

City of Charlotte

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



Meeting Agenda

Tuesday, May 28, 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. McAlpine Creek Wastewater Treatment Plant Nutrient Harvesting

Staff Resource(s):

Angela Lee, Charlotte Water

Time: 10 minutes - Presentation; 10 minutes - Discussion

Explanation

Provide an overview on the public-private partnership to implement a nutrient harvesting facility.

4. Housing Funding Support Requests

Staff Resource(s):

Pamela Wideman, Housing and Neighborhood Services

Time: 10 minutes - Presentation; 10 minutes - Discussion

Explanation

Status of Housing Trust Fund and Local Initiatives Support Corporation funding requests.

5. Answers to Mayor and Council Consent Item Questions

Staff Resource(s):

Marie Harris, Strategy and Budget

Time: 5 minutes

Synopsis

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

6. Closed Session (as necessary)

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

Call to Order

Introductions

Invocation

Pledge of Allegiance

PUBLIC FORUM

7. Public Forum

8. Consent agenda items 16 through 47 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

9. Public Hearing for Airport 2019 General Airport Revenue Bonds and 2019 Bond Anticipation Notes

Action:

- A. Hold and close a public hearing related to the issuance of General Airport Revenue Bonds and Revenue Bond Anticipation Notes to provide permanent financing for projects listed below, including expenses funded with short-term construction-period financing issued in 2017, and**
- B. Adopt a resolution authorizing and approving the issuance of up to \$235,000,000 in General Airport Revenue Bonds, and up to \$145,000,000 in an Airport Revenue Bond Anticipation Note program, and calling for the execution and delivery of various documents necessary to complete the sale.**

Staff Resource(s):

Brent Cagle, Aviation

Robert Campbell, Finance

Explanation

- On April 22, 2019, City Council authorized the application to the Local Government Commission for a debt issuance to fund projects in Aviation's Community Investment Plan and to refund existing debt, and set this public hearing.
- The 2019 General Airport Revenue Bonds (GARBs), expected to be issued in June 2019, will provide long-term financing for the following, or other similar projects, which are part of Aviation's 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.
- The long and short-term financing authorized by this action are secured by Airport revenue and the Airport's signatory airlines have approved the projects.
- A third-party completed a feasibility study to indicate that sufficient revenues are forecasted to be available to repay the debt.
- With City Council approval, it is anticipated that the Local Government Commission will approve this debt issuance at its June meeting.

- The current action will provide approval to the City Manager and the Authorized Officers named in the Resolution to take necessary actions to complete the financing and related documentation for the life of the debt.

Fiscal Note

Funding: Airport Debt Service Fund

Attachment(s)

Series Resolutions

[Series Resolution - City of Charlotte, NC Airport Revenue Bond Anticipation Note, Series 2019C - Edi \(;](#)

[Series Resolution - City of Charlotte, NC Airport Revenue Bonds, Series 2019AB - Edit 3 to Version 1 \(;](#)

[Appendix A to Series Resolution - City of Charlotte NC Airport Revenue Bonds Series 2019AB - Edit \(3](#)

[Appendix A to Series Resolution - City of Charlotte NC Airport Revenue ...](#)

POLICY

10. City Manager's Report

BUSINESS

11. Appropriate Private Developer Funds

Action:

- A. Approve developer agreements with Presbyterian Home at Charlotte, Inc. and CCB Montford Park, LLC for traffic signal installations and improvements, and**
- B. Adopt a budget ordinance appropriating \$35,000 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 make traffic signal improvements.
- Funding contributions from private developers must be appropriated prior to the city's initiation of work.
- The \$35,000 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:
 - Presbyterian Home at Charlotte, Inc. contributed \$10,000 for traffic signal modifications at the intersection of Sharon Road and Sharon View Road located in Council District 6, and
 - CCB Montford Park, LLC contributed \$25,000 toward the cost of a new signal at the intersection of Park Road and Mockingbird Lane located in Council District 6.
- 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

[Map of Traffic Signal Improvements 042219](#)

[BO Developer Appropriations 5.28.2019 1](#)

12. Appropriate Private Developer Funds

Action:

- A. **Approve a developer agreement with Steele-Trojan Development, and**
- B. **Adopt a budget ordinance appropriating \$250,000 in private developer funds for road improvements.**

Staff Resource(s):

Liz Babson, Transportation
Felix Obregon, Transportation

Explanation

- Private developer agreements and appropriations are needed when a developer is required through the city rezoning process to make road improvements.
- The \$250,000 in private developer funding is for road improvements related to the project noted below:
 - Steele-Trojan Development contributed \$250,000 for road improvements to the Steele Creek Road widening project located in Council District 3.
- This road widening project is being completed by the North Carolina Department of Transportation (NCDOT).
- The city is anticipated to enter into a municipal agreement with NCDOT in the future to transfer this funding into the NCDOT project budget.
- These developer contributions are based on cost estimates prepared by NCDOT and the Charlotte Department of Transportation.
- NCDOT will maintain these road improvements as part of the state-maintained street network.

Fiscal Note

Funding: Private Developer Contributions

Attachment(s)

Map
Budget Ordinance

[15-10851 map](#)

[BO Developer Appropriations 5.28.2019 2](#)

13. Appropriate Private Developer Funds

Action:

- A. **Approve a developer agreement with MC Multifamily Owner, LLC, and**
- B. **Adopt a budget ordinance appropriating \$75,000 in private developer funds for sidewalk improvements.**

Staff Resource(s):

Liz Babson, Transportation
Felix Obregon, Transportation

Explanation

- Private developer agreements and appropriations are needed when a developer is required through the city land development permitting process to make sidewalk improvements.
- The \$75,000 in private developer funding is to construct sidewalk associated with the project noted below:
 - MC Multifamily Owner, LLC contributed \$75,000 for new sidewalk related to the Odell School Road widening project located in Council Districts 2 and 4.
- This road widening project is being completed by the North Carolina Department of Transportation (NCDOT).
- The city is anticipated to enter into a municipal agreement with NCDOT in the future to transfer this funding into the project budget.
- These developer contributions are based on cost estimates prepared by NCDOT and the Charlotte Department of Transportation (CDOT).
- CDOT will maintain this sidewalk as part of the city's pedestrian and bicycle network.

Fiscal Note

Funding: Private Developer Contributions

Attachment(s)

Map
Budget Ordinance

[15-18052 Map](#)

[BO Developer Appropriations 5.28.2019_3](#)

14. Appointments to the Community Relations Committee

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

- Two appointments for three-year terms beginning July 1, 2019 and ending June 30, 2022.
 - Emma Allen, nominated by Councilmembers Ajmera, Harlow, and Winston.
 - James Bello, nominated by Councilmembers Driggs and Mayfield.
 - Jesse Boyd, nominated by Councilmembers Ajmera, Harlow, and Phipps.
 - Temako McCarthy, nominated by Councilmembers Bokhari and Winston.
 - Shay Merritt, nominated by Councilmembers Driggs, Egleston, Eiselt, Mayfield, and Newton.
 - Deborah Wollard, nominated by Councilmembers Driggs, Egleston, Eiselt, Mayfield, and Newton.

Attachments

Community Relations Committee Applicants

[Charlotte Mecklenburg Community Relations Committee Applications](#)

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 Ridgecrest Street off of Tuckaseegee Road

Action:

- A. Adopt a Resolution of Intent to abandon Ridgecrest Street off of Tuckaseegee Road, and**
- B. Set a Public Hearing for June 24, 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 right-of-way known as Ridgecrest Street is located in Council District 3.

Petitioners

Clarius Partners, LLC

Attachment(s)

Map
Resolution

[Ridgecrest Street Map](#)

[Resolution of Intent - Ridgecrest Street](#)

17. Resolution of Intent to Abandon and Close Marlynn Drive

Action:

- A. **Adopt a Resolution of Intent to abandon and close Marlynn Drive, and**

- B. **Set a Public Hearing for June 24, 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 is off of University City Boulevard and is located in Council District 4.

Petitioners

Brent Little

Attachment(s)

Map
Resolution

[Marlynn Drive Map](#)

[Resolution of Intent to Close A Marlynn Drive](#)

18. Resolution of Intent to Abandon a Portion of David Taylor Drive

Action:

- A. Adopt a Resolution of Intent to abandon a portion of David Taylor Drive, and**
- B. Set a Public Hearing for June 24, 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 portion of David Taylor Drive is located in Council District 4.

Petitioners

High Family Partnership I LP

Attachment(s)

Map
Resolution

[David Taylor Map](#)

[Intent Resolution David Taylor Drive](#)

19. Video Monitoring and Door Access Equipment and Services

Action:

Approve a unit price contract with SAF Technologies, Inc. for video monitoring and door access equipment and services for a five-year term.

Staff Resource(s):

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

Explanation

- This contract includes the maintenance services and replacement of video monitoring and door access equipment for various city facilities.
- The new technology will be more reliable, with improved picture quality.
- Video monitoring enhances safety and security, and is also used in reviewing insurance and legal claims.
- On December 18, 2018, the city issued a Request for Proposals (RFP); seven responses were received.
- SAF Technologies, Inc. best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Capital and annual maintenance expenditures are estimated to be \$1,650,000 for the entire term of the contract.

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). SAF Technologies, Inc. has committed 15.00% (\$274,500) of the total contract amount to the following firm:

- Data Communications of NC, Inc. (SBE) (project work)

Fiscal Note

Funding: Charlotte Mecklenburg Government Center operating funds and Facility Services capital funds.

20. Charlotte Water Security Monitoring and Patrol Services

Action:

- A. Approve unit price contract with Harrisburg Security, Inc. for security monitoring and patrol services for an initial term of two years, and**
- B. Authorize the City Manager to renew the contract for up to five, 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
Shawn Coffman, Charlotte Water

Explanation

- Provide monitoring and patrol services (combined with existing physical security, safety procedures, and relationships with public safety) which support a safer working environment for on-duty employees at Charlotte Water-operated facilities.
- The vendor will work with utility staff and local law enforcement to provide added security for publicly-owned, critical infrastructure.
- On February 28, 2019, the city issued a Request for Proposals (RFP); three responses were received.
- Harrisburg Security, Inc. best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$500,000.

Charlotte Business INclusion

The city solicited proposals only from city certified SBEs, therefore 100% of the project participation is being committed to the following certified firm (Part A: Section 2.3 of the Charlotte Business INclusion Policy):

- Harrisburg Security, Inc. (SBE) (security monitoring and patrol services)

Fiscal Note

Funding: Charlotte Water Operating Budget

21. Charlotte Water Grounds Maintenance Services

Action:

- A. Approve unit price contracts with the following companies for grounds maintenance services for an initial term of two years:**
- Carolina Commercial Landscaping LLC,
 - Diane B. Honeycutt dba Carolina Lawn Pro LLC,
 - Locust Property Management LLC,
 - Mark D. Leake dba Cutt'n Up Yard Services,
 - Triple L Landscape, and
- B. Authorize the City Manager to renew the contracts for up to two, two-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

Angela Lee, Charlotte Water

Ron Hargrove, Charlotte Water

Explanation

- These contracts will provide mowing and landscaping services for Charlotte Water facilities throughout Mecklenburg County.
- Areas within and surrounding Charlotte Water facilities require grounds maintenance to maintain a professional appearance, create visibility for security purposes, and to ensure a safe working environment.
- On March 13, 2019, the city issued a Request for Proposals (RFP); 13 responses were received.
- The companies selected best meet the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures for all five contracts are estimated to be \$800,000.

Charlotte Business INclusion

The city solicited proposals only from city certified SBEs, therefore 100% of the project participation is being committed to the following certified firms (Part A: Section 2.3 of the Charlotte Business INclusion Policy):

- Carolina Commercial Landscaping, LLC (SBE)
- Diane B. Honeycutt dba Carolina Lawn Pro LLC (SBE)
- Locust Property Management LLC (SBE)
- Mark D. Leake dba Cutt'n Up Yards Services (MBE, SBE)
- Triple L Landscape (SBE)

Fiscal Note

Funding: Charlotte Water Operating Budget

22. Charlotte Water Design Manual and Standard Details Update

Action:

- A. Approve contracts for up to the following amounts with the following companies to update Charlotte Water's design manual and standard details:**
- **Brown and Caldwell (\$796,214),**
 - **Stantec Consulting Services Inc. (\$1,308,865), and**
- B. Authorize the City Manager to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

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

Explanation

- This project will provide revisions to Charlotte Water's design manual, extension policies, and design and construction practices.
- Charlotte Water provides a design manual and standard details for engineers, consultants, and contractors to utilize and comply with design guidelines, technical standards, and policies, on Charlotte Water projects.
- On December 20, 2018, the city issued a Request for Qualifications (RFQ); two responses were received.
- The companies selected are qualified to meet the city's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.

Charlotte Business INclusion

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

Brown and Caldwell has committed 8.34% (\$66,400) of the total contract amount to the following certified firms:

- TKG (SBE, WBE) (\$40,000) (consulting services)
- LDSI, Inc. (SBE) (\$10,000) (easement acquisition documentation)
- Habitat Assessment and Restoration Program, Inc. (SBE, WBE) (\$10,000) (permitting)
- Occasions Catering and Event Planning (SBE) (\$6,400) (catering)

Stantec Consulting Services Inc. has committed 9.93% (\$130,000) of the total contract amount to the following certified firms:

- Capstone Civil Engineering, Inc. (SBE, MBE) (\$32,500) (geotechnical)
- Carolina Wetland Services, Inc. (SBE, WBE) (\$32,500) (wetlands, environmental services)
- Hinde Engineering, Inc. (SBE) (\$32,500) (traffic control)
- TKG (SBE, WBE) (\$32,500) (business practice optimization)

Fiscal Note

Funding: Charlotte Water Operating Budget

23. Airport Heating, Ventilation, and Air Conditioning Maintenance Services

Action:

- A. **Approve a unit price contract with AirTight FaciliTech Inc. for heating, ventilation, and air conditioning maintenance services for a term of three years, and**
- B. **Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Brent Cagle, Aviation

Jack Christine, Aviation

Explanation

- The Airport provides heating, ventilation, and air conditioning (HVAC) maintenance services for various airport properties, including the airport terminal, business offices, fire stations, and tenant-occupied buildings.
- This contract will provide HVAC services assisting the airport with renovations, remodels, and maintenance of existing equipment.
- On January 22, 2019, the city issued a Request for Proposals (RFP); three responses were received.
- AirTight FaciliTech Inc. best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$250,000.
- This activity is occurring on airport property, located in Council District 3.

Charlotte Business INclusion

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

Fiscal Note

Funding: Aviation Operating Budget

24. Airport Ramp Cleaning and Pressure Washing Services

Action:

- A. **Approve a contract with Sunshine Cleaning Systems, Inc. for terminal ramp cleaning and pressure washing services for a term of three years, and**

- B. **Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Brent Cagle, Aviation

Jack Christine, Aviation

Explanation

- This contract will provide cleaning and pressure washing on the terminal ramp facility which will ensure the cleanliness of the terminal ramp and remove debris for the safety of aircraft and the traveling public.
- On February 18, 2019, the city issued a Request for Proposals (RFP); four responses were received.
- Sunshine Cleaning Systems, Inc. best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$515,300.
- This activity is occurring on airport property, located in 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).

Sunshine Cleaning Systems, Inc. has committed 10.00% (\$154,587) of the total contract amount to the following certified firm:

- Absolute Cleaning (MBE, SBE) (\$154,587) (pressure washing services)

Fiscal Note

Funding: Aviation Operating Budget

25. Airport Electric Bus Purchase Contract

Action:

- A. **Approve the purchase of electric buses by piggybacking on a previously bid contract, Georgia State Contract 99999-001-SPD0000138-007 with Proterra Inc., and**

- B. **Approve a contract with Proterra Inc. for the purchase of Electric Buses for a term of two years.**

Staff Resource(s):

Brent Cagle, Aviation
Jack Christine, Aviation

Explanation

- Aviation operates a fleet of 70 diesel-powered shuttle buses to move passengers and employees between parking lots and parking decks.
- Aviation will begin to purchase electric buses instead of traditional diesel buses. Electric buses are projected to be more economical to operate and maintain, and are shown to be more reliable in environments such as airports.
- Purchasing electric buses helps meet the Sustainable and Resilient Charlotte Resolution, the Charlotte Strategic Energy Action Plan, and aids in efforts associated with the American Cities Climate Challenge.
- Based on a review of available equipment and testimonials from other similar users, Aviation selected Proterra buses to begin its fleet electrification.
- G.S. 143-129(g) authorizes local governments to purchase without bidding from an entity that has competitively solicited and awarded a contract for the same item within the last twelve months contracted to furnish the item to any federal, state or local agency after a formal bid process substantially similar to the one set forth in the North Carolina statutes.
- On July 1, 2018, the state of Georgia approved a contract with Proterra Inc. because of an Invitation to Bid competitive solicitation process.
- Total expenditures are estimated to be \$4,510,000.
- This activity is occurring on airport property, located in Council District 3.

Charlotte Business INclusion

This contract is being purchased off an existing contract as a piggybacking contract, and is exempt (Part A: Appendix 27 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Aviation Community Investment Plan

Attachment(s)

Piggybacking Request Form

[Proterra Inc - Piggybacking Request Form - approved 3.8.19](#)

26. Airport Airfield Guidance Signs Rehabilitation

Action:

Approve a contract in the amount of \$2,083,555 to the lowest responsive bidder Brooks Berry Haynie & Associates Inc. for the Airfield Guidance Signs Rehabilitation project.

Staff Resource(s):

Brent Cagle, Aviation

Jack Christine, Aviation

Explanation

- This project consists of the rehabilitation of 223 airfield guidance signs at the airport.
- Included is the removal of existing signs, the purchase and installation of guidance signs on new concrete foundations, and a warranty on the new equipment.
- On March 12, 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.
- The project was re-advertised on April 4, 2019, two bids were received.
- Brooks Berry Haynie & Associates Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by fourth quarter 2020.
- This activity is occurring on airport property, located in Council District 3.

Charlotte Business INclusion

Established SBE Goal: 3.00%

Committed SBE Goal: 3.02%

This contract is largely for the purchase of airfield guidance signs as well as specialized electrical work, which yielded limited subcontracting opportunities.

Brooks Berry Haynie & Associates Inc. exceeded the established subcontracting goal, and has committed 3.02% (\$63,000) of the total contract amount to the following certified firms (Part B: Section 3.1.4. of the Charlotte Business INclusion Policy):

- Martin Landscaping (SBE, WBE) (\$33,000) (landscaping, seeding and mulching)
- Tarpon Construction (SBE) (\$30,000) (asphalt and hardscape repairs)

Fiscal Note

Funding: Aviation Community Investment Plan

27. Airport Rental Car Facilities Management Agreement Amendment

Action:

Approve contract amendment #3 for three years to the contract with MVI Field Services for the maintenance and management of the consolidated rental car facility and remote rental car facility at Charlotte Douglas International Airport.

Staff Resource(s):

Brent Cagle, Aviation
Haley Gentry, Aviation

Explanation

- In 2014, a 7,000-space parking deck opened next to the terminal building. Levels 1-3 of the parking deck constitute the consolidated rental car facility (CONRAC) and Levels 4-7 constitute public parking. In conjunction with this new facility, a remote rental car facility for storage and light maintenance was constructed on Wilkinson Boulevard.
- On May 27, 2014, City Council approved a three-year contract with MVI Field Services with two, one-year renewal options.
- Amendments #1 and #2 were exercising the two renewal options, and the contract is set to expire on June 29, 2019.
- This amendment is to add three years to the management agreement.
- Within the next three years, Aviation is expecting to reallocate assigned premises for all rental car operators which will have significant construction impacts, including construction of roadways and tunnels connecting the CONRAC to the expanded terminal lobby. During this transition, it is important for Aviation to maintain the existing management agreement to ensure consistent operations of the rental car facilities.
- A waiver of a competitive solicitation process has been approved for these services based on the importance of maintaining continuity of rental car operations.
- The annual value of the contract is estimated to be \$2,842,183.
- The maintenance and management of the CONRAC and remote rental car facility are funded by contract facility charges, a user fee charged by rental car companies to customers.
- This activity is occurring on Airport property, located in Council District 3.

Airport Concessions Disadvantaged Business Enterprise

This management contract is subject to the federal Airport Concessions Disadvantaged Business Enterprise (ACDBE) Program regulations. For this contract extension, MVI Field Services has committed 20.00% of the total eligible projected expenses for goods and services to certified ACDBE firms.

Fiscal Note:

Funding: Aviation Operating Budget

Attachment(s):

Waiver of Procurement Process Memo

[Waiver of Procurement Process Tier 2 MIM3Axfx3SjfA1X](#)

28. Airport Valet Services Management Agreement Contract

Action:

- A. **Approve contract with AmeriPark, LLC for valet parking services at Charlotte Douglas International Airport 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 for consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Brent Cagle, Aviation
Haley Gentry, Aviation

Explanation

- AmeriPark, LLC manages the Airport's valet parking operation for both curbside and business valet.
- On February 24, 2014, City Council approved a three-year contract with AmeriPark, LLC with two, one-year renewal options. Both renewal options have been executed and the contract is set to expire on June 30, 2019.
- A waiver of a competitive solicitation process has been approved for these services based on the desire to maintain continuity of services during the transition to a new parking revenue control system and implementation of an online booking system.
- AmeriPark, LLC has spent the past five years working to create effective systems and processes that have produced an increase in revenue and operational efficiencies.
- The annual value of the contract is estimated to be \$2,936,680.
- This activity is occurring on Airport property, located in Council District 3.

Airport Concessions Disadvantaged Business Enterprise

This management contract is subject to the federal Airport Concessions Disadvantaged Business Enterprise (ACDBE) Program regulations. For this contract, AmeriPark, LLC has committed 61.55% of the total eligible projected expenses for goods and services to certified ACDBE firms.

Fiscal Note

Funding: Aviation Operating Budget

Attachment(s)

Waiver of Procurement Process Memo

[Ameripark Waiver of Procurement Process Tier 2 1Jb250bstYWW6S](#)

29. Airport Parking and Revenue Control System Maintenance Contract

Action:

- A. **Approve a one-year contract extension with Scheidt and Bachmann USA, Inc. to provide maintenance and monitoring services for the Airport's parking and revenue control system, and**
- B. **Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Brent Cagle, Aviation

Haley Gentry, Aviation

Explanation

- On May 1, 2013, the City entered into a five-year maintenance agreement with Scheidt and Bachmann USA Inc., (S&B) for the Airport's Parking and Revenue Control System (PARCS).
- The current maintenance contract is set to expire on June 30, 2019.
- On March 25, 2019, City Council approved a contract with Designa Access Corporation to install a new PARCS. The installation of the new system will occur in a phased approach and is scheduled to occur over the next 18-24 months.
- The contract extension with S&B is needed to ensure that the existing PARCS remains operational throughout the transition period.
- The contract extension has an estimated value of \$597,962.
- Waiver of a competitive solicitation process for services may be granted on a limited basis when deemed appropriate and in the City's best interest. A waiver has been approved for these services based on continuity of service.
- This activity is occurring on airport property, located in Council District 3.

Charlotte Business INclusion

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

Fiscal Note

Funding: Aviation Operating Fund

30. Branch Banking and Trust Company Hangar Ground Lease

Action:

- A. Approve a 20-year lease agreement with Branch Banking and Trust Company, and
- B. Authorize the City Manager to amend the lease for two, five-year lease extensions consistent with the purpose for which the agreement was approved.

Staff Resource(s):

Brent Cagle, Aviation
Haley Gentry, Aviation

Explanation

- Branch Banking and Trust Company (BB&T) desires to build a hangar at Charlotte Douglas International Airport and enter a ground lease with the City of Charlotte.
- To prepare for the construction of the hangar, Aviation will complete all design and construction work associated with site preparation for the hangar, including a taxiway extension and relocation of an existing access road.
- BB&T will reimburse the city for 100 percent of its pro rata share of the site preparation costs.
- Once the site preparation is complete, BB&T will construct the actual hangar facility and all ancillary facilities at its cost.
- In addition to reimbursement for its pro rata share of the site preparation costs, BB&T will pay the City of Charlotte ground rent and other airport rents and fees as determined by the hangar lease agreement and in accordance with applicable federal guidelines governing the leasing of the aeronautical facilities.
- Aviation intends to bring a construction contract to City Council in third quarter 2019.
- This activity is occurring on airport property, located in Council District 3.

Fiscal Note

Funding: Aviation Community Investment Plan; Revenue from the lease agreement will be deposited within Aviation's operating budget

31. Refund of Property Taxes

Action:

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$3,584.91.

Staff Resource(s):

Robert Campbell, Finance
Betty Coulter, 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](#)

32. Meeting Minutes

Action:

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

- April 1, 2019 Strategy Session, and
- April 3, 2019 Budget Workshop.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

PROPERTY TRANSACTIONS

33. Acquire Land for Charlotte Water Elevated Water Storage Tank

Action:

Approve the purchase of 6420 Old Statesville Road (tax parcel identification number 045-431-17) and 6430 Old Statesville Road (tax parcel identification number 045-431-16) in the amount of \$1,267,000.

Staff Resource(s):

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

Explanation

- The 2015 Water System Master Plan includes four new elevated water storage tanks to meet capacity demands in the next ten years. Proactive land acquisitions will help with future project implementation.
- One zone requiring construction of a new elevated water storage tank is located in north Charlotte, in Council District 2.
- Two privately owned properties of approximately 7.4 acres total, located within this search zone, at the intersection of Old Statesville Road and Statesville Road were identified as the most suitable location for the new elevated water storage tank based on proximity to water lines, hydraulic models and the ground elevation, topography and results of geotechnical and environmental studies on the site.
- The terms of the acquisition are as follows:
 - Purchase price: \$662,000 and \$605,000 respectively
 - Due diligence: 120 days
 - Closing: 30 days
- Following acquisition, construction is planned to begin in 2025.

Fiscal Note

Funding: Charlotte Water Community Investment Plan

Attachment(s)

Map

[Location Map - Land Acquisition for Charlotte Water Elevated Water Storage Tank](#)

34. Property Transactions - Chandworth Drainage Improvements, Parcel #13

Action: Approve the following Acquisition: Chandworth Drainage Improvements, Parcel #13

Project: Chandworth Drainage Improvements, Parcel #13

Program: Flood Control

Owner(s): Carol C. Soggs Living Trust dated July 8, 2011

Property Address: 3920 Chandworth Road

Total Parcel Area: 15,676 sq. ft. (.360 ac.)

Property to be acquired by Easements: 2,597 sq. ft. (.06 ac.) in Storm Drainage Easement, plus 1,297 sq. ft. (.03 ac.) in Sanitary Sewer Easement, plus 1,196 sq. ft. (.027 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: 179-097-33

Purchase Price: \$18,475

Council District: 6

[5.28.2019 Location Map - Chandworth Drainage Improvements.P13.docx](#)

35. Property Transactions - Cross Charlotte Trail Brandywine - Tyvola, Parcel #1

Action: Approve the following Condemnation: Cross Charlotte Trail Brandywine - Tyvola, Parcel #1

Project: Cross Charlotte Trail Brandywine - Tyvola, Parcel #1

Owner(s): Selwyn Village Homeowners Association

Property Address: Wakefield Drive

Total Parcel Area: 622,682 sq. ft. (14.295 ac.)

Property to be acquired by Easements: 73,862 sq. ft. (1.696 ac.) in Greenway Easement, plus 47,462 sq. ft. (1.09 ac.) in Temporary Construction Easement, plus 13,141 sq. ft. (.302 ac.) in Utility Easement

Structures/Improvements to be impacted: Parking pad

Landscaping to be impacted: Trees and various plantings

Use: Condominium

Tax Code: 175-13C-97

Appraised Value: \$769,200

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

City's Response to Property Owner's Concerns: Staff was able to redesign and reduce the area in order 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: 6

[5.28.2019 Location Map - Cross Charlotte Trail Brandywine.P1.docx](#)

36. Property Transactions - Cross Charlotte Trail Brandywine - Tyvola, Parcel #5

Action: Approve the following Condemnation: Cross Charlotte Trail Brandywine - Tyvola, Parcel #5

Project: Cross Charlotte Trail Brandywine - Tyvola, Parcel #5

Owner(s): Sewlyn Fair, LLC

Property Address: 5126 Park Road

Total Parcel Area: 331,003 sq. ft. (7.599 ac.)

Property to be acquired by Fee: 17,314 sq. ft. (.397 ac.) in Fee Simple

Property to be acquired by Easements: 74 sq. ft. (.002 ac.) in Temporary Construction Easement, plus 13 sq. ft. (ac.) in Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees, shrubs and various planting

Zoned: R-5

Use: Commercial

Tax Code: 171-181-45

Appraised Value: \$450

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

City's Response to Property Owner's Concerns: Staff is working with property owner to address all concerns and work towards a resolution.

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 - Cross Charlotte Trail Brandywine - Tyvola.P5.docx](#)

37. Property Transactions - Cross Charlotte Trail Brandywine - Tyvola, Parcel #5.1

Action: Approve the following Condemnation: Cross Charlotte Trail Brandywine - Tyvola, Parcel #5.1

Project: Cross Charlotte Trail Brandywine - Tyvola, Parcel #5.1

Owner(s): Selwyn Fair, LLC

Property Address: 5126 Park Road

Total Parcel Area: 313,689 sq. ft. (7.201 ac.)

Property to be acquired by Easements: 10,404 sq. ft. (.239 ac.) in easementName, plus 7,276 sq. ft. (.167 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and shrubs

Zoned: R-5

Use: Commercial

Tax Code: 171-181-45

Appraised Value: \$137,375

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

City's Response to Property Owner's Concerns: Staff is working with property owner to address all concerns and work towards a resolution

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 - Cross Charlotte Trail Brandywine - Tyvola.P5.1.docx](#)

38. Property Transactions - Cross Charlotte Trail Brandywine - Tyvola, Parcel #7

Action: Approve the following Condemnation: Cross Charlotte Trail Brandywine - Tyvola, Parcel #7

Project: Cross Charlotte Trail Brandywine - Tyvola, Parcel #7

Owner(s): JGL I, LLC

Property Address: 5200 Park Road

Total Parcel Area: 199,281 sq. ft. (4.575 ac.)

Property to be acquired by Easements: 21,130 sq. ft. (.485 ac.) in Greenway Easement, plus 3,270 sq. ft. (.075 ac.) in Sidewalk and Utility Easement, plus 9,510 sq. ft. (.218 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: Sign and lighting

Landscaping to be impacted: Trees and various plantings

Use: Office

Tax Code: 171-181-44

Appraised Value: \$91,700

Outstanding Concerns: Staff and property owner are finalizing the agreement language.

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

Council District: 6

[5.28.2019 Location Map - Cross Charlotte Trail Brandywine.P7.docx](#)

39. Property Transactions - Cross Charlotte Trail Brandywine - Tyvola, Parcel #14

Action: Approve the following Acquisition: Cross Charlotte Trail Brandywine - Tyvola, Parcel #14

Project: Cross Charlotte Trail Brandywine - Tyvola, Parcel #14

Owner(s): Stephen Deutsch and Catherine Deutsch

Property Address: 2112 Hassell Place

Total Parcel Area: 19,082 sq. ft. (.438 ac.)

Property to be acquired by Easements: 5,766 sq. ft. (.132 ac.) in Greenway Easement, plus 1,429 sq. ft. (.033 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: Fence

Landscaping to be impacted: Trees

Zoned: R-5

Use: Single-family Residential

Tax Code: 175-151-10

Purchase Price: \$75,553

Council District: 6

[5.28.2019 Location Map - Cross Charlotte Trail Brandywine.P14.docx](#)

40. Property Transactions - Cross Charlotte Trail Brandywine - Tyvola, Parcel #25

Action: Approve the following Condemnation: Cross Charlotte Trail Brandywine - Tyvola, Parcel #25

Project: Cross Charlotte Trail Brandywine - Tyvola, Parcel #25

Owner(s): HDP Seneca Woods, LLC

Property Address: 1508 Seneca Place

Total Parcel Area: 140,315 sq. ft. (3.221 ac.)

Property to be acquired by Easements: 4,107 sq. ft. (.094 ac.) in Greenway Easement, plus 2,521 sq. ft. (.058 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: Fence

Landscaping to be impacted: Trees and various plantings

Use: Multi-family

Tax Code: 175-121-01

Appraised Value: \$49,500

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: 6

[5.28.2019 Location Map - Cross Charlotte Trail Brandywine.P25.docx](#)

41. 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

Appraised Value: \$25,500

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 (Mint Hill)

[5.28.2019 Location Map - Irvins Creek Trunk.P8.docx](#)

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

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

This 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 North Carolina Department of Transportation reimbursement and Federal Transit Administration reimbursement.

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

Purchase Price: \$52,925

Council District: 6

[5.29.2019 Location Map - Sardis Lane Bridge Replacement.P2.docx](#)

43. Property Transactions - Water Oak Storm Drainage Improvements, Parcel #5

Action: Approve the following Acquisition: Water Oak Storm Drainage Improvements, Parcel #5

Project: Water Oak Storm Drainage Improvements, Parcel #5

Program: Flood Control

Owner(s): Walter Chavez and Maria Chavez

Property Address: 808 Bridlepath Lane

Total Parcel Area: 16,623 sq. ft. (.382 ac.)

Property to be acquired by Easements: 804 sq. ft. (.018 ac.) in Storm Drainage Easement, plus 182 sq. ft. (.004 ac.) in Temporary Construction Easement, plus 37 sq. ft. (.001 ac.) in Utility Easement, plus 1,923 sq. ft. (.044 ac.) in Existing Drainage Accepted as Storm Drainage Easement

Structures/Improvements to be impacted: Shed and irrigation

Landscaping to be impacted: Trees and various plantings

Zoned: R-3

Use: Single-family Residential

Tax Code: 157-131-10

Purchase Price: \$23,724

Council District: 5

[5.28.2019 Location Map - Water Oak Storm Drainage Improvements.P5.docx](#)

44. Property Transactions - Water Oak Storm Drainage Improvements, Parcel #19

Action: Approve the following Acquisition: Water Oak Storm Drainage Improvements, Parcel #19

Project: Water Oak Storm Drainage Improvements, Parcel #19

Program: Flood Control

Owner(s): James M. Clark, Jr. and Gail W. Clark

Property Address: 4718 Walker Road

Total Parcel Area: 21,078 sq. ft. (.484 ac.)

Property to be acquired by Easements: 1,562 sq. ft. (.036 ac.) in Storm Drainage Easement, plus 1,020 sq. ft. (.023 ac.) in Existing Drainage Accepted as Storm Drainage Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-3

Use: Single-family Residential

Tax Code: 157-183-16

Purchase Price: \$16,250

Council District: 5

[5.29.2019 Location Map - Water Oak Storm Drainage Improvements.P19.docx](#)

45. Property Transactions - Water Oak Storm Drainage Improvements, Parcel #21

Action: Approve the following Acquisition: Water Oak Storm Drainage Improvements, Parcel #21

Project: Water Oak Storm Drainage Improvements, Parcel #21

Program: Flood Control

Owner(s): Carl E. Godman, Jr. and Mendy L. Godman

Property Address: 4808 Walker Road

Total Parcel Area: 23,549 sq. ft. (.541 ac.)

Property to be acquired by Easements: 2,993 sq. ft. (.069 ac.) in Storm Drainage Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-3

Use: Single-family Residential

Tax Code: 157-183-14

Purchase Price: \$20,970

Council District: 5

[5.29.2019 Location Map - Water Oak Storm Drainage Improvements.P21.docx](#)

46. Airport Property Transaction - 9416 Dorcas Lane

Action: Approve the following Property Acquisition - EIS Mitigation Land South

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): William P. Wallace

Property Address: 9416 Dorcas Lane

Total Parcel Area: 1.38 acres

Property to be acquired by Easements: N/A

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and shrubs

Zoned: R-3

Use: Vacant Land

Tax Code: 141-261-74

Purchase Price: \$80,000.00

Council District: Outside of Charlotte City limits; adjacent to Council District 3

[Location Map - 9416 Dorcas Ln](#)

47. Airport Property Transaction - 9402 Snow Ridge Lane

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): Marlin K. Clevenger (deceased) and Michael C. Clevenger

Property Address: 9402 Snow Ridge Lane

Total Parcel Area: 0.79 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: 141-112-28

Purchase Price: \$209,000 and all relocation benefits in compliance with Federal, State or Local regulations

Council District: Outside of Charlotte City limits; adjacent to Council District 3

[Location Map - 9402 Snow Ridge Ln](#)

ZONING

48. Rezoning Petition: 2019-013 by Andrew Klenk

Location: Approximately 0.22 acres located on the southeast side of North Davidson Street between East 33rd Street and East 34th Street. (Council District 1 - Egleston)

Current Zoning: R-5 (single family residential)

Proposed Zoning: TOD-M(O) (transit oriented development - mixed use, optional)

Staff Recommendation:

Staff recommends approval of this petition upon resolution of outstanding issues related to site and building design.

Attachments:

Pre-Hearing Staff Analysis
Site Plan

[2019-013 PHstaff DP0515](#)

[2019-013 RevSitePlan 04-16-2019](#)

49. Rezoning Petition: 2019-015 by Greg Godley/Sugar Creek Ventures

Location: Approximately 18.5 acres located on the west side of East Sugar Creek Road, south of North Tryon Street. (Council District 1 - Egleston)

Current Zoning: I-2 (general industrial)

Proposed Zoning: TOD-CC (transit oriented development - community center)

Staff Recommendation:

Staff recommends approval of this petition.

Attachment:

Pre-Hearing Staff Analysis

[2019-015 PHstaff done](#)

50. Rezoning Petition: 2019-024 by Investicore, LLC

Location: Approximately 1.74 acres located on the west side of South Boulevard, north of Clanton Road. (Council District 3 - Mayfield)

Current Zoning: I-1 (light industrial) and I-2 (general industrial)

Proposed Zoning: TOD-CC (transit oriented development - community center)

Staff Recommendation:

Staff recommends approval of this petition.

Attachment:

Pre-Hearing Staff Analysis

[2019-024 PH staff DP0514 km0514 DONE](#)

51. Rezoning Petition: 2019-025 by White Point Partners, LLC

Location: Approximately 1.20 acres located at the south side of the intersection of West Kingston Avenue and Camden Road. (Council District 3 - Mayfield)

Current Zoning: B-1 (neighborhood business)

Proposed Zoning: TOD-UC (transit oriented development - urban center)

Staff Recommendation:

Staff recommends approval of this petition.

Attachment:

Pre-Hearing Staff Analysis

[2019-025 PHstaff 05-20-2019 DP0515 DONE](#)

52. Rezoning Petition: 2019-026 by Beacon Development

Location: Approximately 3.0 acres located on the south side of Clanton Road, both side of Dewitt Lane and Tryclan Drive, east of South Tryon Street. (Council District 3 - Mayfield)

Current Zoning: I-1 (light industrial) and I-2 (general industrial)

Proposed Zoning: TOD-CC (transit oriented development - community center) and TOD-TR (transit oriented development - transition)

Staff Recommendation:

Staff recommends approval of this petition.

Attachment:

Pre-Hearing Staff Analysis

[2019-026 PH staff DP0515 DONE](#)

53. Rezoning Petition: 2019-032 by US Developments, Inc

Location: Approximately 14.72 acres located on the northwest side of Highway 29 North, east of Caprington Avenue. (Outside City Limits)

Current Zoning: R-3 (single family residential), R-17MF(CD) (multi-family residential, conditional) and MX-2 (mixed use)

Proposed Zoning: R-17(MF) (multi-family residential)

Staff Recommendation:

Staff recommends denial of this petition.

Attachments:

Pre-Hearing Staff Analysis

Previously Approved Site Plan

[2019-032 PH staff km0507 DP0514 DONE](#)

[Previously Approved Cover Page](#)

[1999-029C approved site plan](#)

54. Rezoning Petition: 2019-048 by B & B RE Ventures, LLC

Location: Approximately 3.6 acres located at the intersection of Old Pineville Road and the north side of Scholtz Road, south of Springbrook Road. (Council District 3 - Mayfield)

Current Zoning: I-2 (general industrial)

Proposed Zoning: TOD-CC (transit oriented development - community center)

Staff Recommendation:

Staff recommends approval of this petition.

Attachment:

Pre-Hearing Staff Analysis

[2019-048 PHstaff 5-20-19 done](#)

Adjournment

REFERENCES

55. 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.

56. 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.

57. 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.