

# City of Charlotte

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



## Meeting Agenda

**Monday, March 25, 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. Closed Session (as necessary)**
- 2. 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.

- 3. Agenda Overview**

**Staff Resource(s):**

Marcus Jones, City Manager

- 4. Local Initiative Support Corporation Follow-Up**

**Staff Resource(s):**

Denise Scott, LISC

**Time:** 15 minutes

**Explanation**

- Provide a follow-up from the March 4, 2019 Strategy Session Meeting.

[LISC Charlotte-3-25 - council version](#)

- 5. 9% Housing Trust Fund Requests**

**Staff Resource(s):**

Pamela Wideman, Housing and Neighborhood Services

**Time:** 15 minutes

**Explanation**

- This presentation provides an overview of the 2019 9% Housing Trust Fund Requests.

[HTF Funding Requests 9%](#)

- 6. E-Scooter Update**

**Staff Resource(s):**

Liz Babson, Transportation

**Time:** 15 minutes

**Explanation**

- Update on work since Council adopted ordinance language on January 14, 2019.
- Introduce and discuss a Dynamic Pricing pilot.

[E-Scooter City Council - 3-25-19](#)

## **7. 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.

**BUSINESS MEETING**

**CALL TO ORDER**

**INTRODUCTIONS**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**PUBLIC FORUM**

**8. Public Forum**

**9. Consent agenda items 29 through 79 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**

**10. Child Abuse Prevention Month**

**Action:**

Mayor Lyles will read a proclamation recognizing April as Child Abuse Prevention Month.

**11. Vision Zero City Proclamation**

**Action:**

Mayor Lyles will read a proclamation recognizing the City of Charlotte as a Vision Zero City.

**PUBLIC HEARING****12. Public Hearing on Convention Center Facilities and Refunding of 2009 Certificates of Participation****Action:**

- A. Conduct a public hearing regarding approval of an installment financing contract, not to exceed \$142,500,000, to finance the City's renovation of the Convention Center, construction of a Conference Center in partnership with The Foundation of the University of North Carolina at Charlotte, and refunding of 2009 Certificates of Participation, and**
- B. Adopt a resolution authorizing and approving an installment financing contract for the proposed financing and calling for the execution and delivery of various documents necessary to complete the sale of Certificates of Participation.**

**Staff Resource(s):**

Robert Campbell, Finance

Mike Davis, Engineering and Property Management

**Explanation**

- This action authorizes the City to enter into an installment financing contract related to the issuance of \$142,500,000 of Certificates of Participation (COPs) to be used for the following:
  - \$110,000,000 of the proceeds will be used to complete the Phase I renovation of the Convention Center,
  - \$8,000,000 of the proceeds will be used to construct a Conference Center at UNC-Charlotte, and
  - \$24,500,000 of the proceeds will be used to refund outstanding 2009 Convention Center COPs, which allows the City to realize future debt service savings.
- Conference Center financing is dependent on the City receiving a fully executed contract for the project.
- Refunding the City's outstanding 2009 COPs is anticipated to generate \$3,200,000 in savings over 15 years.
- COPs are a common debt financing tool used by municipal governments to help fund the purchase of capital equipment and the construction or renovation of facilities.
- On August 27, 2018, City Council approved the use of \$8,000,000 of the proceeds for the construction a Conference Center at UNC-Charlotte.
- On September 25, 2017, City Council approved the set-aside of \$110,000,000 of future debt capacity for this project. On November 26, 2018, City Council approved the Construction Manager at Risk contract for this project.
- The current action will:
  - Conduct a public hearing on the projects to be financed,
  - Provide information required for Local Government Commission approval of the financing, and
  - Give approval to the City Manager and the Authorized Officers named in the Resolution to take necessary actions to complete the financing.

**Fiscal Note**

Funding: Convention Center Tax Fund

**Attachment(s)**

Resolution

[Approving Resolution](#)



## 13. Public Hearing and Decision for Lemmond Farms Voluntary Annexations

### Action:

- A. Hold a public hearing for the Lemmond Farm voluntary annexation, and
- B. Adopt an annexation ordinance with an effective date of March 25, 2019, to extend the corporate limits to include these properties and assign them to the adjacent City Council district 3.

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

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

### **Explanation**

- Public hearings to obtain community input are required prior to City Council taking action on annexation requests.
- A petition has been received from the owner of the properties totaling 32.93-acres.
- The property is owned by JS Helms Family Properties, LLC.
- The property is currently zoned (NS) Neighborhood Services District.
- The petitioned area consists of three parcels, parcel identification numbers 111-461-04, 111-461-05, and 111-461-09.
- The property is located within Charlotte's extraterritorial jurisdiction and shares boundaries with current city limits.
- Intent of the annexation is to enable the development of approximately 350 multi-family units to be built over four years.
- The effective annexation date for these properties is March 25, 2019.
- The annexation ordinance assigns the annexed area to adjacent City Council district 5.

### **Consistent with City Council Policies**

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

### **Attachment(s)**

Map  
Petitioned Area  
Annexation Ordinance

[LemmondFarmVoluntaryAnnexation.Map.10.29.2018](#)

[Lemmond Farm Annexed Area map](#)

[Ordinance -Lemmond Farm](#)

## 14. Public Hearing and Decision on Riverbend Phase 3 Voluntary Annexation

### Action:

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

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

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

### **Explanation**

- Public hearings to obtain community input are required prior to City Council taking action on annexation requests.
- A petition has been received from the owner of properties totaling 18.136 acres.
- The property is owned by Riverbend Charlotte, LLC.
- The property is zoned Mixed Use one (MX-1).
- Petitioned area consists of 21 parcels, parcel identification numbers 031-205-05, 031-205-06, 031-205-07, 031-205-08, 031-205-09, 031-205-10, 031-205-12, 031-205-13, 031-205-14, 031-205-15, 031-205-16, 031-201-30, 031-204-61, 031-204-62, 031-204-63, 031-204-64, 031-204-65, 031-205-01, 031-205-02, 031-205-03, and 031-205-04.
- The property is located within Charlotte's extraterritorial jurisdiction and shares boundaries with current city limits.
- The petitioner has plans to construct a 41-unit, single family residential subdivision.
- The effective annexation date for these properties is March 25, 2019.
- The annexation ordinance assigns the annexed area to adjacent City Council district 2.

### **Consistent with City Council Policies**

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

### **Attachment(s)**

Map

Petitioned Area

Annexation Ordinance

[Riverbend Annexation.CorrectedPlat.01.24.2019](#)

[Riverbend.pdf](#)

[Ordinance -Riverbend Phase 3](#)

## 15. Public Hearing and Decision on Steele Creek Landing Voluntary Annexations

### Action:

- A. Hold a public hearing for the Steele Creek Landing voluntary annexation, and
- B. Adopt an annexation ordinance with an effective date of March 25, 2019, to extend the corporate limits to include these properties and assign them to the adjacent City Council district 3.

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

Taiwo Jaiyeoba, Planning, Design, and Development

Katrina Young, Planning, Design, and Development

### **Explanation**

- Public hearings to obtain community input are required prior to City Council taking action on annexation requests.
- A petition has been received from the owner of the properties totaling 15.481-acres.
- The property is owned by Steele-Trojan Properties, LLC
- The properties are zoned (NS) Neighborhood Services District and O-2 (CD) Office Conditional District.
- The petitioned area consists of 11 parcels, parcel identification numbers 199-591-09, 199-241-22, 199-241-23, 199-241-24, 199-241-25, 199-241-26, 199-243-01, 199-243-02, 199-243-06, 199-243-07, and 199-243-08.
- The property is located within Charlotte's extraterritorial jurisdiction and shares boundaries with current city limits.
- Intent of the annexation is to enable the development of approximately 350 multi-family units to be built over four years.
- The effective annexation date for these properties is March 25, 2019.
- The Annexation Ordinance assigns the annexed area to adjacent City Council district 3.

### **Consistent with City Council Policies**

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

### **Attachment(s)**

Map

Petitioned Area

Annexation Ordinance

[Map.SteeleCreekLanding.12.20.2018](#)

[Steele Creek Landing Annexed Area](#)

[Ordinance -Steele Creek Landing](#)

## 16. Public Hearing and Decision on Sutton Farm Phase 2 Voluntary Annexation

### Action:

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

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

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

### **Explanation**

- Public hearings to obtain community input are required prior to City Council taking action on annexation requests.
- A petition has been received from the owner of properties totaling 8.75 acres.
- The property is owned by Pleasant Grove Presbyterian Church.
- The property is zoned R-3 (single family residential).
- The petitioned area consists of one parcel, parcel identification number 035-181-16.
- The property is located within Charlotte's extraterritorial jurisdiction and shares boundaries with current city limits.
- The petitioner has plans to construct a 24-unit, single family residential subdivision.
- The effective annexation date for these properties is March 25, 2019.
- The annexation ordinance assigns the annexed area to adjacent City Council district 2.

### **Consistent with City Council Policies**

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

### **Attachment(s)**

Map  
Petitioned Area  
Annexation Ordinance

[Map.Annexation.SuttonFarmsPhase 2](#)

[Sutton Farms Phase 2](#)

[Ordinance -Sutton Farm Phase 2](#)

## 17. Public Hearing and Decision on Withrow Downs Phase 3 Voluntary Annexation

### **Action:**

- A. Hold a public hearing for the Withrow Downs Phase 3 voluntary annexation, and**
- B. Adopt an annexation ordinance with an effective date of March 25, 2019, to extend the corporate limits to include this property and assign it to the adjacent City Council district 4.**

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

Taiwo Jaiyeoba, Planning, Design, and Development

Katrina Young, Planning, Design, and Development

### **Explanation**

- Public hearings to obtain community input are required prior to City Council taking action on annexation requests.
- A petition has been received from the owners of this 19.5278-acre property located northwest of Wednesbury Boulevard and Highway 29 between I-485 and Bruton Smith Parkway in Northeast Mecklenburg County.
- The property is owned by 1152 Residential, LLC.
- The property is currently vacant and is zoned Mixed Use 2 (MX-2).
- The petitioned area consists of one parcel, parcel identification number 029-064-92.
- The property is located within Charlotte's extraterritorial jurisdiction and shares boundaries with current city limits.
- Intent of the annexation is to enable the development of 51 single-family residential subdivision.
- The effective annexation date for this property is March 25, 2019.
- The Annexation Ordinance assigns the annexed area to adjacent City Council district 4.

### **Consistent with City Council Policies**

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

### **Attachment(s)**

Map

Petitioned Area

Annexation Ordinance

[Withrow Downs Phase 3 Map](#)

[Withrow Downs Phase 3 Voluntary Annexation](#)

[Ordinance - Withrow Downs Phase 3](#)

**POLICY**

**18. City Manager's Report**

## 19. Resolutions to Correct Payout for Recent Firefighter Retirees and Adopt Vacation, Sick, Garcia, and T-13 Leave Policy

### Action:

- A. **Adopt a resolution approving leave payout adjustments for firefighter retirees who retired between October 15, 2013, and March 25, 2019, and**
  
- B. **Adopt a resolution approving a vacation, sick, Garcia, and T-13 leave policy.**

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

Sheila Simpson, Human Resources

### **Explanation**

- A recent lawsuit was settled with a group of retired Charlotte Firefighters which resulted in parties in the lawsuit receiving a 7.692 percent retroactive increase in their leave payout upon termination with the City.
- Action A allows for retired firefighters who were not party to the lawsuit (but determined to have been eligible) to receive an equivalent 7.692 percent retroactive increase to their leave payout upon termination with the City. This action will include all Firefighters who retired between October 15, 2013, and March 25, 2019, with the exception of plaintiffs in the previously referenced lawsuit.
- Action B adopts a vacation, sick, and holiday sick leave policy which clarifies items such as what types of leave are considered accrued vacation, how many hours are included in a vacation day for operational Firefighters, and how rate of pay is calculated when paying leave.
- This action will confirm the appropriate number of accrued hours to be reported to the Charlotte Firefighter's Retirement System for leave payouts, but allows for the days to be paid at a higher rate of pay, resulting in a positive impact to future firefighter retirees.

### **Attachment(s)**

Resolutions

Policy

[Resolution CFD Retiree Group \(4\)](#)

[Resolution adopting leave policy](#)

[Leave Policy Draft as of 03212019-2](#)

## 20. Guidelines for Preserving Naturally Occurring Affordable Housing

**Action:**

**Approve the Housing and Neighborhood Development Committee's recommendation to approve the Guidelines for Preserving Naturally Occurring Affordable Housing.**

**Committee Chair:**

LaWana Mayfield, Housing and Neighborhood Development

**Staff Resource(s):**

Pamela Wideman, Housing and Neighborhood Services

Miles Vaughn, Housing and Neighborhood Services

**Explanation**

- Most of Charlotte's existing affordable rental options, and particularly options for low-to-moderate income households, are large-scale Naturally Occurring Affordable Housing developments (NOAH). The preservation of NOAH is noted as a national best practice for maintaining the supply of quality, diverse price point housing and is identified as a key strategy in the Housing Charlotte Framework.
- The industry standard defines NOAH developments as:
  - Multi-family rental property 15 years or older with at least 50 units,
  - In need of light to moderate rehabilitation,
  - Currently providing rents for households in area median income brackets that are at-risk relative to neighborhood dynamics, and
  - Be rehabilitated to maintain the quality of life for residents for 15 years or more.
- The goals of the guidelines for preserving NOAH include:
  - Limiting displacement of current residents by preserving existing affordability,
  - Preserving quality affordable and workforce housing by increasing the number of available deed-restricted units and the physical structure of the units,
  - Providing low-interest loans so that high performing for-profit and non-profit owner-operators can buy and/or upfit NOAH properties and preserve them as affordable,
  - Allowing existing owners to participate in return for deed restrictions and demonstrated management and maintenance history, and
  - Aligning guidelines with other City policies.
- Per the guidelines, the level of funding for NOAH investments by the City will:
  - Range between \$10,000 and \$35,000 per unit,
  - Depend on acquisition price, level of necessary rehabilitation and incomes served, and
  - Require a minimum leverage ratio of 1:3 (public/private).

**Committee Discussion**

- On February 20, 2019, the Housing and Neighborhood Development Committee (Committee) unanimously approved the guidelines (Driggs, Harlow, and Newton; Mayfield and Egleston were absent).

**Attachment(s)**

Guidelines for Preserving Naturally Occurring Affordable Housing

[NOAH Preservation Guidelines\\_Draft v2](#)



## 21. Amend Article XII - Residential Rental Registration and Remedial Action Program

### **Action:**

**Approve the Community Safety Committee's recommendation to amend the Residential Rental Registration and Remedial Action Program Ordinance.**

### **Committee Chair:**

Justin Harlow, Community Safety

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

Kerr Putney, Police

Mark Newbold, Police

### **Current Ordinance**

- City Council adopted the most recent version of Article XII - Residential Rental Registration and Remedial Action Program Ordinance on May 29, 2012, which allowed the Charlotte-Mecklenburg Police Department to establish a registration requirement for owners of residential rental property when excessive levels of disorder activity have occurred on or in the property.
- North Carolina State law regarding rental registration programs was amended in 2017 and required the City to amend its current rental registration ordinance. These requirements included:
  - Removal of the mandatory registration requirement,
  - Removal of the initial meeting fee, and
  - Decriminalizing violations of the ordinance (enforceable with civil penalties).
- The proposed amendment removes language that conflicts with North Carolina State law.

### **Proposed Changes**

- Registration only required upon property reaching disorder risk threshold.
- Failure to comply with rental ordinance could result in civil penalty of \$50.
- Remove language on administrative fee for initial meeting.
- Remove subsection requiring posting proof of registration.
- Language added to clarify right to appeal.

### **Committee Discussion**

- The Community Safety Committee (Committee) initially received a presentation and memo on November 7, 2016. Recently, this topic was again brought to the Committee on November 15, 2018, December 11, 2018, and February 20, 2019 concerning the proposed amendments to the Residential Rental Registration and Remedial Action Program Ordinance.
- The Committee voted to recommend the amendments to full City Council (Harlow, Winston, and Phipps; Bokhari and Mitchell were absent).

### **Attachment(s)**

Residential Rental Registration and Remedial Action Program Ordinance

[Amend Ordinance Residential Registration and Remedial Action Program Ordinance 022319](#)

**BUSINESS****22. Private Developer Funds Appropriation****Action:**

- A. Approve developer agreements with Dominion Realty Partners, LLC, Pappas Midtown, LLC, Rea Farms Construction, LLC, and RRPV South Tryon Charlotte LP for traffic signal installations and improvements, and**
- B. Adopt a budget ordinance appropriating \$362,877.95 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 \$362,877.95 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:
  - Dominion Realty Partners, LLC contributed \$93,427 for traffic signal modifications at the intersection of Graham Street and Martin Luther King Jr. Boulevard (Council District 2).
  - Pappas Midtown, LLC contributed \$168,500 for a new traffic signal at the intersection of Kenilworth Avenue and Harding Place (Council District 1).
  - Rea Farms Construction, LLC contributed an additional \$66,450.95 for signal modifications at the intersections of Ardrey Kell Road and Fairway Row Lane and Providence Road and Ardrey Kell Road (Council District 7).
  - RRPV South Tryon Charlotte LP contributed \$34,500 for traffic signal modifications at the intersection of South Tryon Street and West Tremont Avenue (Council District 3).
- 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 022019](#)

[BO Developer Appropriations 3.25.2019](#)

## 23. Municipal Agreement for Orr Road Railroad Grade Separation Feasibility Study Funding

### **Action:**

**Approve a Municipal Agreement with the North Carolina Department of Transportation in the amount of \$75,000 for the Orr Road Railroad Grade Separation Feasibility Project.**

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

Liz Babson, Transportation  
Erin Pratt, Transportation  
Tim Gibbs, Transportation

### **Explanation**

- This project is intended to provide additional connectivity for vehicular, pedestrian, and bicycle traffic to cross the existing railroad via grade separation at Orr Road. The grade separation will raise Orr Road (via bridge structure) over the existing railroad.
  - The grade separated crossing will allow all modes of transportation to cross the railroad safely without being impacted by railroad operations, enhancing safety, reducing emissions and energy use while improving rail operations.
- The North Carolina Department of Transportation (NCDOT) will initiate a feasibility study to examine the costs and impacts of a proposed railroad grade separation along Orr Road, between North Tryon Street and Eastway Drive (Council District 1).
- The NCDOT's scope of work will include the following:
  - Environmental assessment for potential positive and/or negative impacts,
  - Collect data related to rail and vehicular traffic, land use, existing at-grade and grade-separation crossing characteristics, neighborhood characteristics, and multi-modal network, and
  - Conceptual engineering of proposed improvements and engineering cost estimates.
- The total estimated project cost for the Orr Road Railroad Grade Separation Feasibility Study is \$150,000 and is equally split between the City and NCDOT.

### **Fiscal Note**

Funding: Community Investment Plan

### **Attachment(s)**

Map  
Resolution

[OrrRdGradeSeparationStudy Map](#)

[Orr Road NSSR Grade Separaton Resolution](#)

## 24. Vehicle Donation to York County, South Carolina Sheriff's Office

**Action:**

**Adopt a resolution authorizing the donation of a 2005 Ford 500 vehicle to the York County, South Carolina Sheriff's Office.**

**Staff Resource(s):**

Kerr Putney, Police  
Coerte Voorhees, Police  
Michael Anderson, Police

**Explanation**

- The Charlotte-Mecklenburg Police Department (CMPD) has possession of a 2005 Ford 500 vehicle that was obtained through a contract with the National Insurance Crime Bureau (NICB) to be used as a vehicle for the CMPD Bait Vehicle Program.
- CMPD has obtained a newer vehicle from NICB, a 2017 Toyota Camry, to replace the 2005 Ford 500 and has been asked by the NCIB to transfer the older vehicle to York County.
- North Carolina General Statute 160A-280 permits the City to convey property to other units of government if approved by the governing board.
- CMPD would like to donate the 2005 Ford 500 vehicle to the York County, South Carolina Sheriff's Office to be used in their bait car program.
- Market value of the 2005 Ford 500 vehicle is \$3,000.
- The York County Sheriff's Office would accept the donated 2005 Ford 500 vehicle "as is" and without warranty.

**Attachment(s)**

Resolution

[Resolution Vehicle Donation to York County \(SC\) Sheriff's Office 022119](#)

## 25. Appointments to the Charlotte International Cabinet

**Action:**

**Vote on blue ballots and return to the Clerk at the Action Review meeting.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a partial term for an At-Large member beginning immediately and ending June 30, 2021.
  - Paula Broadwell, nominated by Council members Driggs and Egleston.
  - Gina Esquivel, nominated by Council members Harlow and Mayfield.

**Attachment(s)**

Charlotte International Cabinet Applicants

## 26. Appointments to the Citizens' Transit Advisory Group

**Action:**

**Vote on blue ballots and return to the Clerk at the Action Review meeting.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk

**Explanation**

- One appointment for a partial term beginning immediately and ending June 30, 2020.
  - Michael Cataldo, nominated by Council members Driggs and Phipps.
  - Lisa Rudisill, nominated by Council members Mayfield and Newton.

**Attachment(s)**

Citizens' Transit Advisory Group Applicants

## 27. Appointments to Keep Charlotte Beautiful

**Action:**

**Vote on blue ballots and return to the Clerk at the Action Review meeting.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a partial term beginning immediately and ending June 30, 2020.
  - Casey Brewer, nominated by Council members Bokhari and Driggs.
  - Virgil Hughes, nominated by Council members Mayfield and Phipps.
  - Linh Quach, nominated by Council members Ajmera and Newton.
  - Wendy Sellers, nominated by Council members Driggs and Mayfield.

**Attachment(s)**

Keep Charlotte Beautiful Applicants

## 28. Mayor and City Council Topics

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

**CONSENT****29. Sexual Assault Kit Testing Services****Action:**

- A. Approve unit price contracts with BODE Cellmark Forensics, Inc. and DNA Labs International for the testing of sexual assault kits for an initial term of one year, and**
- B. Authorize the City Manager to negotiate and renew contracts with BODE Cellmark Forensics, Inc. and DNA Labs International for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the City's business needs and the purpose for which the contracts were approved.**

**Staff Resource(s):**

Kerr Putney, Police

Bruce Bellamy, Police

Matthew Mathis, Police

**Explanation**

- City Council accepted a Fiscal Year (FY) 2017 U.S. Department of Justice National Sexual Assault Kit Initiative grant on October 23, 2017 to outsource 600 partially tested sexual-assault kits to an accredited laboratory.
- As a continuation of this initiative, on January 15, 2019, the City issued a Request for Proposals (RFP); three responses were received.
- BODE Cellmark Forensics, Inc. and DNA Labs International best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- The testing cost per kit and provision of expert witness testimony when required:
  - BODE Cellmark Forensics, Inc. at \$795 per test kit and \$1,800 per expert witness testimony, and
  - DNA Labs International Inc. at \$675 per test kit and \$2,000 per expert witness testimony.
- Estimated annual expenditures are \$277,500 for the initial term.
- Additional testing and expert witness services may be provided by these vendors using funding associated with the FY 2017 National Sexual Assault Kit Initiative, a future FY 2019 National Sexual Assault Kit Initiative grant, and/or additional funding sources as may be identified.

**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: General Grants Fund

### **30. Resolution of Intent to Abandon an Unopened Alleyway Off of Drummond Avenue and Catawba Avenue**

**Action:**

- A. Adopt a Resolution of intent to abandon an unopened alleyway off of Drummond Avenue and Catawba Avenue, and**
  
- B. Set a Public Hearing for April 8, 2019.**

**Staff Resource(s):**

Liz Babson, Transportation  
Michelle Smith, 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 alleyway off of Drummond Avenue and Catawba Avenue is located in Council District 1.

**Petitioners**

Villa Heights Properties, LLC - David Weekly Homes

**Attachment(s)**

Map  
Resolution

[Alleyway \(2\)](#)

[Resolution of Intent to Close an unopened Alleyway off of Drummond Ave](#)

### **31. Resolution of Intent to Abandon an Unopened Alleyway Off of North McDowell Street and North Myers Street**

**Action:**

- A. Adopt a Resolution of intent to abandon an unopened alleyway off of North McDowell Street and North Myers Street, and**
  
- B. Set a Public Hearing for April 8, 2019.**

**Staff Resource(s):**

Liz Babson, Transportation  
Michelle Smith, 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 alleyway off of North McDowell Street and North Myers Street is located in Council District 1.

**Petitioners**

Brian and Megan McGee

**Attachment(s)**

Map  
Resolution

[N McDowell](#)

[Resolution of Intent Unopened Alleyway off N. McDowell and N. Myers](#)



## 32. Charlotte Vehicle Operations Center Expansion

### **Action:**

**Approve a contract in the amount of \$2,911,680 to the lowest responsive bidder Carmel Contractors, Inc. for the Charlotte Vehicle Operations Center Expansion.**

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

Mike Davis, Engineering and Property Management  
William Haas, Engineering and Property Management  
Robert Campbell, Finance  
Betty Coulter, Finance

### **Explanation**

- This project will expand the driving course and classroom building at the Charlotte Vehicle Operations Center (CVOC), 2801 Beam Road located in Council District 3.
- The work includes extending the perimeter road, construction of a large open concrete pad in the middle of the site, and an additional training classroom to support operations and training.
- The expansion will be built on City-owned land adjacent to the current facility.
- The existing CVOC is heavily used by Fire, Police, CATS, and other departments' personnel to improve driving skills, which has helped to reduce the number of vehicle accidents by City employees since the original CVOC opened.
- As Fire, Police, CATS, and other departments have added more personnel, the need for training has increased to the point where the existing CVOC cannot handle the demand. Over the past three years, the number of vehicle accidents by City employees has increased.
- Expanding the CVOC will allow the City to meet the increased training demands and provide skills that could reduce the number of accidents by City employees.
- On October 25, 2018 the City issued an Invitation to Bid; three bids were received. The lowest bidder did not meet the CBI goal and did not meet the Good Faith Effort. The second bidder exceeded the budget; all bids were rejected.
- On December 13, 2018, the City re-issued an Invitation to Bid; seven bids were received.
- Carmel Contractors, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by second quarter 2020.

### **Charlotte Business INclusion**

Established SBE Goal: 18.00%  
Committed SBE Goal at Bid Opening: 4.38%  
SBE Participation to Date: 18.08%

Carmel Contractors, Inc. did not meet the established SBE subcontracting goal at bid, but earned the required Good Faith Effort Points (Part B: Section 5 of the Charlotte Business INclusion Policy) and are recommended for award. At bid, Carmel Contractors, Inc. committed 4.38% (\$124,285) of the base bid amount (excluding allowances of \$75K) to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- United Painting Services Inc. (SBE, MBE) (\$69,285) (drywall, painting)
- B & B Concrete Inc. (SBE) (\$55,000) (concrete)

Subsequent to Bid Opening, Carmel Contractors, Inc. has committed an additional 13.70% (\$388,659.60) to the following certified firm(s):

- Oliver Paving Company (SBE) (\$247,684.60) (asphalt)
- Bernard Irby Inc. (SBE, MBE) (\$123,475) (electrical)
- Diamond Trucking, Inc. (SBE, MBE) (\$17,500) (hauling)

Established MBE Goal: 8.00%  
Committed MBE Goal at Bid Opening: 1.12%  
MBE Participation to Date: 8.53%

Carmel Contractors, Inc. did not meet the established MBE subcontracting goal at bid, but earned the required Good Faith Effort Points (Part B: Section 5 of the Charlotte Business INCLUSION Policy) and are recommended for award. At bid, Carmel Contractors, Inc. committed 1.12% (\$31,900) of the base bid amount (excluding allowances of \$75K) to the following certified firms:

- A-1 Glass & Aluminum, LLC (MBE) (\$31,900) (aluminum storefront)

Subsequent to Bid Opening, Carmel Contractors, Inc. has committed an additional 7.41% (\$210,260) to the following MBE certified firm:

- Bernard Irby Inc. (SBE, MBE) (\$123,475) (electrical)
- Diamond Trucking, Inc. (SBE, MBE) (\$17,500) (hauling)
- United Painting Services Inc. (SBE, MBE) (\$69,285) (drywall, painting)

**Fiscal Note**

Funding: General Community Investment Plan

**Attachment(s)**

Map

[Location Map - Charlotte Vehicle Operations Center \(CVOC\) - New Training Center Building](#)

### 33. Hough Road Storm Drainage Improvement Project

**Action:**

**Approve a contract in the amount of \$731,935.33 to the lowest responsive bidder United of Carolinas, Inc. for the Hough Road Storm Drainage Improvement Project.**

**Staff Resource(s):**

Mike Davis, Engineering and Property Management  
Harold Gaines, Engineering and Property Management

**Explanation**

- The 4118 Hough Road Storm Drainage Improvement Project will address failing drainage systems on Hough Road, Heather Lane and Bevis Drive in Council District 1.
- Construction will include the installation storm drainage, drainage system rehabilitation, incidental paving and curb and gutter.
- On January 25, 2019, the City issued an Invitation to Bid; four bids were received.
- United of Carolinas, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by first quarter of 2020.

**Charlotte Business INclusion**

Established SBE Goal: 19.00%

Committed SBE Goal: 19.00%

United of Carolina, Inc. met the established SBE subcontracting goal, and has committed 19.00% (\$139,100) of the total contract amount to the following certified SBE firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- J&R Tough Construction, Corp (SBE, MBE) (\$98,000) (various construction)
- B&N Grading, Inc (SBE) (\$28,000) (asphalt paving)
- Cesar A Leon LLC (SBE, MBE) (\$13,100) (hauling)

Established MBE Goal: 7.00%

Committed MBE Goal: 15.18%

United of Carolina, Inc. exceeded the established MBE subcontracting goal, and has committed 15.18% (\$111,100) of the total contract amount to the following certified MBE firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- J&R Tough Construction, Corp (SBE, MBE) (\$98,000) (various construction)
- Cesar A Leon LLC (SBE, MBE) (\$13,100) (hauling)

**Fiscal Note**

Funding: Storm Water Community Investment Plan

**Attachment**

Map

[Location Map - Hough Road Storm Drainage Improvement Project](#)

## 34. Alanhurst-Cherrycrest Storm Drainage Improvement Project

### **Action:**

**Approve a contract in the amount of \$4,140,614.50 to the lowest responsive bidder Blythe Development Co. for the Alanhurst-Cherrycrest Storm Drainage Improvement Project.**

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

Mike Davis, Engineering and Property Management  
Matt Gustis, Engineering and Property Management

### **Explanation**

- The Alanhurst-Cherrycrest Storm Drainage Improvement Project will reduce flooding of streets, properties and structures. Construction will include the installation of storm drainage, drainage system rehabilitation, water/sanitary sewer, curb, gutter and driveways.
- The project area is located in the Sugar Creek watershed with boundaries of Griffith Road to the north, Archdale Drive to the south, Old Pineville Road to the east and Interstate I-77 to the west, in Council District 3.
- On January 25, 2019, the City issued an Invitation to Bid; five bids were received.
- Blythe Development Co. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by third quarter 2021.

### **Charlotte Business INclusion**

Established SBE Goal: 20.00%

Committed SBE Goal: 21.49%

Blythe Development Co. exceeded the established SBE subcontracting goal, and has committed 21.49% (\$889,630) 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) (\$465,945) (CIP concrete, masonry)
- R.R.C. Concrete Inc (SBE, MBE) (\$209,995) (concrete flatwork)
- Express Logistics Services, Inc. (SBE, MBE) (\$165,000) (hauling)
- Maybury Fencing INC. (SBE) (\$48,690) (fencing)

Established MBE Goal: 9.00%

Committed MBE Goal: 9.06%

Blythe Development Co. exceeded the established MBE subcontracting goal, and has committed 9.06% (\$374,995) of the total contract amount to the following certified MBE firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- R.R.C. Concrete Inc (SBE, MBE) (\$209,995) (concrete flatwork)
- Express Logistics Services, Inc. (SBE, MBE) (\$165,000) (hauling)

### **Fiscal Note**

Funding: Storm Water Community Investment Plan

### **Attachment(s)**

Map

[Location Map - Alanhurst-Cherrycrest Storm Drainage Improvement Project](#)

## 35. Water Main Replacements

### **Action:**

**Approve a contract in the amount of \$3,513,514.20 to the lowest responsive bidder Propst Construction Company for Fiscal Year 2019 water main replacements.**

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

Angela Lee, Charlotte Water

Ron Hargrove, Charlotte Water

### **Explanation**

- This contract will replace water mains reaching the end of their service life throughout the Charlotte Water service area.
- On January 31, 2019 the City issued an Invitation to Bid; three bids were received.
- Propst Construction Company was selected as the lowest responsive, responsible bidder.
- The contract is anticipated to be complete by 2021.

### **Charlotte Business INclusion**

Established MSBE Goal: 8.00%

Committed MSBE Goal (at time of Bid): 1.61%

MSBE Participation to Date: 8.85%

Propst Construction Company did not meet the established subcontracting goal at time of Bid, but earned the required Good Faith Efforts points (Part B: Section 5 of the Charlotte Business Policy). At time of Bid, Propst Construction Company committed 1.61% (\$56,500.68) of the total contract amount to the following certified firm(s):

- Trull Contracting LLC (SBE, WBE) (\$50,875.00) (curb & gutter, sidewalks, and driveways)
- D's Trucking Service Inc. (SBE, WBE) (\$5,625.68) (hauling)

Subsequent to the Bid Opening, Propst Construction Company committed an additional 7.24% (\$254,375) to the following certified firm:

- Trull Contracting LLC (SBE, WBE) (\$254,375) (curb & gutter, sidewalks, and driveways)

### **Fiscal Note**

Funding: Charlotte Water Community Investment Plan

## 36. Vest and Franklin Water Treatment Plants Upgrades

### Action:

- A. Approve a contract in the amount of \$29,995,350 to the lowest responsive bidder Wharton-Smith, Inc. for Vest and Franklin Water Treatment Plants upgrades, and**
- B. Approve contract amendment #1 for \$2,608,000 to the Black & Veatch International Company contract for construction administration and inspection services for the Vest and Franklin Water Treatment Plants upgrades.**

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

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

### **Explanation**

- These contracts will provide upgrades and rehabilitation for the Vest Water Treatment Plant (WTP), located on Beatties Ford Road, and the Franklin WTP, located on Brookshire Boulevard (both located in Council District 2).
- The Vest WTP treats on average up to 18 million gallons of water per day and was constructed in 1922, with the last major upgrade taking place in 1994. The Franklin WTP treats on average up to 110 million gallons of water per day and was constructed in 1959, with the last major upgrade taking place in 2004.
- This project will replace existing equipment that is reaching the end of its useful life, as well as extend the service life of other equipment, at both treatment plants.
- Vest WTP upgrades will include raw water influent improvements, sedimentation basin improvements, and filter upgrades and rehabilitation.
- Franklin WTP upgrades will involve the rehabilitation of 12 large-scale filters. The filters were originally installed from 1959 to the 1970s. Rehabilitating these filters will extend their service life and improve the reliability of the filters.

### Action A

- On December 19, 2018, the City issued an Invitation to Bid (ITB); two bids were received.
  - G.S. 143-132 prohibits municipalities from awarding construction contracts over \$500,000 without receiving at least three competitive bids from the initial advertisement of the contract. The City may subsequently award the contract even if re-advertisements result in fewer than three competitive bids.
- On February 6, 2019, the ITB was re-issued; two bids were received.
- Wharton-Smith, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by third quarter of 2021.

### Action B

- On October 10, 2016, Council approved a professional engineering services contract with Black & Veatch International Company for \$2,750,733 to provide design and construction services for the project.
- The Vest WTP upgrades project was originally planned to be completed in three separate phases, but was combined into a single phase of construction to take advantage of economies of scale. The original contract only covered phase 1, therefore an amendment is needed to cover this work in a single phase.
- The new total value of the contract is \$5,358,733.

### **Charlotte Business INclusion**

#### Action A

Established MSBE Goal: 10.00%

Committed MSBE Goal: 4.30%

Wharton-Smith, Inc. did not meet the established subcontracting goal, but earned the required Good Faith Effort points (Part B: Section 5 of the Charlotte Business INclusion Policy). Wharton-Smith, Inc. has

committed 4.30% (\$1,007,330) of the total contract amount (excluding allowances of \$6,715,290) to the following certified firm(s):

- Bonilla Brothers LLC (SBE, WBE) (\$928,330) (roofing)
- Maybury Fencing Inc. (SBE) (\$74,000) (fencing)
- Buffkin Trucking Inc. (SBE, MBE), Diamond Trucking of NC Inc (SBE, MBE), Motus Transportation LLC (SBE), and Streeter Trucking Company (SBE) (\$5,000) (hauling)

Action B

The City negotiates subcontracting participation after the firm is awarded this services contract (Part C: Section 2.1(h) of the Charlotte Business INCLUSION Policy). Black & Veatch International Company has committed 20.71% (\$540,000) of the total contract amount to the following certified firms:

- Capstone Civil Engineering, Inc. (SBE, MBE) (\$220,000) (geotechnical, material testing, and inspection services)
- Southeastern Consulting Engineers, Inc. (SBE) (\$190,000) (electrical construction services)
- Stewart Engineering Inc. (MBE) (\$70,000) (surveying, scanning and aerial photos)
- TKG, PLLC (SBE, WBE) (\$50,000) (document management and e-builder support)
- Richa Graphic (SBE) (\$10,000) (reproduction)

**Fiscal Note**

Funding: Charlotte Water Community Investment Plan

**Attachment(s)**

Maps

[Vest WTP Map](#)

[Franklin WTP Map](#)

## 37. CATS Financial Advisor Services

### **Action:**

- A. Approve contract with Davenport and Company, LLC for financial advisory services for an initial term of three years, and**
- B. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

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

John Lewis, CATS

Blanche Sherman, CATS

### **Explanation**

- The City uses a financial advisor to augment City staff in the development and analysis of financial plans and transactions. As federal and state funding opportunities require increasingly complex and comprehensive planning and processes it is necessary to use professional advisors having expertise in transit grants, project delivery and reporting, and financing processes.
- On December 6, 2018, the City issued a Request for Proposals (RFP); five responses were received.
- Davenport and Company, LLC best meets the City's needs in terms of qualifications, experience, cost, and, responsiveness to RFP requirements.
- The consultant will advise and assist the Transit Department on Public-Private Partnerships, federal financing opportunities including grants and Transportation Infrastructure Finance and Innovation Act loans, and any other funding mechanisms that may become available for projects to advance the 2030 Transit Plan.
- Annual expenditures are estimated to be an average of \$300,000.

### **Charlotte Business Inclusion**

No subcontracting goals were established because there are no subcontracting opportunities (Part C: Section 2.1 (a) of the Charlotte Business Inclusion Policy).

### **Fiscal Note**

Funding: CATS Operating Budget



## 38. Airport Parking and Revenue Control System and Online Booking System

### Action:

- A. **Approve a five-year contract with Designa Access Corporation to provide a Parking and Revenue Control System and associated maintenance and monitoring services necessary to keep the system operational,**
- B. **Approve a five-year contract with KMP Associates, Ltd. t/a Aero Parker to provide an Online Parking Reservation System and support services necessary to maximize Aviation's use of the system,**
- C. **Authorize the City Manager to approve price adjustments and amend the above contracts consistent with the City's business needs and the purpose for which these contracts were awarded, and**
- D. **Authorize the City Manager to purchase such additional software licenses, hardware, and associated services as needed from time to time to optimize the City's use of the system.**

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

Brent Cagle, Aviation

Haley Gentry, Aviation

### **Background**

- Aviation is currently developing a Strategic Parking Business Plan to modernize the Airport parking program to both enhance the customer experience and promote additional revenue growth.
- The recommended enhancements include the modernization of the Parking and Revenue Control System (PARCS) and the implementation of an Online Parking Reservation System (OBS).
- The Airport PARCS enables and facilitates the physical parking access and payment processing within the parking garages and lots.
- The OBS will integrate with the PARCS to allow passengers to reserve parking in their chosen parking product prior to their actual trip.

### **Explanation**

#### Action A

- On August 28, 2018, the City issued a Request for Proposals; six proposals were received.
- Designa Access Corporation was selected due to its qualifications, experience, and responsiveness to the PARCS RFP requirements.
- The contract with Designa includes the replacement of all PARCS hardware and infrastructure currently in use at the Airport, and includes the ability for the system to integrate with the Airport's selected OBS.
- The estimated cost for the contract is \$8,915,062 which includes implementation and maintenance and monitoring services for a five-year term.

#### Action B

- On October 30, 2018, the City issued a Request for Proposals; seven proposals were received.
- KMP Associates, Ltd. t/a Aero Parker was selected due to its qualifications, the creativity of its proposed solution, and the responsiveness of its proposal to the RFP requirements.
- The contract includes the implementation of the OBS including integrating with the Airport's website and the PARCS as described above.
- KMP Associates, Ltd. t/a Aero Parker will also provide commercial management services which include marketing, digital optimization, customer support services, and product yield management.
- The estimated cost for the contract is \$4,929,081 which includes implementation and commercial management services for a five-year term.

**Charlotte Business INClusion****Action A:**

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

**Action B:**

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

**Fiscal Note**

Funding: Aviation Community Investment Plan and Aviation Operating Budget

## 39. Airport Concourse A Expansion Phase 2 Design Services

**Action:**

**Approve a contract in the amount of \$8,428,000 to Perkins+Will North Carolina, Inc. for design services for the Concourse A Expansion Phase 2 Project.**

**Staff Resource(s):**

Brent Cagle, Aviation

Jack Christine, Aviation

**Explanation**

- The Airport Master Plan identified a need for additional gates based on new passenger forecast analysis.
- On August 10, 2018, City Council approved a contract with Perkins+Will North Carolina, Inc. in the amount of \$1,470,066 for conceptual studies and an architectural report for the Concourse A Expansion Phase 1.
- Concourse A Expansion Phase 2 will encompass 215,000 square feet and include 10 additional gates and a connector to Concourse A Expansion Phase 1.
- The contract will provide design services for the Concourse A Expansion Phase 2.
- On January 29, 2018, the City issued a Request for Qualifications; five responses were received.
- Perkins+Will North Carolina, Inc. was selected based on their qualifications and previous airport experience.
- Aviation intends to return in third quarter 2019 with additional actions to approve a construction contract and an amendment to this contract for construction administration.
- 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).

For this contract Perkins+Will North Carolina, Inc. has committed 27.64% (\$2,329,640) of the total contract amount to the following certified firm:

- C-Design (SBE) (\$2,329,640) (architectural services)

**Fiscal Note**

Funding: Aviation Community Investment Plan

## 40. Airport East Terminal Phase 2 - Food Court Construction Services

**Action:**

**Approve change order #1 in the amount of 2,998,817.67 to Messer Construction for the revisions to the Food Court area of East Terminal Phase 2.**

**Staff Resource(s):**

Brent Cagle, Aviation

Jack Christine, Aviation

**Explanation**

- On June 27, 2016, City Council awarded a Construction Manager at Risk contract to Messer Construction in the amount of \$31,807,926.17 for the construction of East Terminal Phase 2.
- The food court tenants, HMS Host and Paradies Lagardère, are currently designing their tenant-leased spaces.
- Change order #1 will allow additional work to be performed through this contract to coordinate the food court common area to the tenant area finishes and lease agreements.
- The scope of work includes construction of two new entry portals, permanent wayfinding signage, infrastructure for new flight information display monitors, and modifications to the fire protection system.
- The new value of the contract, including change order #1, is \$ 34,806,743.84.
- This activity is occurring on airport property (Council District 3).

**Charlotte Business INclusion**

All additional work involved in this change order will be performed by Messer Construction and their existing subcontractors (Part D: Section 6 of the Charlotte Business INclusion Policy).

**Fiscal Note**

Funding: Aviation Community Investment Plan

## 41. Airport South Campus Node Communication Room Construction

**Action:**

**Approve a contract in the amount of \$711,634 to the lowest responsive bidder Catalyst Construction Company for the South Campus communication room construction project.**

**Staff Resource(s):**

Brent Cagle, Aviation

Jack Christine, Aviation

**Explanation**

- This project will construct a new communications room within an existing cargo building on the south side of the airport to support tenants, including the new air traffic control tower.
- On October 29, 2018, the City issued an Invitation to Bid; no bids were received.
- On November 27, 2018, the project was re-advertised for bid; two bids were received.
- On December 17, 2018, the project was re-advertised for bid; three bids were received.
- Catalyst Construction Company was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by third quarter 2019.
- This activity is occurring on airport property (Council District 3).

**Charlotte Business INclusion**

Established MSBE Goal: 12.00%

Committed MSBE Goal: 19.27%

Catalyst Construction Company exceeded the established subcontracting goal, and has committed 19.27% (\$137,100) of the total contract amount to the following certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Access Services (MBE, SBE) (\$6,900) (Labor Services)
- Aqua Source (SBE) (\$5,200) (Plumbing)
- Superior Mechanical Services (MBE) (\$125,000) (Mechanical)

**Fiscal Note**

Funding: Aviation Community Investment Plan

## 42. Nuisance Abatement Services

### Action:

- A. Approve contracts with the following companies for nuisance abatement services for an initial term of three years:**
- Carolina Lawn Service,
  - Dunlap Commercial and Residential Services, LLC,
  - GDC Supplies, Equipment & Contracting LLC,
  - GMB Enterprises,
  - HRGC LLC,
  - Lightning Fast Lawn Care,
  - Maintenance One,
  - Millennium CCF and DJF, LLC, and
  - RCS Surface Restoration and Preservation, and
- B. Authorize the City Manager to renew the contracts for up to two, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

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

Pamela Wideman, Housing and Neighborhood Services

Ben Krise, Housing and Neighborhood Services

### **Explanation**

- Housing and Neighborhood Services' Code Enforcement Division hires contractors to abate nuisance violations when a property owner fails to comply after receiving a legal notice of violation.
- Nuisance abatement services may include:
  - Mowing tall weeds and grass on vacant or occupied lots,
  - Removing household items, automobile parts, construction-related debris, or yard waste left on a vacant or occupied lot,
  - Boarding up vacant residential structures, and
  - Removing graffiti.
- On November 2, 2018, the City issued a Request for Proposals (RFP); 10 responses were received.
- The companies selected best meet the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Multiple contracts are recommended to ensure adequate resources and coverage throughout the City.
- Annual expenditures for all contracts combined are estimated to be \$400,000.

### **Charlotte Business INclusion**

Eight of these contracts will be awarded to the following City-certified MWSBE firms:

- Carolina Lawn Service (WBE, SBE),
- GDC Supplies, Equipment & Contracting LLC (MBE, SBE),
- GMB Enterprises (SBE),
- HRGC LLC (WBE),
- Lightning Fast Lawn Care (MBE, SBE),
- Maintenance One (MBE, SBE),
- Millennium CCF and DJF, LLC (MBE, SBE), and
- RCS Surface Restoration and Preservation (SBE)

### **Fiscal Note**

Funding: Housing and Neighborhood Services Operating Budget

## 43. Audio Visual Software, Hardware, and Services

### Action:

- A. **Approve the purchase of audio visual software, hardware, and services from a federal contract,**
- B. **Approve a fixed price contract with Activu Corporation for the purchase of Activu audio-visual system, including hardware and software services under General Services Administration, Contract #GS-35F-0632N, dated May 22, 2003,**
- C. **Authorize the City Manager to extend the contract for additional one-year terms for as long as the federal contract is in effect, at prices and terms that are the same or more favorable than those offered under the federal contract,**
- D. **Authorize the City Manager to purchase maintenance and support for as long as the City uses the audio-visual software and hardware, and**
- E. **Authorize the City Manager to purchase such additional software licenses, services, and hardware or amend the contract as may be required for additional enterprise implementations of this audio-visual solution, consistent with the purpose for which the contract was awarded.**

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

Reenie Askew, Innovation and Technology  
Brad Dunkle, Innovation and Technology  
Chief Putney, Police  
Liz Babson, Transportation  
Mike Davis, Engineering and Property Management

### **Explanation**

- Various City departments have implemented video management systems to view cameras placed across the City for traffic control, crime prevention, and City building security.
- G.S. 143-129 allows local governments to purchase from contracts established by the United States government, including any federal agency, if the contractor is willing to extend the same or more favorable prices, terms, and conditions as those established under the federal contract.
- Activu Corporation is willing to provide their audio-visual system to the City at the same or better terms as established in the federal contract.
- Several control centers exist to monitor camera footage real-time for traffic control and real-time crime response.
- The Activu audio-visual solution provides the following functionality:
  - Real-time viewing of camera assets on video walls,
  - Control of audio visual assets and layout of video wall,
  - The ability to incorporate other visual assets such as maps, documents on the walls, and
  - The ability to send visual assets to several screens in the City for collaboration.
- Expenditures for the initial year are estimated to be \$680,434.

### **Charlotte Business INclusion**

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

### **Fiscal Note**

Funding: General Grants Fund and General Community Investment Plan

## 44. Commercial Fitness Equipment

### **Action:**

- A. **Award a unit price contract to the lowest responsive bidder Promaxima Manufacturing LLC for the purchase of commercial fitness equipment 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):**

Robert Campbell, Finance

Kay Elmore, Finance

### **Explanation**

- The commercial fitness equipment will be used in facilities citywide including, but not limited to, the Charlotte Mecklenburg Police Department and Charlotte Fire Department.
- City staff will have access to commercial fitness equipment that addresses aerobic, strength, and functional exercise needs. This equipment will also help ensure that public safety employees maintain adequate fitness levels.
- On January 11, 2019, the City issued an Invitation to Bid; six bids were received.
- Promaxima Manufacturing LLC was selected as the lowest responsive, responsible bidder.
- The City issued the Invitation to Bid on behalf of the Charlotte Cooperative Purchasing Alliance.
- Annual expenditures are estimated to be \$225,000.

### **Charlotte Business INclusion**

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

### **Fiscal Note**

Various Departments' Operating Budget

## 45. Refund of Property Taxes

### **Action:**

**Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$7,536.43.**

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

Robert Campbell, Finance

Scott Greer, Finance

### **Explanation**

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

### **Attachment(s)**

Taxpayers and Refunds Requested

Resolution Property Tax Refunds

[List of Taxpayers final](#)

[Resolution](#)

## 46. In Rem Remedy: 1239 Caldwell Williams Road

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

**Public Purpose:**

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

**Policy:**

- Housing and Neighborhood Development and Community Safety

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

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

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

**Field Observation: (1239 Caldwell Williams Road, Council District 2)**

**Action:**

**Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at (1239 Caldwell Williams Road) (Neighborhood Profile Area 113).**

**Attachment(s)**

In Rem Packet for (1239 Caldwell Williams Road)

[1239 Caldwell Williams Rd](#)



## 47. In Rem Remedy: 2724 A & B Mayfair Avenue

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

**Public Purpose:**

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

**Policy:**

- Housing and Neighborhood Development and Community Safety

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

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

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

**Field Observation: (2724 A & B Mayfair Avenue, Council District 3)**

**Action:**

**Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at (2724 A & B Mayfair Avenue) (Neighborhood Profile Area 321).**

**Attachment(s)**

In Rem Packet for (2724 A & B Mayfair Avenue)

[2724 A-B Mayfair Av](#)

## 48. In Rem Remedy: 8509 Mount Holly Road

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

**Public Purpose:**

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

**Policy:**

- Housing and Neighborhood Development and Community Safety

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

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

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

**Field Observation: (8509 Mount Holly Road, Council District 3)**

**Action:**

**Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at (8509 Mount Holly Road) (Neighborhood Profile Area 348).**

**Attachment(s)**

In Rem Packet for (8509 Mount Holly Road)

[8509 Mount Holly Rd](#)

## 49. Meeting Minutes

**Action:**

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

- **February 4, 2019 Strategy Session,**
- **February 6, 2019 Budget Workshop, and**
- **February 11, 2019 Business Meeting.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

## PROPERTY TRANSACTIONS

## 50. Property Transactions - Chandworth Drainage Improvements, Parcel #6

**Action:** Approve the following Condemnation: Chandworth Drainage Improvements, Parcel #6

**Project:** Chandworth Drainage Improvements, Parcel #6

**Program:** Flood Control

**Owner(s):** Paul G. Durham and Brandi P. Durham

**Property Address:** 3814 Chandworth Road

**Total Parcel Area:** 18,652 sq. ft. (.428 ac.)

**Property to be acquired by Easements:** 516 sq. ft. (.012 ac.) in Sanitary Sewer Easement, plus 1,468 sq. ft. (.034 ac.) in Temporary Construction Easement

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

**Landscaping to be impacted:** Trees

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 179-097-40

**Appraised Value:** \$6,025

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

**City's Response to Property Owner's Concerns:** Staff addressed property owner's concerns, however, an agreement has not been reached. Staff also informed property owner they could obtain their own appraisal in order to justify a counter offer.

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

**Council District:** 6

[Location Map - Chandworth Drainage Improvement.P6.docx](#)

## 51. Property Transactions - Chandworth Drainage Improvements, Parcel #8

**Action:** Approve the following Condemnation: Chandworth Drainage Improvements, Parcel #8

**Project:** Chandworth Drainage Improvements, Parcel #8

**Program:** Flood Control

**Owner(s):** Michael A. Rosenberg and Susan Nicolson

**Property Address:** 3828 Chandworth Road

**Total Parcel Area:** 15,736 sq. ft. (.361 ac.)

**Property to be acquired by Easements:** 576 sq. ft. (.013 ac.) in Sanitary Sewer Easement, plus 585 sq. ft. (.013 ac.) in Temporary Construction Easement

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

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

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 179-097-38

**Appraised Value:** \$3,475

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

**City's Response to Property Owner's Concerns:** Staff addressed property owner's concerns, however, an agreement has not been reached. Staff also informed property owner they could obtain their own appraisal in order to justify a counter offer.

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

**Council District:** 6

[Location Map - Chandworth Drainage Improvements.P8.docx](#)

## 52. Property Transactions - Chandworth Drainage Improvements, Parcel #41

**Action:** Approve the following Condemnation: Chandworth Drainage Improvements, Parcel #41

**Project:** Chandworth Drainage Improvements, Parcel #41

**Program:** Flood Control

**Owner(s):** Matthew Papandrea and Meredith Papandrea

**Property Address:** 3819 Chandworth Road

**Total Parcel Area:** 23,187 sq. ft. (.532 ac.)

**Property to be acquired by Easements:** 710 sq. ft. (.016 ac.) in Storm Drainage Easement, plus 1,118 sq. ft. (.026 ac.) in Sanitary Sewer Easement, plus 3,391 sq. ft. (.078 ac.) in Temporary Construction Easement, plus 179 sq. ft. (.004 ac.) in Existing Drainage Accepted as Storm Drainage Easement

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

**Landscaping to be impacted:** Trees

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 179-063-01

**Appraised Value:** \$14,450

**Property Owner's Counteroffer:** \$25,000

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

**City's Response to Property Owner's Concerns:** Staff addressed property owner's 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:** 6

[Location Map - Chandworth Drainage Improvement.P41.docx](#)

## 53. Property Transactions - Cross Charlotte Trail Brandywine - Tyvola, Parcel #15

**Action:** Approve the following Acquisition: Cross Charlotte Trail Brandywine - Tyvola, Parcel #15

**Project:** Cross Charlotte Trail Brandywine - Tyvola, Parcel #15

**Owner(s):** Matthew Paul LeBlanc and Catherine Ann Mellon LeBlanc

**Property Address:** 2116 Hassell Place

**Total Parcel Area:** 29,569 sq. ft. (.679 ac.)

**Property to be acquired by Easements:** 7,617 sq. ft. (.175 ac.) in Permanent Greenway Easement plus 1,197 sq. ft. (.027 ac.) in Temporary Construction Easement

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

**Landscaping to be impacted:** Trees

**Zoned:** R-5

**Use:** Single-family Residential

**Tax Code:** 175-151-11

**Purchase Price:** \$75,000

**Council District:** 6

[Location Map - Cross Charlotte Trail Brandywine - Tyvola.P15.docx](#)

## 54. Property Transactions - Irvins Creek Trunk, Parcel #5

**Action:** Approve the following Acquisition: Irvins Creek Trunk, Parcel #5

**Project:** Irvins Creek Trunk, Parcel #5

**Owner(s):** Hilda M. Bradley, et al

**Property Address:** 11100 Lawyers Road

**Total Parcel Area:** 63,357 sq. ft. (1.454 ac.)

**Property to be acquired by Easements:** 4,520 sq. ft. (.104 ac.) in Sanitary Sewer Easement, plus 6,362 sq. ft. (.146 ac.) in Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** R (Mint Hill)

**Use:** Single-family Residential

**Tax Code:** 135-381-59

**Purchase Price:** \$20,157

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

[Location Map - Irvins Creek Trunk.P5.docx](#)

## 55. Property Transactions - Irvins Creek Trunk, Parcel #8

**Action:** Approve the following Acquisition: Irvins Creek Trunk, Parcel #8

**Project:** Irvins Creek Trunk, Parcel #8

**Owner(s):** James Curtis Bartlett and Elizabeth Wentz Bartlett

**Property Address:** 1124 Lawyers Road

**Total Parcel Area:** 57,374 sq. ft. (1.317 ac.)

**Property to be acquired by Easements:** 7,977 sq. ft. (.183 ac.) in Sanitary Sewer Easement, plus 5,169 sq. ft. (.119 ac.) in Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** B-D

**Use:** Commercial

**Tax Code:** 135-381-56

**Purchase Price:** \$30,296

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

[Location Map - Irvins Creek Trunk.P8.docx](#)



## 56. Property Transactions - Hinsdale - Tinkerbell Drainage Improvements, Parcel #20

**Action:** Approve the following Condemnation: Hinsdale - Tinkerbell Drainage Improvements, Parcel #20

**Project:** Hinsdale - Tinkerbell Drainage Improvements, Parcel #20

**Program:** Flood Control

**Owner(s):** Oliver J. Carias

**Property Address:** 5517 Sharon Road

**Total Parcel Area:** 16,898 sq. ft. (.388 ac.)

**Property to be acquired by Easements:** 44.76 sq. ft. (.001 ac.) in Storm Drainage Easement, plus 403.47 sq. ft. (.009 ac.) in Temporary Construction Easement, plus 1,186.06 sq. ft. (.027 ac.) in Utility Easement, plus 546.47 sq. ft. (.013 ac.) in Existing Drainage Accepted as Storm Drainage Easement

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

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

**Zoned:** R-3

**Tax Code:** 209-073-07

**Appraised Value:** \$11,725

**Property Owner's Counteroffer:** \$20,000

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

**City's Response to Property Owner's Concerns:** Staff was able to redesign minimizing project impacts and informed the property owner they could obtain their own appraisal in order to justify their counter offer.

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

**Council District:** 6

[Location Map - Hinsdale - Tinkerbell Drainage Improvements.P20.docx](#)

## 57. Property Transactions - Little Sugar Creek Tributary Trunk Sewer to North Tryon Street, Parcel #8

**Action:** Approve the following Condemnation: Little Sugar Creek Tributary Trunk Sewer to North Tryon Street, Parcel #8

**Project:** Little Sugar Creek Tributary Trunk Sewer to North Tryon Street, Parcel #8

**Owner(s):** Amerco Real Estate Company

**Property Address:** 1224 North Tryon Street

**Total Parcel Area:** 195,690 sq. ft. (4.492 ac.)

**Property to be acquired by Fee:** 1,018 sq. ft. (.023 ac.) in Fee Simple

**Property to be acquired by Easements:** 16,255 sq. ft. (.373 ac.) in Storm Drainage Easement, plus 17,824 sq. ft. (.409 ac.) in Sanitary Sewer Easement, plus 8,167 sq. ft. (.187 ac.) in Sidewalk and Utility Easement, plus 10,689 sq. ft. (.245 ac.) in Temporary Construction Easement, plus 5,916 sq. ft. (.136 ac.) in Retaining Wall Easement

**Structures/Improvements to be impacted:** Parking spaces, driveway entrance, asphalt and light poles

**Landscaping to be impacted:** None

**Zoned:** I-2

**Use:** Industrial

**Tax Code:** 081-021-01

**Appraised Value:** \$246,950

**Property Owner's Concerns:** The property owner does not agree with design of the project, loss of entrance, loss of parking and access during construction.

**City's Response to Property Owner's Concerns:** Staff was able to redesign to minimize impacts to the property.

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

**Council District:** 1

[Location Map - Little Sugar Creek Tributary Trunk Sewer to North Tryon Street.P8.docx](#)

## 58. Property Transactions - Matthews Commons Gravity Sewer, Parcel #1

**Action:** Approve the following Condemnation: Matthews Commons Gravity Sewer, Parcel #1

**Project:** Matthews Commons Gravity Sewer, Parcel #1

**Owner(s):** Waters Construction Company, Inc.

**Property Address:** 8547 E. Independence Boulevard

**Total Parcel Area:** 590,043 sq. ft. (13.545 ac.)

**Property to be acquired by Easements:** 8,665 sq. ft. (.199 ac.) in Sanitary Sewer Easement, plus 6,206 sq. ft. (.142 ac.) in Temporary Construction Easement

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

**Landscaping to be impacted:** Trees

**Zoned:** R-17MF

**Use:** Multi-family

**Tax Code:** 193-541-05

**Appraised Value:** \$16,600

**Outstanding Concerns:** Property owner has no concerns and requested to proceed to condemnation.

**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:** N/A (Matthews)

[Location Map - Matthews Commons Gravity Sewer.P1.docx](#)

## 59. Property Transactions - Matthews Commons Gravity Sewer, Parcel #6

**Action:** Approve the following Condemnation: Matthews Commons Gravity Sewer, Parcel #6

**Project:** Matthews Commons Gravity Sewer, Parcel #6

**Owner(s):** Ira and Anna Williams Family Limited Partnership

**Property Address:** 8637 East Independence Boulevard

**Total Parcel Area:** 3,544,298 sq. ft. (81.366 ac.)

**Property to be acquired by Easements:** 22,147 sq. ft. (.508 ac.) in Sanitary Sewer Easement, plus 17,033 sq. ft. (.391 ac.) in Temporary Construction Easement

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

**Landscaping to be impacted:** Trees

**Zoned:** R-4

**Use:** Use Value Homesite

**Tax Code:** 193-121-02

**Appraised Value:** \$3,525

**Property Owner's Counteroffer:** \$40,000

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

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

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

**Council District:** N/A (Matthews)

[Location Map - Matthews Commons Gravity Sewer.P6.docx](#)

## 60. Property Transactions - Matthews Commons Gravity Sewer, Parcel #10

**Action:** Approve the following Condemnation: Matthews Commons Gravity Sewer, Parcel #10

**Project:** Matthews Commons Gravity Sewer, Parcel #10

**Owner(s):** Barbara C. Stegall and Paula O. Haigler

**Property Address:** 2424 Sam Newell Road

**Total Parcel Area:** 489,817 sq. ft. (11.245 ac.)

**Property to be acquired by Easements:** 4,294 sq. ft. (.099 ac.) in Sanitary Sewer Easement, plus 7,837 sq. ft. (.18 ac.) in Temporary Construction Easement

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

**Landscaping to be impacted:** Trees

**Zoned:** R-15

**Use:** Single-family Residential

**Tax Code:** 193-204-18

**Appraised Value:** \$550

**Property Owner's Counteroffer:** \$7,500

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

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

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

**Council District:** N/A (Matthews)

[Location Map - Matthews Commons Gravity Sewer.P10.docx](#)

## 61. Property Transactions - Matthews Commons Gravity Sewer, Parcel #20

**Action:** Approve the following Condemnation: Matthews Commons Gravity Sewer, Parcel #20

**Project:** Matthews Commons Gravity Sewer, Parcel #20

**Owner(s):** Matthews Commons Owners' Association, Inc

**Property Address:** Tory Oak Place

**Total Parcel Area:** 123,734 sq. ft. (2.841 ac.)

**Property to be acquired by Easements:** 4,774 sq. ft. (.11 ac.) in Sanitary Sewer Easement, plus 6,519 sq. ft. (.15 ac.) in Temporary Construction Easement

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

**Landscaping to be impacted:** Trees

**Zoned:** R-15

**Use:** Single-family Residential

**Tax Code:** 193-531-54

**Appraised Value:** \$400

**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:** N/A (Matthews)

[Location Map - Matthews Commons Gravity Sewer.P20.docx](#)

## 62. Property Transactions - Sardis Lane Bridge Replacement, Parcel #1

**Action:** Approve the following Condemnation: Sardis Lane Bridge Replacement, Parcel #1

**Project:** Sardis Lane Bridge Replacement, Parcel #1

**Owner(s):** Alan J. Midlam and Sandra Ann Meier-Midlam

**Property Address:** 700 Sardis Lane

**Total Parcel Area:** 32,900 sq. ft. (.755 ac.)

**Property to be acquired by Easements:** 189 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

**Tax Code:** 187-221-29

**Appraised Value:** \$400

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

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

**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 - Sardis Lane Bridge Replacement.P1.docx](#)

## 63. Property Transactions - Sardis Lane Bridge Replacement, Parcel #2

**Action:** Approve the following Condemnation: Sardis Lane Bridge Replacement, Parcel #2

**Project:** Sardis Lane Bridge Replacement, Parcel #2

**Owner(s):** Karen D. Rosenheimer and Robert L. Rosenheimer

**Property Address:** 701 Sardis Lane

**Total Parcel Area:** 59,331 sq. ft. (1.362 ac.)

**Property to be acquired by Fee:** 2,062 sq. ft. (.047 ac.) in Fee Simple

**Property to be acquired by Easements:** 230 sq. ft. (.005 ac.) in Storm Drainage Easement, plus 2,530 sq. ft. (.058 ac.) in Temporary Construction Easement, plus 4,637 sq. ft. (.106 ac.) in Utility Easement

**Structures/Improvements to be impacted:** Exterior Flood Light

**Landscaping to be impacted:** Trees

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 187-291-26

**Appraised Value:** \$44,875

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

**City's Response to Property Owner's Concerns:** Staff informed the property owners they could obtain their own appraisal in order to submit and justify a counter offer for review.

**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 - Sardis Lane Bridge Replacement.P2.docx](#)



## 64. Property Transactions - Sardis Lane Bridge Replacement, Parcel #3

**Action:** Approve the following Condemnation: Sardis Lane Bridge Replacement, Parcel #3

**Project:** Sardis Lane Bridge Replacement, Parcel #3

**Owner(s):** Alan Midlam and Sandra Meier-Midlam

**Property Address:** 7221 Carosan Lane

**Total Parcel Area:** 79,196 sq. ft. (1.818 ac.)

**Property to be acquired by Fee:** 2,034 sq. ft. (.047 ac.) in Fee Simple

**Property to be acquired by Easements:** 600 sq. ft. (.014 ac.) in Storm Drainage Easement, plus 5,892 sq. ft. (.135 ac.) in Temporary Construction Easement

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

**Landscaping to be impacted:** Trees

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 187-181-27

**Appraised Value:** \$23,100

**Property Owner's Counteroffer:** \$31,100

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

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

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

**Council District:** 6

[Location Map - Sardis Lane Bridge Replacement.P3.docx](#)

## 65. Property Transactions - State Street Pedestrian Improvement, Parcel #2

**Action:** Approve the following Condemnation: State Street Pedestrian Improvement, Parcel #2

**Project:** State Street Pedestrian Improvement, Parcel #2

**Owner(s):** Savona, LLC

**Property Address:** 536 State Street

**Total Parcel Area:** 20,615 sq. ft. (.473 ac.)

**Property to be acquired by Easements:** 2,176 sq. ft. (.05 ac.) in Sidewalk and Utility Easement

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

**Landscaping to be impacted:** None

**Zoned:** I-2

**Use:** Industrial

**Tax Code:** 071-105-01

**Appraised Value:** \$15,225

**Property Owner's Concerns:** The property owner is concerned with project design.

**City's Response to Property Owner's Concerns:** Staff redesigned to minimize projects impacts.

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

**Council District:** 2

[Location Map - State Street Pedestrian Improvement.P2.docx](#)

## 66. Property Transactions - State Street Pedestrian Improvement, Parcel #4

**Action:** Approve the following Condemnation: State Street Pedestrian Improvement, Parcel #4

**Project:** State Street Pedestrian Improvement, Parcel #4

**Owner(s):** 2030 South Tryon, LLC

**Property Address:** 524 State Street

**Total Parcel Area:** 13,420 sq. ft. (.308 ac.)

**Property to be acquired by Easements:** 133 sq. ft. (.003 ac.) in Sidewalk and Utility Easement, plus 220 sq. ft. (.005 ac.) in Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** O-2

**Use:** Single-family Residential

**Tax Code:** 071-105-03

**Appraised Value:** \$1,800

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

**Council District:** 2

[Location Map - State Street Pedestrian Improvement.P4.docx](#)

## 67. Property Transactions - State Street Pedestrian Improvement, Parcels #5 and 6

**Action:** Approve the following Condemnation: State Street Pedestrian Improvement, Parcels #5 and 6

**Project:** State Street Pedestrian Improvement, Parcels #5 and 6

**Owner(s):** Daedalus, LLC

**Property Address:** 518 A State Street

**Total Parcel Area:** 6,646 sq. ft. (.153 ac.)

**Property to be acquired by Easements:** 362 sq. ft. (.008 ac.) in Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** O-2

**Use:** Single-family Residential

**Tax Code:** 071-105-57 and 071-105-04

**Appraised Value:** \$3,900

**Property Owner's Concerns:** The property owner is concerned about the sidewalk design and potential impacts to the property.

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

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

**Council District:** 2

[Location Map - State Street Pedestrian Improvement.P5.P6.docx](#)

## 68. Property Transactions - State Street Pedestrian Improvement, Parcel #36

**Action:** Approve the following Condemnation: State Street Pedestrian Improvement, Parcel #36

**Project:** State Street Pedestrian Improvement, Parcel #36

**Owner(s):** The Charlotte-Hospital Authority

**Property Address:** 1801 Rozzelles Ferry Road

**Total Parcel Area:** 24,489 sq. ft. (.562 ac.)

**Property to be acquired by Easements:** 388 sq. ft. (.009 ac.) in Sidewalk and Utility Easement

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

**Landscaping to be impacted:** Shrubs

**Zoned:** NS

**Use:** Commercial

**Tax Code:** 071-106-03

**Appraised Value:** \$8,475

**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 - State Street Pedestrian Improvement.P36.docx](#)

## 69. Property Transactions - Upper Little Sugar Creek Sanitary Sewer Replacement Phase 2, Parcel #3

**Action:** Approve the following Condemnation: Upper Little Sugar Creek Sanitary Sewer Replacement Phase 2, Parcel #3

**Project:** Upper Little Sugar Creek Sanitary Sewer Replacement Phase 2, Parcel #3

**Owner(s):** Darlene Givens, as Trustee of Kathleen Givens Family Trust, March 12, 1992

**Property Address:** 746 Bilmark Avenue

**Total Parcel Area:** 9,976 sq. ft. (.229 ac.)

**Property to be acquired by Easements:** 77.08 sq. ft. (.002 ac.) in Sanitary Sewer Easement

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

**Landscaping to be impacted:** Tree

**Zoned:** R-4

**Use:** Single-family Residential

**Tax Code:** 089-191-07

**Appraised Value:** \$300

**Outstanding Concerns:** 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:** 4

[Location Map - Upper Little Sugar Creek Sanitary Sewer Replacement Ph2.P3.docx](#)

## 70. Property Transactions - Upper Little Sugar Creek Sanitary Sewer Replacement Phase 2, Parcel #4

**Action:** Approve the following Condemnation: Upper Little Sugar Creek Sanitary Sewer Replacement Phase 2, Parcel #4

**Project:** Upper Little Sugar Creek Sanitary Sewer Replacement Phase 2, Parcel #4

**Owner(s):** Wilfred E. Phoenix, et al

**Property Address:** 600 Dobson Drive

**Total Parcel Area:** 13,128 sq. ft. (.301 ac.)

**Property to be acquired by Easements:** 29.55 sq. ft. (.001 ac.) in Sanitary Sewer Easement, plus 437.29 sq. ft. (.01 ac.) in Temporary Construction Easement

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

**Landscaping to be impacted:** Trees

**Zoned:** R-4

**Use:** Single-family Residential

**Tax Code:** 089-191-28

**Appraised Value:** \$425

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

**Council District:** 4

[Location Map - Upper Little Sugar Creek Sanitary Sewer Replacement Ph2.P4.docx](#)

## 71. Property Transactions - Upper Little Sugar Creek Sanitary Sewer Replacement Phase 2, Parcel #10

**Action:** Approve the following Condemnation: Upper Little Sugar Creek Sanitary Sewer Replacement Phase 2, Parcel #10

**Project:** Upper Little Sugar Creek Sanitary Sewer Replacement Phase 2, Parcel #10

**Owner(s):** Horn Properties, LLC

**Property Address:** 832 Bilmark Avenue

**Total Parcel Area:** 12,740 sq. ft. (.292 ac.)

**Property to be acquired by Easements:** 227.35 sq. ft. (.005 ac.) in Sanitary Sewer Easement

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

**Landscaping to be impacted:** Tree

**Zoned:** R-4

**Use:** Single-family Residential

**Tax Code:** 089-191-13

**Appraised Value:** \$375

**Outstanding Concerns:** Property owner is unresponsive.

**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 - Upper Little Sugar Creek Sanitary Sewer Replacement Ph2.P10.docx](#)



## 72. Property Transactions - Upper Little Sugar Creek Sanitary Sewer Replacement Phase 2, Parcel #13

**Action:** Approve the following Condemnation: Upper Little Sugar Creek Sanitary Sewer Replacement Phase 2, Parcel #13

**Project:** Upper Little Sugar Creek Sanitary Sewer Replacement Phase 2, Parcel #13

**Owner(s):** Merlin Efrain Torres Milla and Angelica Maria Herrera Rodas

**Property Address:** 5512 Snow White Lane

**Total Parcel Area:** 14,191 sq. ft. (.326 ac.)

**Property to be acquired by Easements:** 2,214.37 sq. ft. (.051 ac.) in Sanitary Sewer Easement, plus 1,886.28 sq. ft. (.043 ac.) in Temporary Construction Easement

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

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

**Zoned:** R-4

**Use:** Single-family Residential

**Tax Code:** 089-191-17

**Appraised Value:** \$3,400

**Outstanding Concerns:** Property owner is unresponsive.

**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 - Upper Little Sugar Creek Sanitary Sewer Replacement Ph2.P13.docx](#)

### 73. Property Transactions - Upper Little Sugar Creek Sanitary Sewer Replacement Phase 2, Parcel #15

**Action:** Approve the following Condemnation: Upper Little Sugar Creek Sanitary Sewer Replacement Phase 2, Parcel #15

**Project:** Upper Little Sugar Creek Sanitary Sewer Replacement Phase 2, Parcel #15

**Owner(s):** Home SFR Borrower IV, LLC

**Property Address:** 5515 Snow White Lane

**Total Parcel Area:** 13,687 sq. ft. (.314 ac.)

**Property to be acquired by Easements:** 2,214.66 sq. ft. (.051 ac.) in Sanitary Sewer Easement, plus 1,797.12 sq. ft. (.041 ac.) in Temporary Construction Easement

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

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

**Zoned:** R-4

**Use:** Single-family Residential

**Tax Code:** 089-144-47

**Appraised Value:** \$3,675

**Outstanding Concerns:** Property owner is unresponsive.

**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 - Upper Little Sugar Creek Sanitary Sewer Replacement Ph2.P15.docx](#)

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

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

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

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

**Property Address:** 2501 Massey Court

**Total Parcel Area:** 12,280 sq. ft. (.282 ac.)

**Property to be acquired by Easements:** 1,936.64 sq. ft. (.044 ac.) in Sanitary Sewer Easement, plus 618.77 sq. ft. (.014 ac.) in Temporary Construction Easement

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

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

**Zoned:** R-4

**Use:** Single-family Residential

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

**Appraised Value:** \$11,250

**Outstanding Concerns:** The property owner is unresponsive.

**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 - Upper Little Sugar Creek Sanitary Sewer Replacement Ph2.P18.docx](#)

## 75. Property Transactions - Upper Little Sugar Creek Sanitary Sewer Replacement Phase 2, Parcel #21

**Action:** Approve the following Condemnation: Upper Little Sugar Creek Sanitary Sewer Replacement Phase 2, Parcel #21

**Project:** Upper Little Sugar Creek Sanitary Sewer Replacement Phase 2, Parcel #21

**Owner(s):** Linda D. Reese

**Property Address:** 6143 Spring Garden Lane

**Total Parcel Area:** 27,430 sq. ft. (.630 ac.)

**Property to be acquired by Easements:** 1,162.69 sq. ft. (.027 ac.) in Sanitary Sewer Easement, plus 1,498.15 sq. ft. (.034 ac.) in Temporary Construction Easement

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

**Landscaping to be impacted:** Trees

**Zoned:** R-4

**Use:** Single-family Residential

**Tax Code:** 089-144-58

**Appraised Value:** \$1,625

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

**Council District:** 4

[Location Map - Upper Little Sugar Creek Sanitary Sewer Replacement Ph2.P21.docx](#)

## 76. Property Transactions - Upper Little Sugar Creek Sanitary Sewer Replacement Phase 2, Parcel #26

**Action:** Approve the following Condemnation: Upper Little Sugar Creek Sanitary Sewer Replacement Phase 2, Parcel #26

**Project:** Upper Little Sugar Creek Sanitary Sewer Replacement Phase 2, Parcel #26

**Owner(s):** Home SF R Borrower IV, LLC

**Property Address:** 911 Georgetown Drive

**Total Parcel Area:** 10,737 sq. ft. (.246 ac.)

**Property to be acquired by Easements:** 31.41 sq. ft. (.001 ac.) in Sanitary Sewer Easement, plus 601.71 sq. ft. (.014 ac.) in Temporary Construction Easement

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

**Landscaping to be impacted:** Trees

**Zoned:** R-4

**Use:** Single-family Residential

**Tax Code:** 089-144-02

**Appraised Value:** \$1,000

**Outstanding Concerns:** Property owner is unresponsive.

**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 - Upper Little Sugar Creek Sanitary Sewer Replacement Ph2.P26.docx](#)

## 77. Property Transactions - Upper Little Sugar Creek Sanitary Sewer Replacement Phase 2, Parcel #27

**Action:** Approve the following Condemnation: Upper Little Sugar Creek Sanitary Sewer Replacement Phase 2, Parcel #27

**Project:** Upper Little Sugar Creek Sanitary Sewer Replacement Phase 2, Parcel #27

**Owner(s):** Teresa McClinton and Melvin Houston

**Property Address:** 1001 Georgetown Drive

**Total Parcel Area:** 23,443 sq. ft. (.538 ac.)

**Property to be acquired by Easements:** 2,213.76 sq. ft. (.051 ac.) in Sanitary Sewer Easement, plus 2,851.1 sq. ft. (.065 ac.) in Temporary Construction Easement

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

**Landscaping to be impacted:** Trees

**Zoned:** R-4

**Use:** Single-family Residential

**Tax Code:** 089-144-03

**Appraised Value:** \$3,350

**Outstanding Concerns:** The property owner is unresponsive.

**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

[Condemnation - Upper Little Sugar Creek Sanitary Sewer Replacement Ph2.P27.DOC](#)

## 78. Aviation Property Transaction - 7611 Byrum Drive and 4170 Timberley Place

**Action:** Approve the following property transaction.

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

**Project:** Airport Master Plan - Expansion

**Owner(s):** Richard E Stillwell

**Property Address:** 7611 Byrum/4170 Timberley Place

**Total Parcel Area:** 1.766 acres

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

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

**Landscaping to be impacted:** Trees

**Zoned:** I-1

**Use:** Industrial

**Tax Code:** 141-055-38 and 141-055-039

**Purchase Price:** \$300,000 and all relocation benefits in compliance with federal, state, or local regulations

**Council District:** 3

## 79. Aviation Property Transaction - 9618 Markswood Road

**Action:** Approve the following property transaction.

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

**Project:** EIS Mitigation Land South

**Owner(s):** Randy B. and Lu Ann Schultz

**Property Address:** 9618 Markswood Road

**Total Parcel Area:** 6.81 acres

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

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

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

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 141-261-25

**Purchase Price:** \$315,600 and all relocation benefits in compliance with Federal, State or Local regulations

**Council District:** Not applicable because this is a Mecklenburg County Parcel

## ADJOURNMENT



## REFERENCES

## 80. 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.

## 81. 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.

## 82. 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.