

# **City of Charlotte**

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



## **Meeting Agenda**

**Monday, April 22, 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*

## **5:00 P.M. ACTION REVIEW, CHARLOTTE-MECKLENBURG GOVERNMENT CENTER, ROOM 267**

### **1. Mayor and Council Consent Item Questions**

**Staff Resource(s):**

Marie Harris, Strategy and Budget

**Time:** 5 minutes

**Synopsis**

Mayor and Council may ask questions about Consent agenda items.

### **2. Agenda Overview**

**Staff Resource(s):**

Marcus Jones, City Manager

### **3. Charlotte Regional Visitors Authority Update and Strategy**

**Staff Resource(s):**

Tom Murray, Charlotte Regional Visitors Authority

**Time:** 15 minutes

**Explanation**

- Provide an update on the Charlotte Regional Visitors Authority.

### **4. Immigrant Community Committee Lessons Learned and Recommendations**

**Staff Resource(s):**

Federico Rios, Housing and Neighborhood Services

**Time:** 15 minutes

**Explanation**

- Provide an update on the Immigrant Community Committee.

### **5. Comprehensive Plan Update**

**Staff Resource(s):**

Taiwo Jaiyeoba, Planning, Design, and Development

**Time:** 15 minutes

**Explanation**

- Provide an update on the 2040 Comprehensive Plan.

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

**Staff Resource(s):**

Marie Harris, Strategy and Budget

**Time:** 5 minutes

**Synopsis**

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

## **7. Closed Session (as necessary)**

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

*Call to Order*

*Introductions*

*Invocation*

*Pledge of Allegiance*

## **PUBLIC FORUM**

### **8. Public Forum**

**9. Consent agenda items 16 through 38 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.

## PUBLIC HEARING

### 10. Public Hearing on Refunding 2009 Certificates of Participation on Cultural Art Facilities

**Action:**

- A. Conduct a public hearing regarding approval of an installment financing contract, not to exceed \$120,000,000, to refund 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

**Explanation**

- This action authorizes the City to enter into an installment financing contract to issue Certificates of Participation (COPs) in an amount not to exceed \$120,000,000 to refund outstanding 2009 Cultural Art Facility COPs, which allows the City to realize future debt service savings.
- Refunding the City's outstanding 2009 COPs is anticipated to generate \$19,000,000 in savings over 20 years.
- 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
  - Provide approval to the City Manager and the Authorized Officers named in the Resolution to take necessary actions to complete the financing.

**Fiscal Note**

Funding: Tourism II Tax Fund

**Attachment(s)**

Resolution

[Initial Approving Resolution](#)

## 11. Public Hearing on Refunding 2009 Certificates of Participation for the NASCAR Hall of Fame

### Action:

- A. Conduct a public hearing regarding approval of an installment financing contract, not to exceed \$40,000,000, to refund 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

### **Explanation**

- This action authorizes the City to enter into an installment financing contract to issue Certificates of Participation (COPs) in an amount not to exceed \$40,000,000 to refund outstanding 2009 NASCAR Hall of Fame COPs, which allows the City to realize future debt service savings.
- Refunding the City's outstanding 2009 COPs is anticipated to generate \$6,900,000 in savings over 20 years.
- 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 action to complete the financing.

### **Fiscal Note**

Funding: NASCAR Hall of Fame Tax Fund

### **Attachment(s)**

Resolution

[Approving Resolution](#)



**POLICY**

**12. City Manager's Report**

## 13. Fiscal Year 2020 Annual Action Plan for Housing and Community Development

### **Action:**

**Approve adoption of the Fiscal Year 2020 Annual Action Plan for Housing and Community Development.**

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

Pamela Wideman, Housing and Neighborhood Services

Warren Wooten, Housing and Neighborhood Services

### **Policy**

- The U.S. Department of Housing and Urban Development (HUD) mandates the development of an annual action plan to receive federal funding for housing and community development activities.
- The Fiscal Year (FY) 2020 Annual Action Plan for Housing and Community Development (Plan) is the City of Charlotte's strategy for the use of federal funds in providing housing and community development activities.
- The Plan supports the City's approved Housing Charlotte Framework to preserve existing housing, expand the supply of low and moderate-income housing, and support family self-sufficiency.

### **Community Input**

- Housing and Neighborhood Services convened two public forums to receive input for the development of the Plan. Advertised in the *Charlotte Observer* and *La Noticia*, the sessions were held February 13 at Old City Hall and February 19 at the Belmont Center.
- A draft copy of the Plan was published to the City website with paper copies available at Old City Hall or by request. The document was available in English and Spanish.

### **Explanation**

- The Plan includes housing and community development needs and resources for the City and Regional Housing Consortium.
- The Regional Housing Consortium is a partnership among the City, Mecklenburg County, and the towns of Cornelius, Pineville, Matthews, Mint Hill, Huntersville, and Davidson.
- In FY 2020, the City expects to receive the following federal funding allocations, totaling \$12,032,130:
  - Community Development Block Grant: \$5,827,128,
  - HOME Investment and Partnerships: \$2,972,112,
  - Emergency Solution Grants: \$507,237, and
  - Housing Opportunity for Persons with AIDS: \$2,725,653.
- The final budget is expected to be determined in the next 60 to 90 days. If any of the anticipated funding amounts change, City Council is not required to hold another public hearing or amend the approved Plan. The changes will be handled administratively.

### **Council Input**

- On April 8, 2019, City Council held a public hearing for this item.

### **Next Steps**

- The Plan must be submitted to HUD no later than May 15, 2019.

### **Fiscal Note**

Funding: Housing and Neighborhood Services Grant Funds

### **Attachment(s)**

Draft Fiscal Year 2020 Annual Action Plan for Housing and Community Development

[Draft FY20 Action Plan \(004\)](#)

## BUSINESS

### 14. Private Developer Funds Appropriation

**Action:**

- A. Approve a developer agreement with Chick-Fil-A, Inc. for traffic signal installations and improvements, and**
- B. Adopt a budget ordinance appropriating \$60,000 in private developer funds for traffic signal installations and improvements.**

**Staff Resource(s):**

Liz Babson, Transportation  
Charles Abel, Transportation

**Explanation**

- Private developer agreements and appropriations are needed when a developer is required through the City rezoning process to implement traffic signal improvements.
- Funding contributions from private developers must be appropriated prior to the City's initiation of work.
- The \$60,000 in private developer funding is for traffic signals, traffic signal modifications and/or upgrades, and other related work associated with the developer's project. The funding is restricted to the project noted below:
  - Chick-Fil-A, Inc. contributed \$60,000 for traffic signal modifications at the intersection of WT Harris Boulevard and University Executive Park Drive (Council District 4).
- This developer contribution is based on a cost estimate 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 this signal as part of the existing signal systems in the area.

**Fiscal Note**

Funding: Private Developer Contributions

**Attachment(s)**

Map  
Budget Ordinance

[Traffic Signal Improvements 031819](#)

[BO Developer Appropriations 4.22.2019](#)

### 15. Mayor and City Council Topics

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

## CONSENT

### 16. Resolution of Intent to Abandon Two Unopened Alleyways Off of Karendale Avenue

**Action:**

- A. Adopt a Resolution of Intent to abandon two unopened alleyways off of Karendale Avenue, and**
- B. Set a Public Hearing for May 13, 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 two alleyways are off of Karendale Avenue and are located in Council District 3.

**Petitioners**

Michael Flaum

**Attachment(s)**

Map  
Resolution

[Karendale Aerial Map \(2\)](#)

[Resolution of Intent of Karendale](#)

## 17. Resolution of Intent to Abandon Two Unopened Alleyways Off of Outlets Boulevard

### **Action:**

- A. Adopt a Resolution of Intent to abandon two unopened alleyways off of Outlets Boulevard, and**
  
- B. Set a Public Hearing for May 13, 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 two alleyways are off of Outlets Boulevard and are located in Council District 3.

### **Petitioners**

Steele-Trojan Properties, LLC

### **Attachment(s)**

Map  
Resolution

[GIS Map](#)

[Resolution of Intent Unopened Alleyways off Outlets Boulevard](#)

## 18. Animal Care and Control Dog Kennel HVAC System Enhancement

### **Action:**

Approve a contract in the amount of \$1,405,017.28 to the lowest responsive bidder Armstrong Mechanical Services Inc. for the Animal Care and Control Dog Kennel HVAC System Enhancement project.

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

Mike Davis, Engineering and Property Management  
Bruce Miller, Engineering and Property Management  
Kerr Putney, Police

### **Explanation**

- This project includes installation of a new HVAC system at the Charlotte-Mecklenburg Police Department Animal Care and Control Shelter at 8315 Byrum Drive, located in Council District 3.
- The work will include, but is not limited to:
  - Removal of the temporary heating system,
  - Installation of new HVAC equipment,
  - Installation of new HVAC controls, and
  - Installation of piping and ductwork.
- On June 11, 2018, City Council approved \$4,000,000 in funding to conduct facility upgrades and maintain its compliance status as an approved animal welfare facility.
- On January 31, 2019, the City issued an Invitation to Bid; 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 March 1, 2019, the City re-issued an Invitation to Bid; two bids were received.
- Armstrong Mechanical Services Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be completed by fourth quarter 2019.

### **Charlotte Business INclusion**

Established MSBE Goal: 7.00%  
Committed MSBE Goal: 13.12%

Armstrong Mechanical Services Inc met the established MSBE subcontracting goal, and has committed 13.12% (\$184,352) of the total contract amount to the following certified MSBE firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- A & W Electric Inc. (SBE) (\$127,000) (electrical wiring)
- D.E. Brown Construction, Inc. (SBE) (\$41,630) (general construction)
- L & L Metals, Inc. (MBE) (\$15,722) (ductwork fabrication)

### **Fiscal Note**

Funding: General Community Investment Plan

### **Attachment(s)**

Map

[Location Map - Animal Care and Control Dog Kennel HVAC System Enhancement](#)

## 19. Charlotte-Mecklenburg Police Department Freedom Division Roof Replacement

**Action:**

Approve a contract in the amount of \$544,470 to the lowest responsive bidder Tecta America Carolinas, LLC. for the Charlotte-Mecklenburg Police Department Freedom Division Roof Replacement project.

**Staff Resource(s):**

Mike Davis, Engineering and Property Management  
William Haas, Engineering and Property Management  
Kerr Putney, Police  
Johnny Jennings, Police

**Explanation**

- This project will replace the roof of the Charlotte-Mecklenburg Police Department Freedom Division at 4150 Wilkinson Boulevard located in Council District 3.
- The existing roof has reached the end of its useful life and is in need of replacement.
- The new roof will provide the following:
  - Improve energy efficiency,
  - Prevent damage to the interior of the building, and
  - Have a 20-year manufacturer's warranty against water intrusion.
- On February 20, 2019, the City issued an Invitation to Bid; seven bids were received.
- Tecta America Carolinas, LLC. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by first quarter 2020.

**Charlotte Business INclusion**

No subcontracting goal was established for this contract because there are no subcontracting opportunities (Part B: Section 2.3 of the Charlotte Business INclusion Policy).

**Fiscal Note**

Funding: General Community Investment Plan

**Attachment(s)**

Map

[Location Map - CMPD Freedom Division Roof Replacement](#)

## 20. Storm Water Repair and Improvement

### **Action:**

**Approve a contract in the amount of \$4,075,727.68 to the lowest responsive bidder United of Carolinas, Inc. for the Storm Water Repair and Improvement Fiscal Year 2019 D project.**

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

Mike Davis, Engineering and Property Management

Bong Vang, Engineering and Property Management

### **Explanation**

- This contract is part of an ongoing program to provide repairs and/or improvements to storm drainage systems. Each request is investigated and prioritized based on the severity of potential public/private property flooding and/or property damage.
- Approximately 30 projects may be constructed within a contract term that may not exceed 18 months. The number of projects may vary depending on the nature and extent of the repairs constructed.
- On February 22, 2019, the City issued an Invitation to Bid; three bids were received.
- United of Carolinas, Inc. was selected as the lowest responsive, responsible bidder.

### **Charlotte Business INclusion**

Established SBE Goal: 21.00%

Committed SBE Goal: 21.00%

United of Carolinas, Inc. met the established SBE subcontracting goal, and has committed 21.00% of the total amount of this task order contract to the following certified SBE firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- A & H Excavating & Grading, LLC (SBE) (construction various)
- Armadillo Construction, LLC (SBE) (pipe installation)
- Cesar A Leon L.L.C. (SBE, MBE) (hauling)
- R.R.C. Concrete Inc (SBE, MBE) (concrete, asphalt)
- Streeter Trucking Company, Inc (SBE, MBE) (hauling)

Established MBE Goal: 10.00%

Committed MBE Goal: 14.35%

United of Carolinas, Inc. exceeded the established MBE subcontracting goal, and has committed 14.35% of the total amount of this task order contract to the following certified MBE firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Cesar A Leon L.L.C. (SBE, MBE) (hauling)
- R.R.C. Concrete Inc (SBE, MBE) (concrete, asphalt)
- Streeter Trucking Company, Inc (SBE, MBE) (hauling)

### **Fiscal Note**

Funding: Storm Water Services Capital Fund



## 21. Mallard Creek Wastewater Treatment Plant Reliability and Ultraviolet Improvements Construction Manager at Risk Construction Phase

### **Action:**

**Approve a guaranteed maximum price of \$4,014,899 to Crowder Constructors, Inc. dba Crowder Construction Company for the purchase of wastewater treatment equipment needed for the construction services of the Mallard Creek Wastewater Treatment Plant Reliability and Ultraviolet Improvements project.**

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

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

### **Explanation**

- This request is for approval of a guaranteed maximum price (GMP) for the purchase of equipment required to complete major components of the Mallard Creek Wastewater Treatment Plant (WWTP) Reliability and Ultraviolet Improvements project (Council District 4).
- This project will rehabilitate or replace critical components of the wastewater treatment process systems at the Mallard Creek WWTP to ensure reliable discharge permit compliance and provide additional capacity for future growth.
- The design phase for this project is 60 percent complete, with design expected to conclude in the third quarter of 2019. Construction will commence in the fourth quarter of 2019, with a construction duration of 24 months.
- Although construction has not commenced, approval of the GMP for the purchase of this equipment will accelerate the project's schedule and reduce the risk of future price escalation.
- On May 30, 2018, Council approved a contract with Crowder Constructors, Inc. for pre-construction phase services for this project.
- The estimated construction cost is \$28,000,000.
- Council will receive a request for the approval of a second GMP to complete construction.

### **Charlotte Business INclusion**

This contract is solely for the purchase of wastewater treatment equipment, which consists of specialized manufacturing equipment and therefore does not have MWSBE subcontracting opportunities. The City will establish subcontracting goals for this Construction Manager at Risk contract once the scopes of work and bid packages are defined (Part G: Section 2.7 of the Charlotte Business INclusion Policy).

### **Fiscal Note**

Funding: Charlotte Water Community Investment Plan

### **Attachment(s)**

Map

[Map-Mallard Creek Wastewater Treatment Plant Reliability and Ultraviolet Improvements Construction](#)

## 22. Engineering Services for Water and Sanitary Sewer Relocations and Improvements

### Action:

- A. Approve contracts with the following companies for engineering services for water and sanitary sewer relocations and improvements for an initial term of three years:**
- Hinde Engineering, Inc.,
  - Kimley-Horn and Associates Inc.,
  - STV Incorporated dba STV Engineers, Inc., 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):**

Angela Lee, Charlotte Water

Ron Hargrove, Charlotte Water

Carl Wilson, Charlotte Water

### **Explanation**

- These contracts will provide engineering services for water and sanitary sewer relocations and improvements on an as-needed basis.
- Services include preliminary engineering, water and sanitary sewer design, permitting, and construction administration and observation.
- On January 25, 2019, the City issued a Request for Qualifications (RFQ); four responses were received.
- The companies selected best meet the City's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- Annual expenditures for all contracts are estimated to be \$2,250,000.

### **Charlotte Business INclusion**

The City negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). Hinde Engineering, Inc., a City SBE, is being awarded one of the contracts. On these contracts, the Prime Consultants have each committed 10% of the total contract amount to the following certified firms to be utilized as project scopes are defined:

#### Hinde Engineering, Inc.

- DiCon Consulting, PC (SBE) (engineering support, construction observation services)
- Avioimage Mapping Services, Inc. (SBE) (aerial mapping services)

#### Kimley-Horn and Associates Inc.

- DiCon Consulting, PC (SBE) (construction inspection and administration services)
- James Mauney & Associates, P.A. (SBE) (surveying and base mapping)
- RDL Private Utility Locating, LLC (SBE, MBE) (subsurface utility locates)

#### STV Engineers, Inc.

- DiCon Consulting, PC (SBE) (utility construction observation)

### **Fiscal Note**

Funding: Charlotte Water Community Investment Plan

## 23. Blue Line Extension Design Services Contract Amendment

### **Action:**

- A. Approve contract amendment #10 for \$1,358,000 to STV Engineers Inc. for design and construction administration services for the Blue Line Extension project, and**
- B. Authorize the City Manager to further amend the contract consistent with the Blue Line Extension project budget and the scope for which the contract was awarded.**

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

John Lewis, CATS  
Jill Brim, CATS

### **Explanation**

- Although the Blue Line Extension (BLE) project successfully opened for revenue service on March 16, 2018, work continues with the Civil A and Track and Systems contracts to complete all required work, including submittals, testing, corrective actions, and closeout documentation. The current schedule for completion of all testing is September 2019. The BLE project continues to be under budget. The project is located in Council Districts 1 and 4.
- STV Engineers Inc. is providing design services during construction and construction administration services for the BLE.
- STV contract amendment #10 is needed due to the following:
  - Extended schedule to complete the Civil A contract at 36th Street, including retaining walls, final grading and lighting; and at the CSX railroad due to the failure of an existing box culvert,
  - Extended schedule to complete the Track and Systems work, including resolution of issues and completion of system integration testing and acceptance. STV is needed to provide additional testing support, and
  - Design services and construction administration work needed for additional work at the North Yard building.
- On March 26, 2012, the City Council approved up to \$38,500,000 to provide design and construction administration services for the BLE project.
- Nine contract amendments have been approved to date.
- The new total value of the contract, including this amendment, is not to exceed \$54,858,000, which is within the current BLE project budget.

### **Disadvantaged Business Enterprise Opportunity**

All additional work involved with this amendment will be performed by STV Engineer's Inc., and their existing subconsultants

### **Fiscal Note**

Funding: CATS Community Investment Plan

### **Attachment(s)**

Blue Line Extension Design Services Contract Amendment History for STV Engineers, Inc.

[Attachment\\_BLE\\_STV\\_Contract\\_Amendment\\_History.docx](#)

## 24. Airport Runway Rehabilitation and Taxiway Removal

### **Action:**

**Approve a contract in the amount of \$14,848,240 to the lowest responsive bidder Blythe Brothers Asphalt, LLC for the Runway 18L/36R Rehabilitation and Taxiway C7 Removal project.**

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

Brent Cagle, Aviation  
Jack Christine, Aviation

### **Explanation**

- The project consists of milling and resurfacing the existing asphalt on Runway 18L/36R, the demolition of Taxiway C7 due to low aircraft traffic, and improvements to the runway safety area.
- Additional work related to the runway rehabilitation includes construction of an additional asphalt ramp adjacent to the Delta taxiway, airfield lighting, grading, drainage, temporary sediment and erosion control measures, and pavement markings.
- On December 6, 2018, the City issued an Invitation to Bid; two bids were received.
- On January 31, 2019, the City reissued an Invitation to Bid; two bids were received.
- Blythe Brothers Asphalt, LLC was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by second quarter 2020.
- This activity is occurring on airport property (Council District 3).

### **Disadvantaged Business Enterprise**

Established DBE Goal: 15.00%

Committed DBE Goal: 15.43%

Blythe Brothers Asphalt, LLC exceeded the established subcontracting goal and has committed 15.43% (\$2,290,400) of the total contract amount to the following certified firms:

- Dakota Contracting Company (DBE) (\$281,000) (concrete/demolition)
- Express Logistics Services, Inc. (DBE) (\$1,410,225) (hauling)
- JJ Dal Supply Company, LLC (DBE) (\$125,000) (electric supply)
- Martin Landscaping Company, Inc. (DBE) (\$74,175) (erosion control)
- Traffic Control Safety Services, Inc. (DBE) (\$400,000) (traffic control)

### **Fiscal Note**

Funding: Aviation Community Investment Plan

## 25. Airport Cooling Towers and Water Chillers

### Action:

- A. Approve a contract in the amount of \$1,168,977 to the lowest responsive bidder Baltimore Aircoil Company, Inc. for the purchase of four 2000-ton cooling towers in support of the Terminal Lobby Expansion Project, and**
- B. Approve a contract in the amount of \$2,359,797 to the lowest responsive bidder Carrier Corporation for the purchase of four 2000-ton chillers in support of the Terminal Lobby Expansion Project.**

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

Brent Cagle, Aviation

Jack Christine, Aviation

### **Explanation**

- Aviation is constructing a central energy plant that will supply increased cooling capacity for the Terminal Lobby Expansion Project.
- The cooling towers work with the chillers to cool water that is used in several air handling units within the new terminal lobby for air conditioning.
- These contracts are for the purchase of the equipment to be installed as part of the Central Energy Plant Project (CEP).
- Aviation intends to bring a construction contract for the CEP in third quarter 2019.
- The CEP is scheduled to be complete by third quarter 2021.
- This activity is occurring on airport property (Council District 3).

### Action A

- This one-time purchase will provide four 2000-ton cooling towers.
- On January 30, 2019, the City issued an Invitation to Bid; two bids were received.
- Baltimore Aircoil Company, Inc. was selected as the lowest responsive, responsible bidder.

### Action B

- This one-time purchase will provide four 2000-ton water chillers.
- On January 30, 2019, the City issued an Invitation to Bid; three bids were received.
- Carrier Corporation was selected as the lowest responsive, responsible bidder.

### **Charlotte Business INclusion**

#### Action A

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

#### Action B

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

### **Fiscal Note**

Funding: Aviation Community Investment Plan

## 26. Airports Council International Membership

### **Action:**

- A. Approve a contract in the amount of \$499,750 with the Airports Council International - North American for membership dues for an initial term of five years, and**
- B. Authorize the City Manager to renew the contract for up to 15, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

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

Brent Cagle, Aviation

Michael Hill, Jr., Aviation

### **Explanation**

- Airports Council International (ACI) is the only global trade representative of the world's airports.
- Established in 1991, ACI represents airports interests with governments and international organizations, develops standards, policies and recommended practices for airports, and provides information and training opportunities to raise standards around the world.
- Aviation has been an ACI member since 2013. Membership benefits include:
  - Discounts on registration to any of ACI-NA's nearly 20 conferences and meetings,
  - Access to educational resources, webinars, networking opportunities, and ACI-NA research,
  - Opportunities to participate in industry-leading research, and
  - A seat at the table to discuss and influence U.S. and Canadian aviation policy.
- A waiver of a competitive solicitation process may be granted when deemed appropriate and in the City's best interest. A waiver has been approved for these services based on limited vendors with the required qualifications.
- The annual membership dues are \$99,950.

### **Charlotte Business INclusion**

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

### **Fiscal Note**

Funding: Aviation Operating Budget

## 27. Set Public Hearing for Airport 2019 General Airport Revenue Bonds and 2019 Bond Anticipation Notes

### Action:

- A. Adopt an initial finding resolution and authorize the Chief Financial Officer to make appropriate application to the Local Government Commission for issuance of General Aviation Revenue Bonds not to exceed \$235,000,000 and revenue bond anticipation notes not to exceed \$145,000,000, and**
- B. Adopt a resolution setting a public hearing on May 28, 2019 for this financing as required by Internal Revenue Service regulations.**

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

Brent Cagle, Aviation

Robert Campbell, Finance

### **Explanation**

- Authorize the issuance of up to \$235,000,000 which is comprised of \$115,000,000 in General Aviation Revenue Bonds (GARBs) and up to \$120,000,000 in refunding General Aviation Revenue Bond Anticipation Notes to provide permanent financing for projects listed below, including expenses funded with short-term construction-period financing issued in 2017.
- This action would also authorize a new construction period financing program for up to \$145,000,000 in short-term notes to provide financing for other projects that are in the design phase; it is expected that permanent financing for these projects will be secured in two or three years.
- The 2019 GARBs will provide long-term financing for the following or other similar projects which are part of the Aviation Community Investment Plan:
  - East Terminal Expansion,
  - Terminal Rehabilitation,
  - Concourse A North Expansion,
  - Concourse E Expansion,
  - Runway 18L/36R Rehabilitation and Taxiway C7 Removal,
  - Vehicle Maintenance Facility,
  - Terminal Fuel Farm Expansion, and
  - Concourse A Renovation Fueling.
- The 2019 Bond Anticipation Notes will provide short-term financing for the following or other similar projects:
  - Concourse A Expansion,
  - Terminal Lobby Expansion,
  - Terminal Lobby Canopy,
  - Customs and Border Protection Renovations,
  - North End Around Taxiway and Relocation,
  - Taxiway F Extension, Deice Pad and Taxiway South Cross Field,
  - West Ramp Expansion and Fuel Station,
  - Centralized Receiving and Distribution Center,
  - Concourse E Expansion, and
  - Joint Operations Center.
- The federal Internal Revenue Service Department requires a public hearing on new, tax-exempt, debt-funded projects. This action will set a public hearing for May 28, 2019.
- The long and short-term financing authorized by this action are secured by Airport revenue. Signatory airlines have approved the projects.
- Prior to issuing this debt, a third-party feasibility study will be completed to indicate that sufficient

revenues are forecasted to be available to repay the debt.

- The debt issuances must be approved by the Local Government Commission (LGC). This action authorizes the City to submit an application for the issuances to the LGC for approval at its June meeting.

**Fiscal Note**

Funding: Airport Debt Service Fund

**Attachment(s)**

Initial Findings Resolution

[Initial Findings Resolution \(Combined\) - City of Charlotte NC Airport R..](#)

## 28. Public Auction for Disposal of Surplus Equipment

**Action:**

- A. **Adopt a resolution declaring specific vehicles, equipment, and other miscellaneous items as surplus,**
- B. **Authorize said items for sale by public auction on May 11, 2019, and**
- C. **Authorize the City Manager to approve certain administrative and storage fees as may be required from time to time for auction events.**

**Staff Resource(s):**

Robert Campbell, Finance

Kay Elmore, Finance

**Explanation**

- Pursuant to North Carolina General Statute 160A-270(b), approval is requested for a public auction on May 11, 2019, at 9:00 a.m. to dispose of City-owned property declared as surplus.
- The Finance Department provides asset recovery and disposal services to city departments, Mecklenburg County, MEDIC, and the Charlotte Housing Authority.
- Auctions are conducted at the City's Asset Recovery and Disposal facility located at 5550 Wilkinson Boulevard (Council District 3).
- The auction company will be compensated 8.5 percent of the total gross sale price of rolling stock and miscellaneous items.
- Proceeds from the auction are distributed to the City's General Fund and to the City's Enterprise Funds (Aviation, Charlotte Water, and CATS), and other agencies based on asset ownership.

**Attachment(s)**

Property Lists (Exhibit A: City-owned property)

Delegation of Authority

Resolution

[Copy of 20190422 - 01 Rolling Stock auction \(Exhibit - A\) .xlsx](#)

[20190422 - 03 Rolling stock auction - Delegation of Authority](#)

[20190422- 02 Rolling stock auction - Resolution](#)



## 29. Municipal Records Retention and Disposition Schedule Update

**Action:**

Approve the updated North Carolina Municipal Records Retention and Disposition Schedule.

**Staff Resource(s):**

Stephanie C. Kelly, City Clerk's Office

Cheyenne Flotree, City Clerk's Office

**Explanation**

- North Carolina's Public Records law mandates that the North Carolina Department of Natural and Cultural Resources (DNCR) through the State Archive of North Carolina administer records management standards and procedures for any agency of North Carolina government or its subdivisions. Pursuant to state law, a municipality may only dispose of records with the consent of the DNCR.
- Beginning in 2019, the State Archive of North Carolina will update all local records retention schedules on an annual basis. Updating the schedules annually will create greater consistency among government agencies. The first update was published March 1, 2019. All subsequent updates will be issued on January 1 of each year.
- The City of Charlotte's current Municipal Records Retention and Disposition Schedule was originally published on September 10, 2012; it was adopted by City Council on October 28, 2013. Subsequently, City Council has approved two amendments to the Schedule on October 28, 2013 and July 28, 2014.
- The 2019 update covering General Records is taking the form of a General Local Records Retention Schedule. When adopted it supersedes the following standards on all local schedules published prior to March 1, 2019:
  - Administration and Management Records
  - Budget, Fiscal, and Payroll Records
  - Geographic Information System Records
  - Information Technology Records
  - Legal Records
  - Personnel Records
  - Public Relations Records
  - Risk Management Records
  - Workforce Development Records
- A link to the new schedule will be accessible on the City Clerk's website and a hard copy maintained on file in the City Clerk's Office.

**Attachment(s)**

City of Charlotte's Adopted Municipal Records Retention and Disposition Schedule

2019 Local Government Agencies General Records Retention and Disposition Schedule

[City of Charlotte Adopted Municipal Records Retention and Disposition Schedule.pdf](#)

## 30. Refund of Property Taxes

**Action:**

**Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$4,697.77.**

**Staff Resource(s):**

Robert Campbell, Finance  
Mark Goodman, Finance

**Explanation**

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

**Attachment(s)**

Taxpayers and Refunds Requested  
Resolution Property Tax Refunds

[List of Taxpayers](#)

[Resolution](#)

## 31. Meeting Minutes

**Action:**

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

- **February 25, 2019 Business Meeting,**
- **March 4, 2019 Strategy Session, and**
- **March 6, 2019 Budget Workshop.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

## PROPERTY TRANSACTIONS

### 32. Property Transactions - Hinsdale - Tinkerbell Drainage Improvements, Parcel #21

**Action:** Approve the following Acquisition: Hinsdale - Tinkerbell Drainage Improvements, Parcel #21

**Project:** Hinsdale - Tinkerbell Drainage Improvements, Parcel #21

**Program:** Flood Control

**Owner(s):** Margaret C. Reardon and Matthew G. Nobles

**Property Address:** 5523 Sharon Road

**Total Parcel Area:** 20,312 sq. ft. (.466 ac.)

**Property to be acquired by Easements:** 958.02 sq. ft. (.022 ac.) in Temporary Construction Easement, plus 1,579 sq. ft. (.036 ac.) in Utility Easement, plus 859.73 sq. ft. (.02 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

**Use:** Single-family Residential

**Tax Code:** 209-073-08

**Purchase Price:** \$20,000

**Council District:** 6

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

### 33. Property Transactions - Hinsdale - Tinkerbell Drainage Improvements, Parcel #35

**Action:** Approve the following Acquisition: Hinsdale - Tinkerbell Drainage Improvements, Parcel #35

**Project:** Hinsdale - Tinkerbell Drainage Improvements, Parcel #35

**Program:** Flood Control

**Owner(s):** James M. Osborne and Maria L. Osborne

**Property Address:** 5624 Warewhip Lane

**Total Parcel Area:** 21,743 sq. ft. (.499 ac.)

**Property to be acquired by Easements:** 165.89 sq. ft. (.004 ac.) in Storm Drainage Easement, plus 720.07 sq. ft. (.017 ac.) in Temporary Construction Easement, plus 364.93 sq. ft. (.008 ac.) in Utility Easement, plus 383.51 sq. ft. (.009 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

**Use:** Single-family Residential

**Tax Code:** 209-071-05

**Purchase Price:** \$29,300

**Council District:** 6

[Location Map - Hinsdale Drainage Improvements.P35.docx](#)

### 34. Property Transactions - Hinsdale - Tinkerbell Drainage Improvements, Parcel #65

**Action:** Approve the following Acquisition: Hinsdale - Tinkerbell Drainage Improvements, Parcel #65

**Project:** Hinsdale - Tinkerbell Drainage Improvements, Parcel #65

**Program:** Flood Control

**Owner(s):** Patrick K. Speckman and Susan C. Speckman

**Property Address:** 3415 Cotillion Avenue

**Total Parcel Area:** 16,048 sq. ft. (.368 ac.)

**Property to be acquired by Easements:** 960.02 sq. ft. (.022 ac.) in Storm Drainage Easement, plus 1,463.57 sq. ft. (.034 ac.) in Temporary Construction Easement, plus 1,917.97 sq. ft. (.044 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

**Use:** Single-family Residential

**Tax Code:** 209-091-02

**Purchase Price:** \$57,360

**Council District:** 6

[Location Map - Hinsdale Drainage Improvements.P65.docx](#)

## 35. Property Transactions - Little Sugar Creek Tributary Trunk Sewer to North Tryon Street, Parcel #6

**Action:** Approve the following Acquisition: Little Sugar Creek Tributary Trunk Sewer to North Tryon Street, Parcel #6

**Project:** Little Sugar Creek Tributary Trunk Sewer to North Tryon Street, Parcel #6

**Owner(s):** Don R. Reid and Lisa P. Reid

**Property Address:** 200 Wadsworth Place

**Total Parcel Area:** 220,297 sq. ft. (5.057 ac.)

**Property to be acquired by Easements:** 16,882 sq. ft. (.388 ac.) in Storm Drainage Easement, plus 15,661 sq. ft. (.36 ac.) in Sanitary Sewer Easement, plus 36,052 sq. ft. (.828 ac.) in Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** I-2

**Use:** Industrial

**Tax Code:** 081-021-03

**Purchase Price:** \$303,050

**Council District:** 1

[Location Map - Little Sugar Creek Tributary Trunk Sewer to North Tryon Street.P6.docx](#)

### **36. Property Transactions - NC-51 Sidewalk (McAlpine Creek to Ridgeloach Place), Parcel #25**

**Action:** Approve the following Acquisition: NC-51 Sidewalk (McAlpine Creek to Ridgeloach Place), Parcel #25

**Project:** NC-51 Sidewalk (McAlpine Creek to Ridgeloach Place), Parcel #25

**Owner(s):** C & J Enterprises, Inc.

**Property Address:** 4100 Pineville-Matthews Road

**Total Parcel Area:** 6,259,954 sq. ft. (143.708 ac.)

**Property to be acquired by Easements:** 29,561 sq. ft. (.679 ac.) in Temporary Construction Easement

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

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

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 211-264-26

**Purchase Price:** \$118,970

**Council District:** 7

[Location Map - NC-51 Sidewalk - McAlpine Creek to Ridgeloach Place.P25.docx](#)

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

**Action:** Approve the following Acquisition: 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

**Purchase Price:** \$26,800

**Council District:** 6

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



## 38. Airport Property Transaction - 7407 Steele Creek 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:** Airport Master Plan - Expansion

**Owner(s):** Steele Creek Presbyterian Church at Pleasant Hill

**Property Address:** 7407 Steele Creek Road

**Total Parcel Area:** 21.405 acres

**Property to be acquired by Easements:** 11.209 acres

**Structures/Improvements to be impacted:** sanctuary, church buildings, and a single-family home

**Landscaping to be impacted:** Trees

**Zoned:** R-3

**Use:** Community Church

**Tax Code:** a portion of 141-211-01

**Purchase Price:** \$5,140,000 and all relocation benefits in compliance with federal, state or local regulations

**Council District:** 3

[Location Map - 7407 Steele Creek Road](#)

## Adjournment

## REFERENCES

## 39. 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.

## 40. 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.

## 41. 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.