation Plan outlining their solicitation and utilization efforts (Part C: Section 2.1 (h) of the Charlotte Business INclusion Policy. Synagro-WWT, Inc. has identified the following certified firms to participate as the project scope is further defined:

- Harrisburg Security, Inc. (SBE) (security)
- Fresh & Bright Corp (SBE, MBE) (janitorial)
- All Points Waste Service (MBE) (toilet, dumpster, hand sanitizer, eye wash)

**Fiscal Note**

Funding: Charlotte Water Community Investment Plan

## 26. LYNX Blue Line Extension Bus Shelters

**Action:**

**Award a contract in the amount of \$176,953.70 to BSL Galbreath Inc. for Bus Shelters along the LYNX Blue Line Extension to connect with CATS regional bus system.**

**Staff Resource(s):**

John Lewis, CATS

Jill Brim, CATS

**Explanation**

- This contract will allow the installation of bus shelters, benches and trash receptacles at the Blue Line Extension (BLE) JW Clay Boulevard parking garage, University City Boulevard parking garage, the Old Concord Road park-and-ride lot, and the UNC Charlotte Main Station.
- BSL Galbreath Inc. was determined to be the lowest responsive, responsible bidder.
- The project is anticipated to be complete by March 2018.
- The contract is within the current BLE budget.
- On June 19, 2017, the City issued an Invitation to Bid (ITB) for Bus Shelters; one bid was received.
- On July 19, 2017 the City re-advertised the ITB for Bus Shelters; one bid was received from interested service providers. Therefore, negotiations were entered into with the bidder, BSL Galbreath Inc. A best and final offer was received on September 5, 2017.

**Disadvantaged Business Enterprise**

Established DBE Goal: 0.00%

Committed DBE Goal: 100%

BSL Galbreath Inc., a DBE firm, will perform 100% (\$176,953.70) of the total contract amount as the prime contractor.

Pursuant to Department of Transportation DBE Program, Subpart C, no DBE subcontracting goal was set for this project due to no subcontracting opportunities. The federal DBE program counts the participation of all DBE contractors working on a contract, without regard to their status as a prime contractor or a subcontractor.

**Fiscal Note**

Funding: CATS Community Investment Plan

## 27. Airport Terminal Lobby Expansion Design Services

**Action:**

**Approve a contract in the amount of \$21,750,000 with GS&P/NC, P.C. for architectural and engineering design services for the Terminal Lobby Expansion project.**

**Staff Resource(s):**

Brent Cagle, Aviation

Jack Christine, Aviation

**Explanation**

- On September 26, 2016, City Council approved a contract with GS&P/NC, P.C. for planning, programming, scoping services, and a cost estimate for the Terminal Lobby Expansion project.
- This contract will provide architectural and engineering design services, as well as project coordination activities for Terminal Lobby Expansion project.
- On March 31, 2016, the City issued a Request for Qualifications for the Terminal Lobby Expansion

design services; seven firms submitted a proposal.

- GS&P/NC, P.C. was selected based on its extensive aviation experience, particularly as it relates to large hub airports with projects of this magnitude.
- The Aviation Department intends to return to City Council in the fall of 2018 for two actions related to this project:
  - A contract amendment with GS&P/NC, P.C. to provide construction administration services, and
  - A guaranteed maximum price contract for the full construction.

#### **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).

GS&P/NC, P.C. has committed 27.13% (\$5,900,000) of the total contract amount to the following certified firms:

- DAS Architecture, Inc. (SBE) (\$4,000,000) (architecture)
- Laurene, Rickher and Sorrell, PC (SBE) (\$1,900,000) (structural engineering)

#### **Fiscal Note**

Funding: Aviation Community Investment Plan

## **28. Airport Terminal Lobby Expansion Preconstruction Services**

#### **Action:**

**Approve a contract in the amount of \$3,500,000 with Holder/Edison Foard/Leeper, a Joint Venture, for preconstruction services for the Terminal Lobby Expansion project.**

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

Brent Cagle, Aviation

Jack Christine, Aviation

#### **Explanation**

- On May 18, 2017, the City issued a Request for Qualifications for the Terminal Lobby Expansion Construction Manager at Risk services; six firms submitted a proposal.
- Holder/Edison Foard/Leeper, a Joint Venture, 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.
- Under this preconstruction contract, Holder/Edison Foard/ Leeper, a Joint Venture is responsible for:
  - Organizing the work into bid packages, conducting a public bidding process for each subcontracting opportunity, pre-qualifying first tier sub-contractors as required by North Carolina General Statutes, and
  - Monitoring the design process for adherence to the project budget.
- The Aviation Department intends to return to City Council fall 2018 for two actions related to this project:
  - A contract amendment with GS&P/NC, P.C. to provide construction administration services, and
  - A guaranteed maximum price contract for the full construction

#### **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).

Holder/Edison Foard/Leeper, a Joint Venture, has committed 12.68% (\$443,732) of the total contract amount to the following certified firms:

- RJ Leeper Construction (SBE, MBE) (\$250,512) (preconstruction, estimating, procurement)
- TRS&I (MBE) (\$193,220) (outreach, procurement)

**Fiscal Note**

Funding: Aviation Community Investment Plan

## 29. Aviation Long Term Parking Lot 2 Repaving

**Action:**

**Award a contract in the amount of \$116,550 to the lowest responsive bidder Tarpon Construction, Inc. for the Overflow Parking in Long Term 2 Repaving project.**

**Staff Resource(s):**

Brent Cagle, Aviation

Jack Christine, Aviation

**Explanation**

- This contract will provide for repairs to the long term 2 parking lot, including removal of the asphalt, and reclaiming and stabilizing the existing subgrade before repaving these areas.
- On May 8, 2017 the City issued an Invitation to Bid; two bids were received from interested service providers.
- Tarpon Construction, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by fourth quarter Fiscal Year 2018.

**Charlotte Business INclusion**

Construction contracts estimated to be less than \$300,000 are informal and exempt from the goal setting process (Part A: Section 3.1 of the Charlotte Business INclusion Policy).

However, Tarpon Construction, Inc. is a City SBE.

**Fiscal Note**

Funding: Aviation Community Investment Plan

## 30. Information Technology Professional Services Contract Amendment

**Action:**

**Approve a contract amendment with CIBER Global, LLC for information technology professional services for a term of two years.**

**Staff Resource(s):**

Jeff Stovall, Innovation and Technology

**Explanation**

- On November 23, 2015, City Council approved a two year contract with CIBER Global, LLC for information technology (IT) professional services.
- The contract is due to expire on November 28, 2017.
- The City needs to retain these services in order to maintain continuity of operations on a variety of critical information technology projects.
- Professional services provided by this contractor includes but is not limited to:
  - Development and execution of the testing strategy for the City's major enterprise systems including Munis and PeopleSoft.
  - Implementation and administration of the defect and testing management system, as well as management of the use of the City's testing automation tool, Unified Functional Testing (UFT).
  - Participation in selection, onboarding, developing, and supervision of Testing Team members.
- The project to which these services have been assigned is still in progress, therefore it would be inefficient to recruit and train replacement contractors to perform this work.
- A waiver of a competitive solicitation process may be granted when deemed appropriate and in the

- City's best interest. Such a finding has been made and a waiver granted for this procurement.
- The estimated contract expenditures is \$175,000 annually over the two year term.

**Fiscal Note**

Funding: Innovation and Technology Operating Budget

## **31. Meeting Minutes**

**Action:**

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

- **September 25, 2017, Business Meeting and Public Forum**
- **October 2, 2017, Council Workshop and Public Forum**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

## PROPERTY TRANSACTIONS

### 32. Land Purchase for Charlotte-Mecklenburg Police Department University City Division Station

**Action:**

Approve the purchase of a 1.83-acre parcel (parcel identification number 049-336-01A) located at 8446 North Tryon Street for the amount of \$745,900.

**Staff Resource(s):**

Mike Davis, Engineering and Property Management  
Tony Korolos, Engineering and Property Management  
Kerr Putney, Police  
Katrina Graue, Police

**Explanation**

- In February 2010, the Charlotte-Mecklenburg Police Department (CMPD) adopted the Facilities Strategic Plan, which outlines facility goals through 2025 and prioritizes the transition from leased division offices to City-owned stations. The Facilities Strategic Plan was updated in 2016 and identified construction of the University City Division Station as a top five priority.
- Mecklenburg County owns 1.83 acres located at 8446 North Tryon Street (parcel identification number 049-336-01A) and has determined it has no immediate need for the property in the delivery of its current line of service. The Board of County Commissioners approved the sale of this property at their meeting on October 3, 2017.
- The County-owned parcel is well situated to meet CMPD's objectives to provide quality and efficient service, and be highly visible and accessible within the community. The property is also adjacent to Fire Station 27.
- The property was appraised in March 2017, for \$745,900.
- The purchase and sale agreement includes the following terms:
  - Price of \$745,900,
  - An option for Mecklenburg County to purchase the property back for \$745,900, should construction of the University City Division station not commence within two years of the date on which the City acquires the property, and
  - Closing within 60 days.
- CMPD University City Division currently leases 10,717 square feet in the building located at 8401 University Executive Park Drive for \$229,879.65 annually. The lease expires on December 31, 2021, with a termination option available on December 31, 2020.
- Funding for design and construction of the new, two-story facility of approximately 14,000 square feet, is anticipated to be received in FY 2019. Contracts for design and construction are forthcoming, with construction estimated to be completed by December 31, 2020.
- As part of the mandatory referral process, the Planning Commission reviewed the transaction on May 16, 2017, and provided no additional comments.
- This transaction is consistent with the City-Owned Real Estate and Facilities Policy, adopted by City Council in June 2017.

**Fiscal Note**

Funding: General Community Investment Plan

**Attachment(s)**

Map

[Location Map - Land Purchase for Charlotte-Mecklenburg Police Department University City Division St.](#)

### 33. Purchase of 5516 Central Avenue for Innovation and

## Technology Staff Consolidation

**Action:**

**Approve the purchase of a 3.89-acre parcel with a 36,865 square foot building located at 5516 Central Avenue (parcel identification number 103-021-02) for the amount of \$2,400,000.**

**Staff Resource(s):**

Jeff Stovall, Innovation and Technology  
Brad Dunkle, Innovation and Technology  
Mike Davis, Engineering and Property Management  
Tony Korolos, Engineering and Property Management

**Explanation**

- This purchase is consistent with the City-Owned Real Estate and Facilities Policy, adopted by City Council in June 2017.
- Currently, more than 130 Innovation and Technology (I&T) staff are located in three separate facilities and on five floors within the Charlotte-Mecklenburg Government Center. Consolidation into a single facility will improve operational efficiency, customer service, and employee morale.
- The FY 2018-2022 Community Investment Plan includes \$5,400,000 to be used for I&T Consolidation.
- The parcel at 5516 Central Avenue is 3.89 acres, zoned O-1, and includes a 36,865 square foot building. The building has been vacant for approximately two years, and has been listed for sale since July 2016.
- The property is a good option to facilitate the consolidation because the building is large enough to accommodate current I&T staff as well as growth projections, includes 150 surface parking spaces, and will have access to the proposed CityLYNX Gold Line streetcar. The presence of a City facility will also promote community safety through increased activity and demonstrate the City's commitment to economic development in East Charlotte.
- The terms of purchase are:
  - Purchase price of \$2,400,000 based on negotiation,
  - Due Diligence Period of 90 days, which will be used to assess the building condition and construction costs,
  - Earnest Money Deposit in the amount of \$120,000 of which \$5,000 will be non-refundable to the City. The remaining \$115,000 will become non-refundable after the expiration of the due diligence period, and
  - Closing shall occur no later than 60 days after the expiration of the Due Diligence Period.
- Staff will ask City Council to approve design, furniture, and construction contracts at a later date. Planned capital improvements include a new roof and HVAC system.
- This transaction has been to the Planning Commission as part of the Mandatory Referral process and a recommendation to proceed was approved on October 17, 2017.

**Fiscal Note**

Funding: General Community Investment Plan

**Attachment(s)**

Map

[Location Map - Purchase of 5516 Central Avenue for Innovation & Technology Staff Consolidation](#)

## Adjournment



## REFERENCES

### 34. 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.

## **35. 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.

### **36. 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.