

# **City of Charlotte**

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



## **Meeting Agenda**

**Monday, January 14, 2019**

**Council Chambers**

### **City Council Business Meeting**

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

**ACTION REVIEW****1. Mayor and Council Consent Item Questions****Staff Resource(s):**

Marie Harris, Strategy and Budget

**Time:** 5 minutes

**Synopsis**

Mayor and Council may ask questions about Consent agenda items.

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

Marcus Jones, City Manager

**3. Affordable Housing Update****Staff Resource(s):**

Local Initiatives Support Corporation  
Housing and Neighborhood Services

**Time:** 30 minutes

**Explanation**

- The City has partnered with Foundation For The Carolinas and Local Initiatives Support Corporation (LISC). This presentation will update City Council on LISC's activities in Charlotte.
- Housing and Neighborhood Services will provide an update on the housing development pipeline.

**Future Action**

This presentation is for information purposes only.

[Affordable Housing Update-01.14.19 Revised -PJWFinal \(002\)](#)

[LISC Charlotte Housing Opportunity Fund- 7 slides](#)

[Proposed Process Map-revised](#)

## 4. 2019 Legislative Agenda

**Staff Resource(s):**

Jason Kay, City Manager's Office

Dana Fenton, City Manager's Office

**Time:** 15 minutes

**Explanation**

- City Council prepares annual legislative agendas outlining policy preferences to the United States Congress and the North Carolina General Assembly.
- On November 19, the Committee voted 4-0 to recommend the State and Federal legislative agendas to full Council.

**Future Action**

City Council will consider adopting the 2019 legislative agenda during an upcoming meeting.

[proposed 2019 legislative agendas](#)

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

**Staff Resource(s):**

Marie Harris, Strategy and Budget

**Time:** 5 minutes

**Synopsis**

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

## 6. Closed Session (as necessary)

**BUSINESS MEETING**

**CALL TO ORDER**

**INTRODUCTIONS**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**PUBLIC FORUM**

**7. Public Forum**

**8. Consent agenda items 19 through 76 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.

## **AWARDS AND RECOGNITIONS**

### **9. National Mentoring Month Proclamation**

**Action:**

Mayor Lyles will read a proclamation recognizing January 2019 as National Mentoring Month.

### **10. Charlotte Day of Community Building**

**Action:**

Mayor Lyles will read a proclamation recognizing January 22, 2019, as Charlotte Day of Community Building.

**PUBLIC HEARING**



## 11. Public Hearing on a Resolution to Close a Portion of Sam Neely Road

**Action:**

- A. Conduct a public hearing to close a portion of Sam Neely Road, and
- B. Adopt a resolution to close a portion of Sam Neely Road.

**Staff Resource(s):**

Liz Babson, Transportation  
Esteban Valverde, Transportation

**Explanation**

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The attached resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.
- The portion of Sam Neely Road is located in Council District 3.

**Petitioners**

Westinghouse Real Estate Development, LLC - Marshall B. Gilchrist

**Right-of-Way to be Abandoned**

The portion of Sam Neely Road is located east of Steele Creek Road.

**Reason**

The abandonment of a portion of Sam Neely Road will enable the petitioner to reassemble the property in order to create a more viable tract of land for future development.

**Notification**

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

Adjoining property owner(s): None

Neighborhood/Business Association(s): None

Private Utility Companies: No objections

**City Departments**

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

**Attachment(s)**

Map  
Resolution

[Council Map Sam Neely Road](#)

[Resolution to Close a portion of Sam Neely Road](#)

**POLICY**

**12. City Manager's Report**

## 13. Amend Passenger Vehicle for Hire Ordinance

### **Action:**

**Approve the Community Safety Committee's recommendation to amend the Passenger Vehicle for Hire Ordinance.**

### **Committee Chair:**

Justin Harlow, Community Safety

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

Hope Root, City Attorney's Office

Thomas E. Powers III, City Attorney's Office

Kerr Putney, Police

Daniel Buckley, Police

### **Previous Actions**

- City Council adopted the most recent version of the Passenger Vehicle For-Hire (PVH) Ordinance on January 9, 2017, and made it effective as of July 1, 2017.
- During the adoption process, it was indicated a review of the PVH Ordinance's implementation would occur within one year of its effective date. The purpose of the review was to address any inconsistencies, errors, or omissions in the revised PVH Ordinance.
- Technical changes to the PVH Ordinance were adopted and outlined as follows:
  - Amended two definitions in Section 22-101 (Habitual Violator of Traffic Laws, and Manifest),
  - Amended Sections 22-125(b)(8) and 22-125(b)(9) to add a width requirement for vehicle lettering,
  - Added Sections 22-158(a)(15) and 22-158(b)(5) to strengthen the prohibition on the use of an illegal third-party operator,
  - Amended Section 22-158(c)(6) to clarify the ordinance requirement,
  - Corrected cross-references in Section 22-163(c)(2),
  - Relocated an existing provision to Section 22-200(b)(13),
  - Amended Section 22-231(b)(3) to clarify when a higher citation amount would apply for illegal third-party operators,
  - Amended Section 22-231(b)(4) to add an additional category for the annual civil penalty chart,
  - Amended Section 22-234(c) to clarify that this provision applies to a current licensee,
  - Amended Section 22-235(f) to clarify that Council can review the approval of fares and charges adopted by the PVH Board,
  - Amended Section 22-235(g) to clarify the minimum dollar amount for a citation to be heard by the entire PVH Board, and
  - Deleted a few provisions due to redundancy.
- In addition, Section 22-200(a1) is amended to add more mitigating factors and to require the mitigating factors to be applied to applications with mandatory denials.

### **Committee Discussion**

- The Community Safety Committee (committee) received a presentation and memo on August 28, 2018, concerning the proposed technical changes to the PVH Ordinance. The Committee unanimously voted in favor of the recommended technical changes (Eiselt, Winston, Bokhari, Harlow, Mitchell).
- The Committee received a second presentation and memo on September 26, 2018, concerning changes to the mitigating factors listed in Section 22-200(a1). The Committee voted 4-1 in favor of the changes but requested data on past PVH decisions (Eiselt, Winston, Harlow, and Mitchell voted yes; Bokhari noted no). Staff will continue to monitor the implementation of the changes to Section 22-200(a1) and report back to the Committee at a future date.
- On September 26, 2018, the Committee voted unanimously to recommend the amendments to full City Council (Winston, Bokhari, Mitchell; Eiselt and Harlow were absent). On December 11, 2018 the

Committee received a third presentation regarding the PVH data.

**Attachment(s)**

Passenger Vehicle for Hire Ordinance

Exhibit A

[PASSENGER VEHICLES FOR HIRE ORDINANCE \(12-20-18\)](#)

[Exhibit A - PVH Ordinance \(2019-01-14\)](#)

## 14. Amend Portion of Lodging Establishments Ordinance

**Action:**

**Approve the Community Safety Committee's recommendation to amend the Lodging Establishments Ordinance.**

**Committee Chair:**

Justin Harlow, Community Safety

**Staff Resource(s):**

Hope Root, City Attorney's Office

Kerr Putney, Police

Mark Newbold, Police

**Current Ordinance**

- City Council adopted the most recent version of Article XIII Offenses and Miscellaneous Provisions of the Lodging Establishments Ordinance in 2008, which allowed the Charlotte-Mecklenburg Police Department to ask hotels and motels for guest registration and reservation information about potential suspects involved in criminal activity.
- On June 22, 2015, the United States Supreme Court in *City of Los Angeles, Ca. v. Patel, 135 S. Ct. 2443* held that an ordinance that required hotel operators to record and keep specific information about their guests, and to turn that information over to the police upon demand, was unconstitutional. The U.S. Supreme Court found the ordinance unconstitutional because:
  - The ordinance failed to provide hotel owners opportunity to challenge the government's decision to take the records prior to compliance,
  - Hotels were not a closely regulated business, and
  - The government must obtain either a search warrant or consent from the owner before obtaining the records.
- The City has a similar ordinance which provides in part that "it is a crime to fail to allow a law enforcement officer to conduct an on-site inspection of registration or reservation information about a registered guest, who is a suspect in a particular crime."
- The proposed amendment removes language that conflicts with the U. S. Supreme Court's holding in *California v. Patel*.

**Proposed Changes**

- Section 15-302. Prohibited Acts: Delete Section (6)
- Section 15-302. Prohibited Acts: Delete Section (7)

**Committee Discussion**

- The Community Safety Committee (Committee) received a presentation and memo on November 15, 2018, and December 11, 2018, concerning the proposed amendments to the Lodging Establishments Ordinance.
- The Committee voted unanimously to recommend the amendments to full City Council (Winston, Bokhari, Mitchell; Eiselt and Harlow were absent).

**Attachment(s)**

Lodging Establishments Ordinance

[Amended Lodging Establishments Chapter 15 OFFENSES AND MISCELLANEOUS PROVISIONS Final](#)

## 15. Affordable Housing Locational Guidelines

### **Action:**

**Approve the Housing and Neighborhood Development Committee's recommendation to replace the Housing Locational Policy with the Affordable Housing Locational Guidelines.**

### **Committee Chair:**

LaWana Mayfield, Housing and Neighborhood Development

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

Pamela Wideman, Housing and Neighborhood Services

Miles Vaughn, Housing and Neighborhood Services

### **Current Ordinance**

- The current Housing Locational Policy was originally approved by City Council on November 26, 2001, and was last amended on March 28, 2011.
- The policy provides a guide for the development of new, rehabilitated, or converted local, state, or federal subsidized multi-family housing developments designed to serve, in whole or part, households earning 60 percent or less than the area median income (AMI).
- The objectives of the policy are to:
  - Avoid undue concentration of subsidized multi-family housing,
  - Geographically disperse new multi-family housing developments,
  - Support the City's neighborhood revitalization efforts and other public development initiatives, and
  - Promote diversity and vitality of neighborhoods.
- The policy establishes permissible and non-permissible areas for the development of new, rehabilitated, or converted subsidized multi-family rental housing developments.

### **Proposed Changes**

- The Affordable Housing Locational Guidelines will guide the selection of housing investments that create or preserve affordable rental housing and workforce rental housing in areas:
  - Near employment centers,
  - Near commercial, recreational, and social centers,
  - Near existing and proposed transit services,
  - In Center City, and
  - In neighborhoods experiencing rapid demographic change.
- The guidelines will help support the City's revitalization efforts and promote diverse and inclusive neighborhoods. They are also in alignment with the Housing Charlotte Framework that was approved by City Council in August 2018.
- The guidelines will apply to multi-family rental developments that serve households earning up to or less than 80 percent of the AMI. These developments must have 24 or more units and be funded in whole, or part by local, state, or federal funding sources.
- All nine percent low-income tax credit multi-family rental developments, as well as developments with less than 24 units and senior citizen developments, are exempt from these guidelines.
- Each applicable multi-family rental development seeking local, state, or federal funding shall undergo site scoring to evaluate:
  - The site's proximity to transit services and other amenities,
  - The unit mix and income levels of the proposed development in comparison to the surrounding community,
  - The site's access to jobs based on acceptable commute standards, and
  - The site's impact on offsetting gentrification.
- Multi-family rental development selection recommendations will be based on:
  - Site scoring,
  - Development team experience,
  - Developer's financial strength,

- Market analysis information,
  - Adherence to existing City policies, and
  - Other criteria deemed appropriate.
- Recommendations for housing development selection will be presented to City Council for review, consideration, and approval.

**Committee Discussion**

- On October 31, 2018, the Housing and Neighborhood Development Committee voted 4-1 (Mayfield, Driggs, Egleston, and Harlow voted yes; Newton voted no) to recommend the substitution of the Housing Locational Policy with the Affordable Housing Locational Guidelines to full City Council.

**Attachment(s)**

Affordable Housing Location Guidelines

[Affordable Housing Location Guidelines \(002\)](#)



## 16. Shared Mobility Ordinance Revisions

**Action:**

**Approve the Transportation and Planning Committee's recommendation to amend Chapters 14 and 19 of the City Code regarding shared mobility.**

**Committee Chair:**

Julie Eiselt, Mayor Pro Tem

**Staff Resource(s):**

Liz Babson, Transportation

Dan Gallagher, Transportation

**Explanation**

- Shared mobility options, such as e-scooters and e-bikes, have been implemented nationally and internationally in the last year.
- The City of Charlotte piloted e-scooters, dockless bikes, and e-bikes over the last year and instituted temporary permit and guideline requirements.
- There are currently three companies (Bird, Lime, and Spin) with active permits in Charlotte.
- The proposed ordinance amendments will:
  - Define e-scooters and e-bikes (as electric standup scooters and electric assisted bicycles),
  - Cap e-scooter speeds at 15 miles per hour,
  - Cap e-scooter weight to 50 pounds,
  - Prohibit two people from riding a single e-scooter, and
  - Prohibit sidewalk riding in a core area of Uptown (bounded by Church Street, Stonewall Street, College Street, and 7th Street).
- In addition, the City will modify the existing permit and guidelines to provide additional clarification including:
  - Implementing a dynamic cap that allows more e-scooters to be added to the system when there are more than three trips per day per e-scooter, and a reduction in the cap when there are less than two trips per day per e-scooter,
  - Ensuring a unique identifier on the stem of each e-scooter,
  - Reorganizing scooters mid-afternoon,
  - Exploring dynamic pricing fees with Bird, Lime, Spin, and a third-party company, and
  - Exploring how more e-scooters can be deployed to support first and last mile transit trips.

**Committee Discussion**

- The topic of shared mobility (specifically e-scooters) was referred to the Transportation and Planning Committee (Committee).
- Since late September 2018, the Committee has discussed this item with a focus on safety, state legislative action, ridership, parking, first and last mile access, dynamic caps, dynamic pricing, and the need for additional City ordinance clarification.
- On December 17, 2018, the Committee (Phipps, Eiselt, Ajmera, Egleston, Winston) recommended draft ordinance components to full City Council for discussion at the Strategy Session on January 7, 2019.

**Attachment(s)**

Proposed Chapter 14 and Chapter 19 Text Amendments

Charlotte Dockless Bike/E-Scooter Permit Requirements

[Proposed ordinance amendments 1.9.2019](#)

[Shared-Use Mobility System Permit Requirements - Draft 1-9-19 \(003\)](#)

**BUSINESS****17. Private Developer Funds Appropriation****Action:**

- A. Approve Developer Agreements with CK-Land Development, Inc., Trevi Partners, LLC, Novant Health, and LGI Homes-NC, LLC for traffic signal installations and improvements, and**
- B. Adopt a budget ordinance appropriating \$534,450 in private developer funds for traffic signal installations and improvements.**

**Staff Resource(s):**

Liz Babson, Transportation  
Charles Abel, Transportation

**Explanation**

- Private developer agreements and appropriations are needed when a developer is required through the City rezoning process to make traffic signal improvements.
- Funding contributions from private developers must be appropriated prior to the City's initiation of work.
- The \$534,450 in private developer funding is for traffic signals, traffic signal modifications and/or upgrades, and other related work associated with the developers' projects. The funding is restricted to the projects noted below:
  - CK-Land Development, Inc. contributed \$28,175 for traffic signal modifications at the intersection of Sharon Road and Morrison Boulevard (Council District 6),
  - Trevi Partners, LLC contributed \$152,000 for a new signal at the intersection of North Tryon Street and Caprington Avenue (Council District 4),
  - Novant Health contributed \$91,500 for signal modifications at 3rd Street and Queens Road, 4th Street and Queens Road, and 3rd Street and Caswell Road (Council District 1), and
  - LGI Homes-NC, LLC contributed \$262,775 for a new signal at the intersection of Plott Road and Robinson Church Road (Council District 5).
- These developer contributions are based on cost estimates prepared by the Charlotte Department of Transportation (CDOT).
- Any funding contributed by the developer(s) for a signal project that is unused by the City will be refunded back to the developer(s) after project completion.
- CDOT will install and operate these signals as part of the existing signal systems in the area.

**Fiscal Note**

Funding: Private Developer Contributions

**Attachment(s)**

Map  
Budget Ordinance

[Traffic Signal Improvements Map 15-9659](#)

[Budget Ordinance 1.14.2019](#)

**18. Mayor and City Council Topics**

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

**CONSENT****19. Community Policing Crisis Response Team****Action:**

- A. Approve contract with Matrix Mental Health Alliance, LLC doing business as CriSys to assist law enforcement in responding to people in crisis due to mental health or substance abuse for an initial term of one year not to exceed \$669,235, and**
- B. Authorize the City Manager to renew the contract for up to four, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

**Staff Resource(s):**

Kerr Putney, Police

Nelson Bowling, Police

Ryan Jackson, Police

**Explanation**

- The Charlotte-Mecklenburg Police Department's (CMPD's) Community Policing Crisis Response Team (CPCRT) is being established to provide improved public safety and service through the deployment of Officers and licensed mental health clinicians.
- The objective of the CPCRT is to decrease the number of injuries and incarcerated mentally ill individuals by acting as an entry point into mental health treatment.
- Situations will be deescalated by providing a licensed mental health professional, paired with law enforcement response, to persons and families suffering from behavioral health crises or substance abuse disorders.
- On October 10, 2018 the City issued a Request for Proposals (RFP); one response was received.
- Matrix Mental Health Alliance, LLC best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements
- Total expenditure over the five-year term of the contract, if renewed annually, would be \$3,505,621.

**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: Police Operating Budget

## 20. Gas Monitoring Equipment Purchase

### Action:

- A. Approve the purchase of new Radius BZ1 Area gas detection equipment and RGX Gateway equipment as authorized by sole source exemption of G.S. 143-129 (e)(6), and
- B. Approve a one-time purchase with Industrial Scientific for the purchase of Radius BZ1 Area Monitor Units and RGX Gateway Units.

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

Reginald T. Johnson, Fire

Cindy Bonham, Fire

### **Sole Source Exemption**

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

### **Explanation**

- The Charlotte Fire Department includes a Hazardous Materials (Hazmat) response team that operates out of two separate fire stations (Stations 13 and 32, in Council Districts 2 and 7 respectively).
- The state of North Carolina has seven Regional Response Team Divisions. Regional Response Team Division seven includes eight counties: Mecklenburg, Union, Rowan, Cabarrus, Iredell, Lincoln, Gaston, and Cleveland.
- Hazmat response teams are called to monitor areas that have experienced spills or may have harmful gases in or around the area.
- Equipment currently employed for gas detection is over 15 years old and beyond the expected useful life.
- This purchase will include 20 Radius BZ1 Area Monitors and six RGX Gateway Units and includes 48 months of live monitoring subscription service.
- This equipment will be used in conjunction with similar equipment being purchased by the state to ensure that monitoring equipment is compatible and current.
- Contract expenditures are estimated to be \$212,421.

### **Charlotte Business INClusion**

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

### **Fiscal Note**

Funding: General Grants Fund

## 21. Resolution of Intent to Abandon Cascade Circle

**Action:**

**A. Adopt a Resolution of Intent to Abandon Cascade Circle, and**

**B. Set a Public Hearing for February 11, 2019.**

**Staff Resource(s):**

Liz Babson, Transportation

Esteban Valverde, Transportation

**Explanation**

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- Cascade Circle is located in Council District 1.

**Petitioners**

Ellington Street Partners, LLC - Andy Lucas

**Attachment(s)**

Map

Resolution

[CityCouncilROWAbandonmentMap\\_2018-11](#)

[Resolution of Intent to Close Cascade Circle](#)

## 22. Resolution of Intent to Abandon a Portion of Pinckney Avenue Right-of-Way

**Action:**

- A. Adopt a Resolution of Intent to Abandon a portion of Pinckney Avenue, and**
- B. Set a Public Hearing for February 11, 2019.**

**Staff Resource(s):**

Liz Babson, Transportation

Esteban Valverde, Transportation

**Explanation**

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The portion of Pinckney Avenue is located in Council District 2.

**Petitioners**

William C. Miller

Sardha D. Miller

**Attachment(s)**

Map

Resolution

[CityCouncilROWAbandonmentMap\\_2018-01](#)

[Resolution of Intent to Close A Portion of Pinckney Ave ROW](#)

## 23. Eastway and Shamrock Drive Intersection Improvement Project

**Action:**

**Approve a contract in the amount of \$558,000 with Calyx Engineers and Consultants, Inc. for engineering planning services for the Eastway Drive and Shamrock Drive intersection improvement project.**

**Staff Resource(s):**

Mike Davis, Engineering and Property Management  
Veronica Wallace, Engineering and Property Management  
Dan Leaver, Engineering and Property Management  
Liz Babson, Transportation

**Explanation**

- The project goal is to increase vehicle capacity and enhance bicycle and pedestrian amenities at the Eastway Drive and Shamrock Drive intersection. This project was identified in the Central-Albemarle-Shamrock Comprehensive Neighborhood Improvement Program (Council District 1).
- Planning services under this contract will include, but are not limited to, traffic analysis, community involvement, and environmental permitting.
- On June 6, 2017, the City issued a Request for Qualifications (RFQ); five proposals were received.
- Calyx Engineers and Consultants, Inc. is the best qualified firm to meet the City's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- Design and construction contracts are anticipated to return to City Council for approval in the future.

**Charlotte Business INClusion**

The City negotiates participation after the firm is selected for this services contract (Part C: Section 2.1(h) of the Charlotte Business INClusion Policy). Calyx has committed 10.08% (\$56,240) of the total contract amount to the following certified firms:

- Capstone Civil Group, P.A. (MBE) (\$28,000) (geotechnical)
- Hinde Engineering, Inc. (SBE) (\$14,970) (engineering consulting)
- Carolina Wetland Services, Inc. (SBE) (\$13,270) (environmental services)

**Fiscal Note**

Funding: General Community Investment Plan

**Attachment(s)**

Map

[Eastway and Shamrock Drive Intersection Improvements](#)

## 24. Roadway Construction Services

### Action:

- A. **Reject the low bid submitted by Nassiri Development & RPG Construction (joint venture) for Roadway Construction Services Fiscal Year 2019 E, and**
- B. **Approve a contract in the amount up to \$1,070,740 to the lowest responsive bidder Onsite Development, LLC for a term of 18 months for Roadway Construction Services Fiscal Year 2019 E.**

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

Mike Davis, Engineering and Property Management  
Tonia Wimberly, Engineering and Property Management  
Becky Chambers, Engineering and Property Management

### **Explanation**

- This contract will provide horizontal construction services on an as-needed basis for minor infrastructure projects including, but not limited to, minor roadway, pedestrian safety, accessible ramps, sidewalk gaps, and other work associated with these features.
- Work includes traffic control, erosion control, clearing and grading, drainage, milling, asphalt paving, retaining wall, concrete curb, driveways, pedestrian refuge island, accessible ramps, and utility relocations.
- Work orders will be issued on a task-order basis prior to work starting.
- On October 9, 2018, the City issued an Invitation to Bid; four bids were received.
- Onsite Development, LLC was selected as the lowest responsive, responsible bidder.

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

- Nassiri Development & RPG Construction (joint venture) bid in the amount of \$882,282.50 and was found to be non-responsive as a result of failing to provide the Bid Bond under the joint venture name.

### **Charlotte Business INclusion**

Established SBE Goal: 18.00%

Committed SBE Goal: 18.01%

Onsite Development, LLC has identified SBEs on its project team, and for each work order issued, committed 18.01% of the total contract amount to the following certified firms:

- Affordable Source Trucking, LLC (SBE, MBE) (hauling)
- B & N Grading, Inc. (SBE) (milling)
- JV Trucking, LLC (SBE) (hauling)
- L Carranza Dump Truck Service LLC (SBE) (hauling)
- R.R.C. Concrete Inc. (SBE, MBE) (concrete)
- Solanos Trucking Company, Inc. (SBE) (hauling)
- Streeter Trucking Company, Inc. (SBE, MBE) (hauling)

Established MBE Goal: 8.00%

Committed MBE Goal: 8.01%

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

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

### **Fiscal Note**

Funding: General Community Investment Plan



## 25. DeArmon Road Street Improvements

**Action:**

**Approve a contract in the amount of \$678,900 with Woolpert North Carolina, PLLC for engineering design services for the DeArmon Road street improvements project.**

**Staff Resource(s):**

Mike Davis, Engineering and Property Management  
Veronica Wallace, Engineering and Property Management  
Kristie Kennedy, Engineering and Property Management

**Explanation**

- This contract includes design services for the DeArmon Road street improvements identified in the Prosperity Village Comprehensive Neighborhood Improvement Project (CNIP) (Council District 4).
- This project will construct a turning lane, curb and gutter, sidewalk, and bicycle lanes on DeArmon Road from Brown Road to Benfield Road. A pedestrian crossing under DeArmon Road for a future extension of Clark's Creek greenway will also be included as part of the project.
- On February 17, 2014, the City issued a Request for Qualifications (RFQ); 17 proposals were received.
- Woolpert North Carolina, PLLC is the best qualified firm to meet the City's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- On April 28, 2014, City Council approved a contract in the amount of \$179,000 with Woolpert North Carolina, PLLC for pre-planning services for the Prosperity Village CNIP.
- On July 25, 2016, City Council approved a planning contract in the amount of \$361,500 to Woolpert North Carolina, PLLC for the DeArmon Road complete street improvements project.
- Woolpert North Carolina, PLLC has completed the planning phase which included public meetings and outreach, coordination between the City and North Carolina Department of Transportation, traffic analyses, conceptual plans, field surveys, mapping, and a planning report.

**Charlotte Business INclusion**

The City negotiates subcontracting participation after the firm is selected for this services contract (Part C: Section 2.1 (h) of the Charlotte Business INclusion Policy). Woolpert North Carolina, PLLC has committed 12.93% (\$87,784) of the total contract amount to the following certified firms:

- Hinde Engineering (SBE) (\$37,160) (Utility coordination)
- Boyle Consulting Engineering, Inc. (SBE) (\$21,780) (Geotechnical Services)
- Carolina Wetland Services, Inc. (SBE) (\$20,844) (Environmental and Ecological)
- Sweetwater Utility Exploration LLC. B(SBE) (\$8,000) (Vertical Locator)

**Fiscal Note**

Funding: General Community Investment Plan

**Attachment(s)**

Map

[Location Map - DeArmon Road Complete Street Improvement](#)

## 26. General Building Construction Services

### **Action:**

**Approve contracts with the following companies for building construction services for a three-year term:**

- **Corner Stone Construction Services, Inc.,**
- **DE Brown Construction, Inc.,**
- **Hurst Building Company, Inc., and**
- **McFarland Building Group, LLC.**

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

Mike Davis, Engineering and Property Management

William Haas, Engineering and Property Management

### **Explanation**

- The City's Engineering and Property Management department is responsible for the operations and maintenance of municipal facilities, structures, and assets including public safety, office, warehouse, storage, vehicle maintenance, and communication towers.
- There are ongoing needs for general building construction services across the portfolio of facilities.
- These contracts will supplement limited staff resources.
- On April 23, 2018, the City issued a Request for Proposal (RFP); 10 proposals were received.
- Corner Stone Construction Services, DE Brown Construction, Hurst Building Company, and McFarland Building Group best met the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Estimated contract expenditures for all contracts are \$4,200,000 in the aggregate over the three-year term:
  - Corner Stone Construction Services, Inc. (\$900,000)
  - DE Brown Construction, Inc. (\$1,500,000)
  - Hurst Building Company, Inc. (\$900,000)
  - McFarland Building Group, LLC (\$900,000)
- All four of the firms are City small business enterprises.

### **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).

Corner Stone Construction, Inc. committed 10% (\$90,000) of the total contract amount to the following certified firms:

- A&C Electrical Services (SBE) (electrical)
- Electric System Specialist Inc. (SBE) (electrical)
- Treadaway & Sons Painting & Wallcovering, Inc. (SBE) (paint)
- Camps Construction Company (S/MBE) (concrete)

DE Brown Construction, Inc. committed 10% (\$150,000) of the total contract amount to the following certified firms:

- A&C Electrical Services (SBE) (electrical)
- Electric System Specialist Inc. (SBE) (electrical)
- Makk Services Unlimited, Inc. (SBE) (site work)
- Treadaway and Sons Painting & Wallcover, Inc. (SBE) (paint)
- All Points Waste Service, Inc. (MBE) (site work)
- Mountain Oak Millwork, LLC (S/WBE)
- Armstrong Mechanical Services, Inc. (SBE) (HVAC)
- G & Y Masonry, Inc. (MBE) (masonry)

Hurst Building Company, Inc. committed 10% (\$90,000) of the total contract amount to the following certified firms:

- Salem Construction Services, Inc. (SBE) (paint)
- Trull Contracting, LLC (S/WBE) (grading)

McFarland Building Group, LLC dba McFarland Construction committed 10% (\$90,000) of the total contract amount to the following certified firms:

- Access Services, Inc. (M/SBE) (painting and drywall)
- Jones Fencing (M/SBE) (site work and equipment operations)

**Fiscal Note**

Funding: General Community Investment Plan

## 27. Lyon Court Storm Drainage Improvement Project

**Action:**

**Approve a contract in the amount of \$18,423,463.45 to the lowest responsive bidder Sealand Contractors Corp. for the Lyon Court storm drainage improvement project.**

**Staff Resource(s):**

Mike Davis, Engineering and Property Management

Matt Gustis, Engineering and Property Management

**Explanation**

- The Lyon Court storm drainage improvement project will comprehensively address failing infrastructure and reduce structure and roadway flooding. Construction will include the installation of storm drainage, channel work, water/sanitary sewer, curb, gutter, and driveways.
- The project area is located in the Briar Creek watershed with boundaries of Thurmond Place to the north, Morningside Drive to the east, Commonwealth Avenue to the south, and The Plaza to the west (Council District 1).
- On October 25, 2018, the City issued an Invitation to Bid; four bids were received from interested service providers.
- Sealand Contractors Corp. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by fourth quarter 2022.

**Charlotte Business INclusion**

Established SBE Goal: 20.00%

Committed SBE Goal: 20.00%

Sealand Contractors Corp. met the established SBE subcontracting goal, and has committed 20.00% (\$3,684,695) of the total contract amount to the following certified SBE firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- On Time Construction, Inc. (SBE) (\$1,169,045) (concrete, masonry)
- Darnell Jones Trucking, Inc. (SBE, MBE) (\$552,740) (hauling)
- Complete Services, LLC (SBE, MBE) (\$552,730) (hauling)
- Streeter Trucking Company, Inc. (SBE, MBE) (\$552,730) (hauling)
- Cochise Trucking (SBE) (\$441,860) (hauling)
- AMP Utility Distribution Services, LLC (SBE) (\$287,978) (utility material)
- Carolina Wetland Services, Inc. (SBE) (\$98,230) (landscaping)
- Erosion Defence LLC (SBE) (\$29,382) (erosion control)

Established MBE Goal: 9.00%

Committed MBE Goal: 9.00%

Sealand Contractors Corp. met the established MBE subcontracting goal, and has committed 9.00% (\$1,658,200) of the total contract amount to the following certified MBE firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Darnell Jones Trucking, Inc. (SBE, MBE) (\$552,740) (hauling)
- Complete Services, LLC (SBE, MBE) (\$552,730) (hauling)
- Streeter Trucking Company, Inc. (SBE, MBE) (\$552,730) (hauling)

**Fiscal Note**

Funding: Storm Water Community Investment Plan

**Attachment(s)**

Map

[Location Map - Lyon Court Storm Drainage Improvement Project](#)

## 28. Construction Inspection and Management Services

### **Action:**

**Approve unit price contracts with the following companies for construction inspection and management services for a five-year term:**

- **A. Morton Thomas and Associates, Inc.,**
- **Gavel & Dorn Engineering, PLLC, and**
- **SEPI Engineering & Construction, Inc.**

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

Mike Davis, Engineering and Property Management

Susan Tolan, Engineering and Property Management

### **Explanation**

- The City has numerous Storm Water Services construction projects requiring construction management and inspection services.
- Inspection needs exceed the capacity of existing City inspection staff. These contracts will supplement current staffing levels for five years in lieu of hiring additional staff.
- Work will include, but is not limited to:
  - Documenting work progress,
  - Providing recommendations regarding the performance of the construction contractor as specified under the construction contract documents, and
  - Serving as the agent of the City within the limits and conditions of the construction contract document.
- Under this agreement, the City and consultants will negotiate the details of task orders for specific projects.
- On September 9, 2018, the City issued a Request for Qualifications (RFQ); 11 proposals were received.
- A. Morton Thomas and Associates, Inc., Gavel & Dorn Engineering, PLLC, and SEPI Engineering & Construction, Inc. are the firms best qualified to meet the City's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- Estimated contract expenditures for all contracts are \$1,050,000 annually for five years for a total of \$5,250,000.

### **Charlotte Business INclusion**

The City negotiates subcontracting participation after the firm is selected for the services contract (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). On these contracts the Prime Consultants have each committed 10.00% of the total contract amounts to the following certified firms to be utilized as project scopes are defined:

#### A. Morton Thomas and Associates, Inc.

- Jarrett Engineering, PLLC (WBE/SBE) (inspection services)

#### Gavel & Dorn Engineering, PLLC (SBE)

- Hinde Engineering, Inc. (SBE) (utility locating services)
- On-Spec Engineering, PC (SBE) (geotechnical and testing services)

#### SEPI Engineering & Construction, Inc.

- Hinde Engineering, Inc. (SBE) (utility locating services)
- Barry Lambert Engineering, PC (SBE) (structural engineering)

### **Fiscal Note**

Funding: Storm Water Community Investment Plan

## 29. Beatties Ford Road Widening Contract Change Order

**Action:**

Approve change order #1 for \$850,000 to J.T. Russell and Sons, Inc. for installation of a sanitary sewer main.

**Staff Resource(s):**

Mike Davis, Engineering and Property Management  
Imad Fakhreddin, Engineering and Property Management  
Angela Lee, Charlotte Water  
Ron Hargrove, Charlotte Water

**Explanation**

- This change order will provide for the installation of approximately 3,400 linear feet of 8-inch sanitary sewer main in conjunction with the Beatties Ford Road widening project (Council District 2).
- While constructing the previously approved road improvements, it was determined that the existing sanitary sewer system is not adequate to provide service to this area.
- Installing the sanitary sewer line with the Beatties Ford Road Widening project will benefit the community by avoiding future disruption of the current project area.
- On September 11, 2017, City Council approved a contract to J.T. Russell and Sons, Inc. for \$10,281,606.93 to widen Beatties Ford Road from Capps Hill Mine Road to Pauline Lane by providing two additional lanes, including turning lanes, planted median, bicycle lanes, sidewalk, planting strips, and lighting.
- The existing unit prices established in the contract will be utilized to the extent possible. For construction items not addressed in the original contract, unit prices have been negotiated between the City and the contractor.
- The new total value of the contract is \$11,131,606.93.

**Charlotte Business INclusion**

All additional work involved in this change order will be performed by J.T. Russell and Sons, Inc. and their existing subcontractors (Part D: Section 6 of the Charlotte Business INclusion Policy).

**Fiscal Note**

Funding: Charlotte Water Community Investment Plan

**Attachment(s)**

Map

[Beatties Ford Road Sewer Main RCA Map](#)

### 30. Paw Creek Sanitary Sewer Outfall Replacement

**Action:**

**Approve a contract in the amount of \$9,495,663 to the lowest responsive bidder Dellinger, Inc. for the Paw Creek sewer outfall replacement project.**

**Staff Resource(s):**

Angela Lee, Charlotte Water  
Ron Hargrove, Charlotte Water  
Carl Wilson, Charlotte Water

**Explanation**

- This project will replace approximately 12,750 linear feet of sewer main, ranging in diameter from 24 to 60-inches, from Interstate 485 to Little Rock Road through Mecklenburg County's Robert L. Smith Park (Council District 3).
- The existing Paw Creek Sewer Outfall has insufficient sanitary sewer capacity to accommodate growth and redevelopment in the area; this project will alleviate these capacity issues.
- On November 28, 2018, the City issued an Invitation to Bid; five bids were received.
- Dellinger, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by third quarter 2020.

**Charlotte Business INclusion**

Established MSBE Goal: 6.00%

Committed MSBE Goal: 6.13%

Dellinger, Inc. met the established subcontracting goal and has committed 6.13% (\$581,930) of the total contract amount to the following certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- All Points Trucking Inc. (SBE, WBE) (\$254,855) (hauling)
- Sanders Constructors, Inc. (SBE) (\$123,383) (clearing)
- P&TL, Inc. (SBE) (\$75,167) (seeding, silt fence)
- Carolina Wetland Services, Inc. (SBE, WBE) (\$75,000) (wetland plantings)
- Maybury Fencing, Inc. (SBE, WBE) (\$53,525) (fencing)

**Fiscal Note**

Funding: Charlotte Water Community Investment Plan

**Attachment(s)**

Map

[Map-Paw Creek Sewer Outfall Replacement](#)



### **31. Pump Stations, Force Main, and Receiving Sewer Improvements Design-Build Services**

**Action:**

- A. Approve a contract in the amount of \$4,849,802.80 with State Utility Contractors, Inc. for Phase 1 Design-Build Services for the Paw Creek Pump Station and force main improvements, Six Mile Creek Pump Station improvements, Coffey Creek interceptor condition assessment and rehabilitation, and Taggart Creek gravity sewer flow diversion structure projects, and**
- B. Authorize the City Manager to acquire all easements and real property interests, including by condemnation, when necessary, for construction of the project.**

**Staff Resource(s):**

Angela Lee, Charlotte Water

Ron Hargrove, Charlotte Water

Mike Davis, Engineering and Property Management

Tony Korolos, Engineering and Property Management

**Explanation**

- These projects will improve the reliability and capacity of the Paw Creek Pump Station and its receiving sewers for the areas north of Charlotte Douglas International Airport (Council Districts 2 and 3) and future sewer flow from the City of Mount Holly, as well as improve the reliability of the Six Mile Creek Pump Station that serves the southern part of Mecklenburg County (Council District 7) and a portion of Union County.
- The Coffey Creek Interceptor and Taggart Creek Gravity Sewer are the receiving sewers for the Paw Creek Pump Station. Due to the Paw Creek Pump Station improvements, the Coffey Creek Interceptor (Council District 3) will need to be assessed and rehabilitated to extend its service life. The Taggart Creek Gravity Sewer Flow Diversion Structure (Council District 3) is needed to manage the increased flows coming from the Paw Creek Pump Station, allowing flow to be diverted between two wastewater treatment plants.
- These projects will be completed in multiple phases, and are being delivered in close coordination with existing airport projects and the upcoming Mount Holly Pump Station and Force Main project.
- This contract includes preliminary construction, equipment procurement, design services, and development of a guaranteed maximum price (GMP) for construction of the remainder of the project.
- The project will require the acquisition of easements along the sewer main corridor. During acquisition negotiation, property owners will have an opportunity to voice comments and concerns about the alignment of the sewer and easement acquisition affecting their property.
- On October 11, 2018, the City issued a Request for Qualifications (RFQ); four proposals were received.
- State Utility Contractors, Inc. is the best qualified firm to meet the City's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- In the future, Council will receive a request for the approval of the GMP once it is established.

**Charlotte Business INclusion**

The City negotiates participation for Design-Build contracts after the firm is selected and scopes of work are defined for design and construction services (Part G: Section 2.7 of the Charlotte Business INclusion Policy). State Utility Contractors, Inc. has committed 20.50% (\$994,405) of the total contract for Phase 1 Design-Build Services to the following certified firms:

- Gavel & Dorn Engineering, PLLC (SBE) (\$633,675) (pipeline condition assessment)
- CES Group Engineers, LLP (SBE, WBE) (\$120,700) (surveying)
- TEC Electric, LLC (SBE, MBE) (\$60,680) (electrical design quality assurance/control and constructability review)

- Gulf Coast, LLC (SBE) (\$50,000) (real estate acquisition services)
- CITI, LLC (MBE) (\$45,000) (SCADA integration services)
- Sweetwater Utility Exploration, LLC (SBE) (\$44,250) (subsurface utility locates)
- Joel E. Wood & Associates, PLLC (SBE) (\$19,300) (geotechnical and material testing)
- Avioimage Mapping Services, Inc. (SBE) (\$14,800) (aerial photography and digital mapping)
- Mid-Carolina Reprographics, LLC (SBE, WBE) (\$6,000) (copying and reproduction)

MWSBE goals will be refined as the City works through the GMP process. The request for Council approval of the GMP, at a later date, will also include a determination of the MWSBE goals for the entire project.

**Fiscal Note**

Funding: Charlotte Water Community Investment Plan

**Attachment(s)**

Map

[Pump Stations, Force Main, and Receiving Sewer Improvements Design-Build Services Map](#)

## 32. Toby Creek Basin Sanitary Sewer Improvements Design-Build Services

### Action:

- A. Approve a contract in the amount of \$3,992,857 with R.H. Price, Inc. for Phase 1 Design-Build Services for the Toby Creek Basin sanitary sewer improvements project, and
- B. Authorize the City Manager to acquire all easements and real property interests, including by condemnation, when necessary, for construction of the project.

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

Angela Lee, Charlotte Water  
Ron Hargrove, Charlotte Water  
Mike Davis, Engineering and Property Management  
Tony Korolos, Engineering and Property Management

### **Explanation**

- This project will provide approximately 19,500 linear feet of new sanitary sewer in the Toby Creek/Mallard Creek basins, located from Moulton Court to the East Mallard Creek Church Road and North Tryon Street intersection (Council District 4). The project will increase sanitary sewer capacity for development in the University City area.
- The project will be delivered through collaboration and coordination with the UNC Charlotte, North Carolina Department of Transportation, Mecklenburg County Park and Recreation, and Mecklenburg County Land Use and Environmental Services Agency.
- The contract includes design services and development of a guaranteed maximum price (GMP) for construction.
- This project will require the acquisition of easements along the sewer main corridor. During acquisition negotiation, property owners will have an opportunity to voice comments and concerns about the alignment of the sewer and easement acquisition affecting their property.
- On July 13, 2018, the City issued a Request for Qualifications (RFQ); 12 proposals were received.
- R.H. Price, Inc. was determined to be the best qualified firm to meet the City's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- In the future, City Council will receive a request for the approval of the GMP once it is established.

### **Charlotte Business INclusion**

The City negotiates participation for Design-Build contracts after the firm is selected and scopes of work are defined for design and construction services (Part G: Section 2.7 of the Charlotte Business INclusion Policy). R.H. Price, Inc. has committed 12.66% (\$505,593) of the total contract for Phase 1 Design-Build Services to the following certified firms:

- Capstone Civil Engineering, Inc (SBE, MBE) (\$389,555) (materials testing, geotechnical engineering)
- Carolina Wetland Services, Inc. (SBE, WBE) (\$46,938) (wetland delineation)
- Avioimage Mapping Services, Inc.(SBE) (\$24,300) (aerial site mapping)
- Yellow Duck Marketing LLC (SBE, WBE) (\$24,000) (public communications)
- Hinde Engineering, Inc.(SBE) (\$20,800) (NCDOT coordination)

MWSBE goals will be refined as the City works through the GMP process. The request for Council approval of the GMP, at a later date, will also include a determination of the MWSBE goals for the entire project.

### **Fiscal Note**

Funding: Charlotte Water Community Investment Plan

### **Attachment(s)**

Map

[Map-Toby Creek Basin Sanitary Sewer Improvements Design-Build Services](#)

### 33. McMullen Creek Tributary to Coltsgate Road Sanitary Sewer Replacement Design-Build Services

**Action:**

- A. Approve a contract in the amount of \$583,000 with Park Construction of North Carolina, Inc. for Phase 1 Design-Build Services for the McMullen Creek Tributary to Coltsgate Road sanitary sewer replacement project, and**
- B. Authorize the City Manager to acquire all easements and real property interests, including by condemnation, when necessary, for construction of the project.**

**Staff Resource(s):**

Angela Lee, Charlotte Water  
Ron Hargrove, Charlotte Water  
Mike Davis, Engineering and Property Management  
Tony Korolos, Engineering and Property Management

**Explanation**

- This project will replace approximately 4,000 linear feet of 8-inch gravity sewer along the McMullen Creek tributary, from Coltsgate Road to the Colony Road and Sharon View Road intersection (Council District 6).
- The purpose of this project is to increase sanitary sewer capacity to allow for future development, and rehabilitate aging sections of sewer.
- This contract includes preliminary engineering, design services, and development of a guaranteed maximum price (GMP) for construction.
- The project will require the acquisition of easements along the sewer main corridor. During acquisition negotiation, property owners will have an opportunity to voice comments and concerns about the alignment of the sewer and easement acquisition affecting their property.
- On July 13, 2018, the City issued a Request for Qualifications (RFQ); 12 proposals were received.
- Park Construction of North Carolina, Inc. is the best qualified firm to meet the City's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- In the future, City Council will receive a request for the approval of the GMP once it is established.

**Charlotte Business INclusion**

The City negotiates participation for Design-Build contracts after the firm is selected and scopes of work are defined for design and construction services (Part G: Section 2.7 of the Charlotte Business INclusion Policy). Park Construction of North Carolina, Inc. has committed 39.45% (\$230,000) of the total contract for Phase 1 Design-Build Services to the following certified firms:

- Gulf Coast, LLC (SBE) (\$138,000) (easement acquisition services)
- Tidemark Land Services, Inc. (SBE) (\$64,900) (survey and easement mapping)
- Capstone Civil Engineering, Inc. (SBE, MBE) (\$27,100) (geotechnical and environmental services)

MWSBE goals will be refined as the City works through the GMP process. The request for Council approval of the GMP, at a later date, will also include a determination of the MWSBE goals for the entire project.

**Fiscal Note**

Funding: Charlotte Water Community Investment Plan

**Attachment(s)**

Map

[Map - McMullen Creek to Coltsgate Rd Alignment Corridor](#)

### 34. McMullen Creek Tributary at Quail Hollow Sanitary Sewer Replacement Design-Build Services

**Action:**

- A. Approve a contract in the amount of \$965,275 with Atlantic Coast Contractors, Inc. for Phase 1 Design-Build Services for the McMullen Creek Tributary at Quail Hollow sanitary sewer replacement project, and**
- B. Authorize the City Manager to acquire all easements and real property interests, including by condemnation, when necessary, for construction of the project.**

**Staff Resource(s):**

Angela Lee, Charlotte Water

Ron Hargrove, Charlotte Water

Mike Davis, Engineering and Property Management

Tony Korolos, Engineering and Property Management

**Explanation**

- This project will replace approximately 4,300 linear feet of 8-inch gravity sewer along the McMullen Creek tributary at Quail Hollow, from Gleneagles Road to Quail Hollow Club (Council District 6).
- The purpose of this project is to increase sanitary sewer capacity to allow for future development, and rehabilitate aging sections of sewer.
- This contract includes preliminary engineering, design services, and development of a guaranteed maximum price (GMP) for construction.
- The project will require the acquisition of easements along the sewer main corridor. During acquisition negotiation, property owners will have an opportunity to voice comments and concerns about the alignment of the sewer and easement acquisition affecting their property.
- On July 13, 2018, the City issued a Request for Qualifications (RFQ); 12 proposals were received.
- Atlantic Coast Contractors, Inc. is the best qualified firm to meet the City's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- In the future, Council will receive a request for the approval of the GMP once it is established.

**Charlotte Business INclusion**

The City negotiates participation for Design-Build contracts after the firm is selected and scopes of work are defined for design and construction services (Part G: Section 2.7 of the Charlotte Business INclusion Policy). Atlantic Coast Contractors, Inc. has committed 35.04% (\$338,200) of the total contract for Phase 1 Design-Build Services to the following certified firms:

- Gavel & Dorn Engineering, PLLC (SBE) (\$206,200) (civil engineering design, condition assessment, modeling, and project management)
- LANDTEC (SBE) (\$53,900) (surveying)
- On-Spec Engineering, PC (SBE) (\$26,100) (subsurface investigations, soil classifications, and report)
- CriTek Engineering Group, PC (SBE, MBE) (\$26,000) (erosion and sediment control plan and traffic control plan)
- Carolina Wetland Services, Inc. (SBE, WBE) (\$18,000) (preliminary wetland investigation, potential habitat survey, cultural resources assessment, and mitigation options)
- Avioimage Mapping Services, Inc. (SBE) (\$8,000) (ground control and mapping)

MWSBE goals will be refined as the City works through the GMP process. The request for Council approval of the GMP, at a later date, will also include a determination of the MWSBE goals for the entire project.

**Fiscal Note**

Funding: Charlotte Water Community Investment Plan

**Attachment(s)**

Map

[Map - McMullen Creek at Quail Hollow Alignment Corridor](#)

### 35. McAlpine Creek Wastewater Treatment Plant Reliability and Process Improvements Design-Build Construction Phase

**Action:**

**Approve a guaranteed maximum price of \$12,400,000 to Garney Companies, Inc. for the purchase of wastewater treatment equipment needed for Phase 2 Design-Build Construction Services for the McAlpine Creek Wastewater Treatment Plant reliability and process improvements project.**

**Staff Resource(s):**

Angela Lee, Charlotte Water

Ron Hargrove, Charlotte Water

Carl Wilson, Charlotte Water

**Explanation**

- This action will approve the guaranteed maximum price (GMP) for Design-Build services for the current phase of the McAlpine Creek Wastewater Treatment Plant reliability and process improvements project.
- The GMP is the maximum cost to purchase equipment required to complete a major component of the overall project, as well as additional professional services for design.
- Equipment will be purchased all at once to receive significant volume discounts and savings, and reduce the risk of future price escalation.
- This project will rehabilitate or replace critical components of the wastewater treatment process systems at the McAlpine Creek Wastewater Treatment Plant, located in the Town of Pineville (adjacent to Council District 7), to ensure reliable discharge permit compliance.
- On February 26, 2018, Council approved a contract with Garney Companies, Inc. for Phase 1 Design-Build Services for design of a full scale process pilot with associated tasks.
- On May 14, 2018, Council approved a contract with Garney Companies, Inc. for construction of the full scale process pilot, analysis of data resulting from the pilot, and recommendations of options for future phases of the project.
- This project will be designed and constructed in phases over a span of up to five years and has an estimated construction cost of approximately \$120 million.
- Council will receive requests for the approval of the GMP for each additional phase as they are established.

**Charlotte Business INclusion**

The City negotiates subcontracting participation for Design-Build contracts after scopes of work are defined for design and construction services (Part G: Section 2.7 of the Charlotte Business INclusion Policy). Garney Companies, Inc. has committed 11.26% (\$400,000), excluding wastewater treatment equipment purchase, to the following certified firms:

- CITI, LLC (MBE) (\$50,000) (instrumentation and control)
- Southeastern Consulting Engineers, Inc. (SBE) (\$335,000) (electrical design)
- Joel E. Wood & Associates (SBE) (\$15,000) (geotechnical engineering)

**Fiscal Note**

Funding: Charlotte Water Community Investment Plan

**Attachment(s)**

Map

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

## 36. Franklin and Dukes Water Treatment Plants Improvements

### Action:

- A. **Approve a contract in the amount of \$5,615,000 to the lowest responsive bidder The Harper Corporation-General Contractors for the Franklin and Dukes Water Treatment Plant improvement projects, and**
- B. **Approve a contract for up to \$675,660 with Hazen and Sawyer for engineering services.**

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

Angela Lee, Charlotte Water  
Ron Hargrove, Charlotte Water  
Carl Wilson, Charlotte Water

### **Explanation**

#### Action A

- This contract will replace chemical feed systems at the Franklin Water Treatment Plant (WTP), located on Brookshire Boulevard (Council District 2), and the fluoride storage system and fire alarm system at the Lee S. Dukes WTP, located in the Town of Huntersville (adjacent to Council Districts 2 and 4).
- On November 9, 2018, the City issued an Invitation to Bid; three bids were received.
- The Harper Corporation-General Contractors was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by the second quarter of 2020.

#### Action B

- This contract provides engineering services for construction administration, construction surveying, and inspection services for both projects.
- On March 23, 2015, City Council approved a contract with Hazen and Sawyer for the design of water quality optimization recommendations, including the design of the Franklin WTP improvements project. The approval also included the selection of Hazen and Sawyer for future phases of work on the project, including the current contract request for construction related engineering services for the project.
- On July 24, 2017, Council approved a contract with Hazen and Sawyer for miscellaneous engineering services, which included the design of the Dukes WTP improvements project.
- For efficiency of engineering resources, and to increase competition during the bid phase, it was decided to combine the design projects into one construction contract, administered by Hazen and Sawyer.

### **Charlotte Business INclusion**

#### Action A

Established MSBE Goal: 7.00%

Committed MSBE Goal: 9.08%

The Harper Corporation-General Contractors met the established subcontracting goal and has committed 9.08% (\$509,800) of the total contract amount to the following certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- All Systems Restored HVAC & Electrical LLC (MBE) (\$323,000) (fire alarm electrical)
- BW Service Solutions (SBE) (\$186,800) (piping)

#### Action B

The City negotiates subcontracting participation after the firm is selected for this services contract (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). Hazen and Sawyer has committed 7.79% (\$52,630) of the total contract amount to the following certified firm:

- Froehling & Robertson, Inc. (MBE) (\$52,630) (construction material testing)

**Fiscal Note**

Funding: Charlotte Water Community Investment Plan

**Attachment(s)**

Map

[Map 1-Water Treatment Plant Water Quality Optimization and Fluoride System and Fire Alarm Improve](#)

[Map 2-Water Treatment Plant Water Quality Optimization and Fluoride System and Fire Alarm Improve](#)



## 37. Process Improvements Study for Irwin Creek and Sugar Creek Wastewater Treatment Plants

### **Action:**

**Approve a contract in the amount of \$556,777 with HDR Engineering Inc. of the Carolinas for professional engineering services for a process improvements study for the Irwin Creek and Sugar Creek Wastewater Treatment Plants.**

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

Angela Lee, Charlotte Water

Ron Hargrove, Charlotte Water

Carl Wilson, Charlotte Water

### **Explanation**

- This contract will provide professional engineering services to evaluate and provide recommendations for process improvements at the Irwin Creek Wastewater Treatment Plant (WWTP) (Council District 3) and the Sugar Creek WWTP (Council District 6).
- Infrastructure and equipment associated with disinfection and pumping processes are nearing the end of their useful lives.
- Due to the need to address the aging infrastructure, a study will be commissioned to identify process improvements and technology advancements that can be incorporated into each project to improve the overall performance of the plants.
- On September 25, 2018, the City issued a Request for Qualifications (RFQ); three proposals were received.
- HDR Engineering Inc. of the Carolinas was determined to be the best qualified firm to meet the City's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- Conditional on the study's findings, City Council may be asked to approve a design contract or alternative project delivery contract in third quarter 2020.

### **Charlotte Business INclusion**

The City negotiates subcontracting participation after the firm is selected for this services contract (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). HDR Engineering Inc. of the Carolinas has committed 10.06% (\$56,000) of the total contract amount to the following certified firms:

- CriTek Engineering Group, P.C. (SBE, MBE) (\$31,000) (condition assessment services)
- Capstone Civil Engineering, Inc. (SBE, MBE) (\$14,000) (geotechnical engineering services)
- R. Joe Harris & Associates, Inc. (SBE) (\$8,000) (surveying)
- Chef Charles Catering Company (SBE) (\$1,500) (workshop meal catering)
- Richa Graphics (SBE, MBE) (\$1,500) (document/graphic reproduction)

### **Fiscal Note**

Funding: Charlotte Water Community Investment Plan

### **Attachment(s)**

Maps

[Map 1-Irwin Creek and Sugar Creek Wastewater Treatment Plants Process Improvements Study](#)

[Map2-Irwin Creek and Sugar Creek Wastewater Treatment Plants Process Improvements Study](#)

## **38. Work Order and Asset Management Software and Services Provider**

### **Action:**

- A. Approve a three-year contract with Timmons Group, Inc. to provide and implement software tools and professional services for the Charlotte Water work order and asset management application,**
- B. Authorize the City Manager to approve price adjustments and amend the contract consistent with the purpose for which the contract was approved, and**
- C. Authorize the City Manager to purchase such additional software licenses, services, hardware, maintenance, and support as required to maintain the system for as long as the City uses the system.**

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

Angela Lee, Charlotte Water  
Shawn Coffman, Charlotte Water

### **Explanation**

- This contract will provide software tools which will enable more functionality and a better user experience within Charlotte Water's existing work order and asset management application, Cityworks.
- This contract also includes professional services for implementation and support.
- Charlotte Water has been using Cityworks since 2012 to manage, track, and monitor field operations construction and plant maintenance work requests and asset information.
- On June 4, 2018, the City issued a Request for Proposals (RFP); two proposals were received.
- Timmons Group, Inc. best meets the City's needs in terms of demonstrated competence and qualification of professional services in response to the RFP requirements.
- Expenditures for licensing and implementing the system are estimated to be \$65,000.
- Expenditures for additional licensing, professional services, maintenance, and support are estimated to be \$200,000 annually.

### **Charlotte Business INClusion**

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

### **Fiscal Note**

Funding: Charlotte Water Community Investment Plan and Operating Budget

### 39. Blast Inspection and Seismic Monitoring Services

**Action:**

- A. Approve unit price contracts with the following companies for blast inspection and seismic monitoring services for an initial term of two years:**
- Sauls Seismic, LLC,
  - VCE Inc., and
- B. Authorize the City Manager to renew the contract for up to three, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

**Staff Resource(s):**

Angela Lee, Charlotte Water  
Ron Hargrove, Charlotte Water  
Carl Wilson, Charlotte Water

**Explanation**

- These contracts provide for pre-blasting surveys of nearby structures to document conditions before and after any blasting activities, and blast monitoring to ensure projects meet construction plans and specifications requirements.
- During the construction of water and sanitary sewer projects, rock is sometimes discovered that impedes the progress of the project. At times, the only effective method for the removal of this rock is through blasting. When blasting is required, nearby structures can be affected by the seismic waves transmitted through the ground.
- On October 22, 2018, the City issued a Request for Proposals (RFP); three proposals were received.
- The companies selected best meet the City's needs in terms of demonstrated competence and qualification of professional services in response to the RFP requirements.
- Expenditures for all contracts are estimated to be \$400,000 annually.

**Charlotte Business INClusion**

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

**Fiscal Note**

Funding: Charlotte Water Community Investment Plan

## 40. Charlotte Water Organics Laboratory Instrumentation

**Action:**

**Approve a contract in the amount of \$650,000 to the lowest responsive bidder Agilent Technologies, Inc. for the purchase of three instruments for the analysis of organics.**

**Staff Resource(s):**

Angela Lee, Charlotte Water

David Czerr, Charlotte Water

**Explanation**

- This contract is for the purchase of three instruments, service, and consumables for Charlotte Water's Laboratory Organics Section to replace equipment that has reached the end of its useful life.
- Charlotte Water conducts extensive, ongoing laboratory environmental testing to meet public health and water quality needs.
- These new instruments, along with recent advances in analytical technology and Environmental Protection Agency methods, will allow for the detection of an increased number of compounds at lower detection limits.
- Charlotte Water will use two of these instruments to test for volatile organic compounds and the third instrument to test for pesticides and polychlorinated biphenyls.
- On December 3, 2018, the City issued an Invitation to Bid; one bid was received.
- Agilent Technologies, Inc. was selected as the lowest responsive, responsible bidder.

**Charlotte Business INClusion**

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

**Fiscal Note**

Funding: Charlotte Water Capital Equipment Fund and Charlotte Water Operating Budget

## 41. Sewer Easement Mowing and Clearing

### **Action:**

- A. Approve a unit price contract with NGE Services, Inc. for sewer easement mowing and clearing for an initial term of one year, and**
- B. Authorize the City Manager to renew the contract for up to three, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

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

Angela Lee, Charlotte Water  
David Czerr, Charlotte Water

### **Explanation**

- This contract provides scheduled and on-call sewer easement mowing and clearing services for approximately 100 miles of easement annually.
- To protect the public health and environment and meet permit requirements, Charlotte Water periodically clears easements for maintenance and repair access.
- The clearing of areas with larger growth trees requires substantially more labor and resources, which limits the capacity of in-house crews to complete the required annual clearing. These contracted services for clearing of larger growth trees will allow for more efficient easement clearing in the future. Charlotte Water's in-house crews will continue to clear approximately 50 miles of easement annually as well.
- On September 27, 2018, the City issued a Request for Proposals (RFP); two proposals were received.
- NGE Services, Inc. best meets the City's needs on the basis of demonstrated competence and qualification of professional services in response to the RFP requirements.
- Estimated contract expenditures are \$700,000 annually.

### **Charlotte Business INClusion**

Due to the specialized heavy equipment required for this contract to remove large trees and other vegetation, 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 Operating Budget

## 42. Airport Fuel Farm Pump Station Addition

**Action:**

**Approve a contract in the amount of \$1,148,620 to the lowest responsive bidder Kinley Construction Group, Ltd. for the fuel farm pump station addition project.**

**Staff Resource(s):**

Brent Cagle, Aviation

Jack Christine, Aviation

**Explanation**

- Aviation operates a fueling system that pumps jet fuel from the tank farm to hydrants located at each aircraft gate.
- This project adds two pumping stations to the fuel farm which will bring the total number of pump stations to eight.
- These two additional stations will ensure the ability to meet demand and maintain pipeline pressure and minimize fueling time for aircraft.
- On August 16, 2018, the City issued an Invitation to Bid; three bids were received.
- Kinley Construction Group, Ltd. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by fourth quarter 2019.
- This activity is occurring on airport property (Council District 3).

**Charlotte Business INclusion**

Established MSBE Goal: 3.00%

Committed MSBE Goal: 21.85%

Kinley Construction Group, Ltd. exceeded the established subcontracting goal, and has committed 21.85% (\$250,926) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Besco Electric Company (MBE) (\$250,926) (electrical)

**Fiscal Note**

Funding: Aviation Community Investment Plan

## 43. Airport Tree Renovation Services

### **Action:**

- A. **Approve a unit price contract with Carolina Wetland Services, Inc for tree renovation services for a term of three years, and**
- B. **Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

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

Brent Cagle, Aviation

Jack Christine, Aviation

### **Explanation**

- The Airport property has mature Bradford Pear trees, which are considered a hazardous tree species.
- The Airport is working to remove and replace these trees with more diverse and beneficial species of trees.
- This contract provides for the removal of trees, their associated stumps and roots, tilling of tree planting areas, mulching, turf repair as needed, and for the installation of new trees.
- On September 14, 2018, the City issued a Request for Proposals; two proposals were received.
- Carolina Wetland Services, Inc. best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Estimated contract expenditures are \$260,000 annually.
- This activity is occurring on airport property (Council District 3).

### **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). However, Carolina Wetland Services, Inc. is a City WBE/SBE.

### **Fiscal Note**

Funding: Aviation Community Investment Plan

## 44. Airport Terminal Atrium and Mezzanine Renovations

**Action:**

**Approve a contract in the amount of \$966,004 with Gresham Smith for programming and scoping services for the Airport Terminal Atrium and Mezzanine renovations.**

**Staff Resource(s):**

Brent Cagle, Aviation

Jack Christine, Aviation

**Explanation**

- The Terminal Atrium and Mezzanine renovation project will reconfigure and upgrade approximately 110,000 square feet of both public and leasable space in the main terminal commonly referred to as the Atrium.
- The project will include interior renovations to the existing building and the addition of 10,000 square feet of leasable space on the mezzanine level within the existing Atrium.
- This contract will provide the initial planning and scoping services required to assess circulation, egress, life safety, mechanical systems, and to identify the needs of retailers and business partners.
- In the future, City Council will receive a request for the approval of a full design contract.
- On August 15, 2018, the City issued a Request for Qualifications (RFQ); five responses were received.
- Gresham Smith best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFQ requirements.
- This activity is occurring on Airport Property (Council District 3).

**Charlotte Business INclusion**

The City negotiates subcontracting participation after the firm is selected for this services contract (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy).

Gresham Smith has committed 13.01% (\$125,680.00) of the total contract amount to the following certified firms:

- DAS Architecture, Inc. (SBE) (\$93,680) (engineering)
- Laurene, Rickher & Sorrell (SBE) (\$32,000) (structural engineering)

**Fiscal Note**

Funding: Aviation Community Investment Plan



## 45. Airport Customs and Border Protection Facility Renovations

**Action:**

**Approve a contract in the amount of \$1,107,410 with RS&H for programming and scoping services for the Customs and Border Protection facility renovations.**

**Staff Resource(s):**

Brent Cagle, Aviation

Jack Christine, Aviation

**Explanation**

- The Customs and Border Protection (CBP) Facility Renovation project demolishes and reconstructs all interior areas of the existing CBP facility. This project also expands the terminal connector between Concourses D and E, adding approximately 15,000 square feet of leasable space.
- The original facility was built in 1990 and expanded in 2000. Increases in international traffic and updated federal requirements necessitate an expansion and renovation of the CBP facility.
- On July 11, 2018, the City issued a Request for Qualifications (RFQ); four responses were received.
- RS&H best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFQ requirements.
- In the future, Council will receive a request for the approval of full design contract.
- This activity is occurring on Airport property (Council District 3).

**Charlotte Business INclusion**

The City negotiates subcontracting participation after the firm is selected for this services contract (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy).

RS&H has committed 35.53% (\$393,420) of the total contract to the following certified firms:

- The Wilson Group (SBE) (\$293,970) (architectural planning)
- McCracken & Lopez (SBE) (\$55,550) (MEP engineering)
- Capstone Civil Engineering (MBE, SBE) (\$31,000) (subsurface investigation)
- Sweetwater Utility (SBE) (\$12,900) (underground utility)

**Fiscal Note**

Funding: Aviation Community Investment Plan

## 46. Airport Engineering Consultation Services

### **Action:**

**Approve a contract with the following firms for engineering consultation services for a term of three years:**

- **WSP USA, Inc.,**
- **RS&H, Inc.,**
- **Delta Airport Consultants, Inc. and**
- **Talbert, Bright, and Ellington, Inc.**

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

Brent Cagle, Aviation

Jack Christine, Aviation

### **Explanation**

- Aviation requires engineering consultation, design services, and construction administration for terminal, cargo, airfield, and landside site development facilities.
- On March 23, 2017, the City issued a Request for Qualifications (RFQ); 25 proposals were received.
- The firms selected best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFQ requirements.
- The pricing for these services is based on the size and nature of the requested task order service. Aviation staff will review and verify the estimates for each project.
- Total estimated expenditures across all contracts over the three-year term are \$4,000,000.
- This activity is occurring on Airport property (Council District 3).

### **Charlotte Business INclusion and Disadvantaged Business Enterprise**

The following firms have been identified to participate as task orders are assigned:

- Arora Engineers, Inc (DBE)
- BREE & Associates, Inc (DBE)
- Bloc Design, PLLC (SBE)
- Capstone Civil Engineering (MBE, SBE, DBE)
- Carolina Wetland Services (SBE, WBE)
- CES Group Engineers (SBE, WBE, DBE)
- Connico (DBE)
- Eden & Associates (DBE)
- Flehan Engineering (SBE, DBE)
- Hinde Engineering (SBE)
- MA Engineering (DBE)
- On-Spec Engineering, PC (SBE, DBE)
- Richa Graphics (SBE, DBE)
- RDM International (DBE)
- Sweetwater Utility Exploration (SBE)
- TransSolutions, LLC (DBE)
- The Ohmega Group, LLC (DBE)
- Walls Engineering, PLLC (DBE)

### **Fiscal Note**

Funding: Aviation Community Investment Plan

## 47. Refund of Property Taxes

**Action:**

**Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$23,928.22.**

**Staff Resource(s):**

Robert Campbell, Finance Department  
Sarah Richards, Finance Department

**Explanation**

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

**Attachment(s)**

Taxpayers and Refunds Requested  
Resolution Property Tax Refunds

[Resolution.pdf](#)

[List of Taxpayers final.pdf](#)

## 48. Meeting Minutes

**Action:**

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

- **November 26, 2018 Business Meeting,**
- **December 3, 2018 Strategy Session, and**
- **December 17, 2018 Special Meeting.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**PROPERTY TRANSACTIONS****49. Property Transactions - Ashley Road Sidewalk, Parcel #5**

**Action:** Approve the following Condemnation: Ashley Road Sidewalk, Parcel #5

**Project:** Ashley Road Sidewalk, Parcel #5

**Owner(s):** Vernon P. Keziah, Jr.

**Property Address:** 2601 Ashley Road

**Total Parcel Area:** 10,500 sq. ft. (.241 ac.)

**Property to be acquired by Easements:** 560 sq. ft. (.013 ac.) in Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** R-4

**Use:** Single-family Residential

**Tax Code:** 067-093-41

**Appraised Value:** \$300

**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

[Location Map - Ashley Road Sidewalk.P5.docx](#)

## 50. Property Transactions - Ashley Road Sidewalk, Parcel #8

**Action:** Approve the following Condemnation: Ashley Road Sidewalk, Parcel #8

**Project:** Ashley Road Sidewalk, Parcel #8

**Owner(s):** Annie Ruth Alsbrooks

**Property Address:** 2531 Ashley Road

**Total Parcel Area:** 10,500 sq. ft. (.241 ac.)

**Property to be acquired by Easements:** 766 sq. ft. (.018 ac.) in Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** R-4

**Use:** Single-family Residential

**Tax Code:** 067-093-38

**Appraised Value:** \$425

**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

[Location Map - Ashley Road Sidewalk.P8.docx](#)

## 51. Property Transactions - Ashley Road Sidewalk, Parcel #13

**Action:** Approve the following Condemnation: Ashley Road Sidewalk, Parcel #13

**Project:** Ashley Road Sidewalk, Parcel #13

**Owner(s):** 370HSSV, LLC

**Property Address:** 2345 Ashley Road

**Total Parcel Area:** 10,500 sq. ft. (.241 ac.)

**Property to be acquired by Easements:** 1,167 sq. ft. (.027 ac.) in Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** R-4

**Use:** Single-family Residential

**Tax Code:** 067-127-15

**Appraised Value:** \$650

**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

[Location Map - Ashley Road Sidewalk.P13.docx](#)

## 52. Property Transactions - Ashley Road Sidewalk, Parcel #15

**Action:** Approve the following Condemnation: Ashley Road Sidewalk, Parcel #15

**Project:** Ashley Road Sidewalk, Parcel #15

**Owner(s):** Biong Ka, Mes Ka, Giuh Daniel and Ronh Ka Daniel

**Property Address:** 2333 Ashley Road

**Total Parcel Area:** 10,500 sq. ft. (.241 ac.)

**Property to be acquired by Easements:** 879 sq. ft. (.02 ac.) in Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** R-4

**Use:** Single-family Residential

**Tax Code:** 067-127-13

**Appraised Value:** \$475

**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

[Location Map - Ashley Road Sidewalk.P15.docx](#)

## 53. Property Transactions - Ashley Road Sidewalk, Parcel #20

**Action:** Approve the following Condemnation: Ashley Road Sidewalk, Parcel #20

**Project:** Ashley Road Sidewalk, Parcel #20

**Owner(s):** W. Craig Allen

**Property Address:** 2301 Ashley Road

**Total Parcel Area:** 12,639 sq. ft. (.290 ac.)

**Property to be acquired by Easements:** 508 sq. ft. (.012 ac.) in Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** R-4

**Use:** Single-family Residential

**Tax Code:** 067-127-08

**Appraised Value:** \$225

**Property Owner's Concerns:** The property owner does not support the project and has become non-responsive.

**City's Response to Property Owner's Concerns:** Staff explained the necessity of the project to the property owner.

**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

[Location Map - Ashley Road Sidewalk.P20.docx](#)



## 54. Property Transactions - Ashley Road Sidewalk, Parcel #31

**Action:** Approve the following Condemnation: Ashley Road Sidewalk, Parcel #31

**Project:** Ashley Road Sidewalk, Parcel #31

**Owner(s):** Warren Moore and Catherine Moore

**Property Address:** 2025 Ashley Road

**Total Parcel Area:** 7,500 sq. ft. (.172 ac.)

**Property to be acquired by Easements:** 319 sq. ft. (.007 ac.) in Sidewalk and Utility Easement, plus 595 sq. ft. (.014 ac.) in Temporary Construction Easement

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

**Landscaping to be impacted:** Tree

**Zoned:** R-17MF

**Use:** Single-family Residential

**Tax Code:** 067-122-06

**Appraised Value:** \$1,575

**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

[Location Map - Ashley Road Sidewalk.P31.docx](#)

## 55. Property Transactions - Ashley Road Sidewalk, Parcel #32

**Action:** Approve the following Condemnation: Ashley Road Sidewalk, Parcel #32

**Project:** Ashley Road Sidewalk, Parcel #32

**Owner(s):** Bank of New York Mellon as Trustee for the Certificateholders of CWABS 2005-06

**Property Address:** 2021 Ashley Road

**Total Parcel Area:** 15,000 sq. ft. (.344 ac.)

**Property to be acquired by Easements:** 667 sq. ft. (.015 ac.) in Sidewalk and Utility Easement, plus 1,219 sq. ft. (.028 ac.) in Temporary Construction Easement

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

**Landscaping to be impacted:** Trees

**Zoned:** R-17MF

**Use:** Single-family Residential

**Tax Code:** 067-122-05

**Appraised Value:** \$2,675

**Recommendation:** To obtain clear title and avoid delay in the project schedule, staff recommends proceeding to condemnation.

**Council District:** 3

[Location Map - Ashley Road Sidewalk.P32.docx](#)

## 56. Property Transactions - Ashley Road Sidewalk, Parcel #41

**Action:** Approve the following Condemnation: Ashley Road Sidewalk, Parcel #41

**Project:** Ashley Road Sidewalk, Parcel #41

**Owner(s):** C & S Rental Properties, LLC

**Property Address:** 1901 Ashley Road

**Total Parcel Area:** 7,500 sq. ft. (.172 ac.)

**Property to be acquired by Easements:** 278 sq. ft. (.006 ac.) in Sidewalk and Utility Easement, plus 1,040 sq. ft. (.024 ac.) in Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** R-17MF

**Use:** Single-family Residential

**Tax Code:** 067-121-02

**Appraised Value:** \$1,050

**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

[Location Map - Ashley Road Sidewalk.P41.docx](#)

## 57. Property Transactions - Bryant Farms Road Sidewalk, Parcel #9

**Action:** Approve the following Condemnation: Bryant Farms Road Sidewalk, Parcel #9

**Project:** Bryant Farms Road Sidewalk, Parcel #9

**Owner(s):** Dana Hoegh-Guldberg and Niels Hoegh-Guldberg

**Property Address:** 8722 Bryant Farms Road

**Total Parcel Area:** 47,451 sq. ft. (1.089 ac.)

**Property to be acquired by Fee:** 3,120 sq. ft. (.072 ac.) in Fee Simple

**Property to be acquired by Easements:** 138 sq. ft. (.003 ac.) in Storm Drainage Easement, plus 1,127 sq. ft. (.026 ac.) in Temporary Construction Easement

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

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

**Zoned:** R-3

**Use:** Rural Homesite

**Tax Code:** 223-282-83

**Appraised Value:** \$21,000

**Property Owner's Concerns:** The property owner is concerned with the amount of compensation being offered and the loss of parking due to the location of the sidewalk.

**City's Response to Property Owner's Concerns:** Staff informed the property owner they could obtain their own appraisal in order justify a counteroffer. Staff explained the sidewalk is located at the back of curb and cannot be eliminated.

**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:** 7

[Location Map - Bryant Farms Road Sidewalk.P9.docx](#)

## 58. Property Transactions - City View Drive and Buick Drive, Parcel #1

**Action:** Approve the following Acquisition: City View Drive and Buick Drive, Parcel #1

**Project:** City View Drive and Buick Drive, Parcel #1

**Owner(s):** John Scott Yandle and Terlys Suyapa Cardona Guevara

**Property Address:** City View Drive

**Total Parcel Area:** 10,749 sq. ft. (.247 ac.)

**Property to be acquired by Fee:** 10,749 sq. ft. (.247 ac.) in Fee Simple

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

**Landscaping to be impacted:** None

**Zoned:** R-4

**Use:** Commercial

**Tax Code:** 165-041-04

**Purchase Price:** \$109,900

**Council District:** 5

[Location Map - City View Drive and Buick Drive.P1.docx](#)

## 59. Property Transactions - Cutchin Drive Drainage Improvements, Parcel #21

**Action:** Approve the following Acquisition: Cutchin Drive Drainage Improvements, Parcel #21

**Project:** Cutchin Drive Drainage Improvements, Parcel #21

**Program:** Flood Control

**Owner(s):** Charles M. Sowers and Kay H. Sowers

**Property Address:** 3062 Wamath Drive

**Total Parcel Area:** 18,959 sq. ft. (.435 ac.)

**Property to be acquired by Easements:** 1,593 sq. ft. (.037 ac.) in Temporary Construction Easement, plus 1,920 sq. ft. (.044 ac.) in Easement to be Abandoned, plus 1,670 sq. ft. (.038 ac.) in Existing Drainage Accepted as Storm Drainage Easement

**Structures/Improvements to be impacted:** Brick mailbox

**Landscaping to be impacted:** Various plantings

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 209-063-07

**Purchase Price:** \$15,325

**Council District:** 6

[Location Map - Cutchin Drive Drainage Improvements.P21.docx](#)

## 60. Property Transactions - East Lake Road 8" Sanitary to serve 11040, Parcel #3 and 4

**Action:** Approve the following Condemnation: East Lake Road 8" Sanitary to serve 11040, Parcel #3 and 4

**Project:** East Lake Road 8" Sanitary to serve 11040, Parcel #3 and 4

**Owner(s):** Sergey N. Kalinkin and Elvira A. Kalinkin

**Property Address:** 10933 and 11001 East Lake Road

**Total Parcel Area:** 126,126 sq. ft. (2.895 ac.)

**Property to be acquired by Easements:** 2,401 sq. ft. (.055 ac.) in Sanitary Sewer Easement, plus 4,935 sq. ft. (.113 ac.) in Temporary Construction Easement

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

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

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 111-112-13 and 111-112-36

**Appraised Value:** \$3,025

**Recommendation:** We are 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:** 5

[Location Map - East Lake Road 8 Sanitary Sewer to serve 11040.P3and4docx.docx](#)

## 61. Property Transactions - East Lake Road 8" Sanitary to serve 11040, Parcels #5 and 6

**Action:** Approve the following Condemnation: East Lake Road 8" Sanitary to serve 11040, Parcels #5 and 6

**Project:** East Lake Road 8" Sanitary to serve 11040, Parcels #5 and 6

**Owner(s):** Mark K. Follett and Jean B. Follett

**Property Address:** 11009 East Lake Road and 11017 East Lake Road

**Total Parcel Area:** 42,886 sq. ft. (.985 ac.)

**Property to be acquired by Easements:** 1,217 sq. ft. (.028 ac.) in Sanitary Sewer Easement, plus 4,585 sq. ft. (.105 ac.) in Temporary Construction Easement

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

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

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 111-112-14 and 111-112-15

**Appraised Value:** \$5,100

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

**City's Response to Property Owner's Concerns:** Staff informed the property owners that they can obtain their own appraisal to justify a counter offer and addressed their concerns but no agreement was reached.

**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

[Location Map - East Lake Road 8 Sanitary Sewer to serve 11040.P5and6.docx.docx](#)



## 62. Property Transactions - Gleneagles Road Pedestrian Refuge, Parcel #1

**Action:** Approve the following Condemnation: Gleneagles Road Pedestrian Refuge, Parcel #1

**Project:** Gleneagles Road Pedestrian Refuge, Parcel #1

**Owner(s):** Eileen Q. Parker and Daniel P. Parker

**Property Address:** 6964 N. Baltusrol Lane

**Total Parcel Area:** 41,147 sq. ft. (.945 ac.)

**Property to be acquired by Easements:** 292 sq. ft. (.007 ac.) in Sidewalk and Utility Easement, plus 238 sq. ft. (.005 ac.) in Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** R-15

**Use:** Single-family Residential

**Tax Code:** 209-361-01

**Appraised Value:** \$500

**Outstanding Concerns:** The property owner has become non-responsive.

**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:** 6

[Location Map - Gleneagles Road Pedestrian Refuge.P1.docx](#)

## 63. Property Transactions - Irvins Creek Trunk, Parcel #15

**Action:** Approve the following Acquisition: Irvins Creek Trunk, Parcel #15

**Project:** Irvins Creek Trunk, Parcel #15

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

**Property Address:** 11529 Lawyers Road

**Total Parcel Area:** 124,200 sq. ft. (2.851 ac.)

**Property to be acquired by Easements:** 4,259 sq. ft. (.098 ac.) in Sanitary Sewer Easement, plus 42,216 sq. ft. (.969 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** Light poles

**Landscaping to be impacted:** Various plantings

**Zoned:** R (Mint Hill)

**Use:** Commercial

**Tax Code:** 197-013-24

**Purchase Price:** \$43,000

**Council District:** N/A (Mint Hill)

[Location Map - Irvins Creek Trunk.P15.docx](#)

**64. Property Transactions - Irvins Creek Trunk, Parcel #16**

**Action:** Approve the following Acquisition: Irvins Creek Trunk, Parcel #16

**Project:** Irvins Creek Trunk, Parcel #16

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

**Property Address:** 11529 Lawyers Road

**Total Parcel Area:** 175,862 sq. ft. (4.037 ac.)

**Property to be acquired by Easements:** 4,221 sq. ft. (.097 ac.) in Sanitary Sewer Easement

**Structures/Improvements to be impacted:** Sign and light pole

**Landscaping to be impacted:** Various plantings

**Zoned:** R (Mint Hill)

**Use:** Commercial

**Tax Code:** 197-013-31

**Purchase Price:** \$16,125

**Council District:** N/A (Mint Hill)

[Location Map - Irvins Creek Trunk.P16.docx](#)

## 65. Property Transactions - Newell Stream Restoration Project, Parcel #4.1

**Action:** Approve the following Acquisition: Newell Stream Restoration Project, Parcel #4.1

**Project:** Newell Stream Restoration Project, Parcel #4.1

**Program:** Stream Restoration

**Owner(s):** Heirs of Nancy W. Page

**Property Address:** Knollwood Circle

**Total Parcel Area:** 183,966 sq. ft. (4.223 ac.)

**Property to be acquired by Fee:** 183,966 sq. ft. (4.223 ac.) in Fee Simple

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

**Landscaping to be impacted:** None

**Zoned:** R-3

**Use:** Single-family Residential - Rural Acreage

**Tax Code:** 049-261-05

**Purchase Price:** \$42,225

**Council District:** 4

[Location Map - Newell Stream Restoration Project.P4.1.docx](#)

**66. Property Transactions - Peachtree Hills Sidewalk, Parcel #28**

**Action:** Approve the following Condemnation: Peachtree Hills Sidewalk, Parcel #28

**Project:** Peachtree Hills Sidewalk, Parcel #28

**Owner(s):** Greater Bethel A.M.E. Church and Trustees

**Property Address:** 1029 Peachtree Road

**Total Parcel Area:** 449,702 sq. ft. (10.324 ac.)

**Property to be acquired by Fee:** 15,426 sq. ft. (.354 ac.) in Fee Simple within Existing Right-of-Way

**Property to be acquired by Easements:** 1,948 sq. ft. (.045 ac.) in Storm Drainage Easement, plus 9,172 sq. ft. (.211 ac.) in Sidewalk and Utility Easement, plus 13,810 sq. ft. (.317 ac.) in Temporary Construction Easement

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

**Landscaping to be impacted:** Trees

**Zoned:** R-3

**Use:** Single-family Residential - Rural Acreage

**Tax Code:** 037-017-04

**Appraised Value:** \$17,425

**Recommendation:** We are 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:** 2

[Location Map - Peachtree Hills Sidewalk.P28.docx](#)

## 67. Property Transactions - Prosperity Church Road Pedestrian Crossing, Parcel #4

**Action:** Approve the following Condemnation: Prosperity Church Road Pedestrian Crossing, Parcel #4

**Project:** Prosperity Church Road Pedestrian Crossing, Parcel #4

**Owner(s):** Stonebridge Church Community

**Property Address:** 3700 Prosperity Church Road

**Total Parcel Area:** 322,518 sq. ft. (7.404 ac.)

**Property to be acquired by Easements:** 136 sq. ft. (.003 ac.) in Temporary Construction Easement, plus 165 sq. ft. (.004 ac.) in Utility Easement

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

**Landscaping to be impacted:** None

**Zoned:** R-3

**Use:** Single-family Residential - Rural Acreage

**Tax Code:** 029-351-15

**Appraised Value:** \$50

**Property Owner's Concerns:** Property owner is concerned with the design of the project.

**City's Response to Property Owner's Concerns:** Staff explained that this is the best design.

**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:** 4

[Location Map - Prosperity Church Road Pedestrian Crossing.P4.docx](#)

## 68. Property Transactions - Upper Taggart Creek Outfall, Parcel #12

**Action:** Approve the following Condemnation: Upper Taggart Creek Outfall, Parcel #12

**Project:** Upper Taggart Creek Outfall, Parcel #12

**Owner(s):** Greenbrier Business Park Owners Association, Inc.

**Property Address:** Taggart Creek Road

**Total Parcel Area:** 139,480 sq. ft. (3.202 ac.)

**Property to be acquired by Easements:** 19,983 sq. ft. (.459 ac.) in Sanitary Sewer Easement, plus 7,465 sq. ft. (.171 ac.) in Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** I-2

**Use:** Industrial Common Area

**Tax Code:** 115-111-10

**Appraised Value:** \$5,675

**Outstanding Concerns:** The property owner and staff are working through the easement language.

**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

[Location Map - Upper Taggart Creek Outfall.P12.docx](#)

## 69. Property Transactions - Wilmore Drive/Park Avenue Sanitary Sewer Replacement, Parcel #3

**Action:** Approve the following Acquisition: Wilmore Drive/Park Avenue Sanitary Sewer Replacement, Parcel #3

**Project:** Wilmore Drive/Park Avenue Sanitary Sewer Replacement, Parcel #3

**Owner(s):** Vista Homes II, LLC

**Property Address:** 1957 Wilmore Drive

**Total Parcel Area:** 13,675 sq. ft. (.314 ac.)

**Property to be acquired by Easements:** 5,373 sq. ft. (.123 ac.) in Sanitary Sewer Easement, plus 1,469 sq. ft. (.034 ac.) in Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** R-5

**Use:** Single-family Residential

**Tax Code:** 119-074-30

**Purchase Price:** \$35,921

**Council District:** 3

[Location Map - Wilmore Drive Park Avenue Sanitary Sewer Replacement.P3.docx](#)



## **70. Property Transactions - Wilmore Drive/Park Avenue Sanitary Sewer Replacement, Parcel #4**

**Action:** Approve the following Acquisition: Wilmore Drive/Park Avenue Sanitary Sewer Replacement, Parcel #4

**Project:** Wilmore Drive/Park Avenue Sanitary Sewer Replacement, Parcel #4

**Owner(s):** CLT Home Solutions II, LLC

**Property Address:** 1953 Wilmore Drive

**Total Parcel Area:** 6,155 sq. ft. (.141 ac.)

**Property to be acquired by Easements:** 1,174 sq. ft. (.027 ac.) in Sanitary Sewer Easement

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

**Landscaping to be impacted:** None

**Zoned:** R-5

**Use:** Single-family Residential

**Tax Code:** 119-074-13

**Purchase Price:** \$11,983

**Council District:** 3

[Location Map - Wilmore Drive Park Avenue Sanitary Sewer Replacement.P4.docx](#)

**71. Property Transactions - Win Hollow Pump Station, Parcel #5**

**Action:** Approve the following Acquisition: Win Hollow Pump Station, Parcel #5

**Project:** Win Hollow Pump Station, Parcel #5

**Owner(s):** Michael S. Williams and Karen M. Williams

**Property Address:** 8820 Faires Road

**Total Parcel Area:** 1,078,284 sq. ft. (24.754 ac.)

**Property to be acquired by Easements:** 37,242.27 sq. ft. (.855 ac.) in Sanitary Sewer Easement, plus 37,305.97 sq. ft. (.856 ac.) in Temporary Construction Easement

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

**Landscaping to be impacted:** Trees

**Zoned:** R-3

**Use:** Forest - Commercial Production

**Tax Code:** 105-222-30

**Purchase Price:** \$45,000

**Council District:** Adjacent to Districts 4 and 5

[Location Map - Win Hollow Pump Station.P5.docx](#)

## 72. Property Transactions - Youngblood Road System Gap, Parcel #1

**Action:** Approve the following Condemnation: Youngblood Road System Gap, Parcel #1

**Project:** Youngblood Road System Gap, Parcel #1

**Owner(s):** Steaphen E. Climer

**Property Address:** 16725 Capps Road

**Total Parcel Area:** 71,301 sq. ft. (1.637 ac.)

**Property to be acquired by Easements:** 489.27 sq. ft. (.011 ac.) in Waterline Easement, plus 201.82 sq. ft. (.005 ac.) in Temporary Construction Easement

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

**Landscaping to be impacted:** Various plantings

**Zoned:** R-3

**Use:** Single-family Residential - Rural Acreage

**Tax Code:** 217-021-40

**Appraised Value:** \$525

**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:** Adjacent to District 3

[Location Map - Youngblood Road Syatem Gap.P1.docx](#)

## 73. Aviation Property Transaction - 3101 Piper Lane

**Action:** Approve the following acquisition:

**Staff Resource(s):** Brent Cagle, Aviation; Haley Gentry, Aviation

**Project:** Airport Master Plan

**Owner(s):** Hilton Holdings, Inc.

**Property Address:** 3101 Piper Lane

**Total Parcel Area:** 3.85

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

**Structures/Improvements to be impacted:** Commercial Building

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

**Zoned:** I-1

**Use:** Industrial

**Tax Code:** 143-111-33

**Purchase Price:** \$ 2,539,642 and all relocation benefits in compliance with Federal, State or Local regulations

**Council District:** 3

[Location Map - 3101 Piper Ln.](#)

## 74. Aviation Property Transaction - Steele Creek Road

**Action:** Approve the following property acquisition:

**Staff Resource(s):** Brent Cagle, Aviation; Haley Gentry, Aviation

**Project:** Steele Creek Presbyterian Church Purchase

**Owner(s):** Steele Creek Presbyterian Church

**Property Address:** Steele Creek Road

**Total Parcel Area:** 24.345 acres

**Property to be acquired in Fee:** 24.345 acres

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

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

**Landscaping to be impacted:** Trees

**Zoned:** R-3

**Use:** Vacant

**Tax Code:** 141-121-11

**Purchase Price:** \$2,390,000 and all relocation benefits in compliance with federal, state, or local regulations

**Council District:** 3

[Project Location Map - Steele Creek Rd](#)

## 75. Aviation Property Transaction - 7601 Steele Creek Road

**Action:** Approve the following property acquisition:

**Staff Resource(s):** Brent Cagle, Aviation; Haley Gentry, Aviation

**Project:** Steele Creek Presbyterian Church Purchase

**Owner(s):** Steele Creek Presbyterian Church

**Property Address:** 7601 Steele Creek Road

**Total Parcel Area:** 1.763 acres

**Property to be acquired in Fee:** 1.763 acres

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

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

**Landscaping to be impacted:** Trees

**Zoned:** R-3

**Use:** Vacant

**Tax Code:** 141-211-02

**Purchase Price:** \$51,000 and all relocation benefits in compliance with federal, state, or local regulations

**Council District:** 3

[Location Map - 7601 Steele Creek Rd.](#)

## 76. Aviation Property Transaction - 7611 Steele Creek Road

**Action:** Approve the following property acquisition:

**Staff Resource(s):** Brent Cagle, Aviation; Haley Gentry, Aviation

**Project:** Steele Creek Presbyterian Church Purchase

**Owner(s):** Steele Creek Presbyterian Church

**Property Address:** 7611 Steele Creek Road

**Total Parcel Area:** 1.762 acres

**Property to be acquired in Fee:** 1.762 acres

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

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

**Landscaping to be impacted:** Trees

**Zoned:** R-3

**Use:** Residential Home

**Tax Code:** 141-211-03

**Purchase Price:** \$240,000 and all relocation benefits in compliance with federal, state, or local regulations

**Council District:** 3

[Location Map - 7611 Steele Creek Rd](#)

## ADJOURNMENT

## REFERENCES



## 77. Reference - Charlotte Business INClusion Policy

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

### **Part A: Administration and Enforcement**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Part B: Construction and Commodities Contracts**

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

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

## **Part C: Service Contracts**

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

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

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

## **Part D: Post Contract Award Requirements**

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

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

**Part G: Alternative Construction Agreements**

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

## **78. Reference - Property Acquisitions and Condemnations**

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

## 79. 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.