

City of Charlotte

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



Meeting Agenda

Monday, July 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. In Rem Remedy Update

Staff Resource(s):

Pamela Wideman, Housing and Neighborhood Services

Time: 10 minutes - Presentation; 10 minutes - Discussion

Explanation

- Provide information on the In Rem process.

4. Affordable Housing Framework

Staff Resource(s):

Pamela Wideman, Housing and Neighborhood Services

Time: 10 minutes - Presentation; 10 minutes - Discussion

Explanation

- Continue discussion on proposed affordable housing developments.

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 21 through 45 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 Cognizant Technology Solutions LLC US Corp. Business Investment Grant

Action:

- A. Conduct a public hearing regarding approval of a Business Investment Grant to Cognizant Technology Solutions LLC US Corp., and
- B. Approve the city's share of a Business Investment Grant to Cognizant Technology Solutions LLC US Corp. for a total estimated amount of \$51,161 over five years.

Staff Resource(s):

Tracy Dodson, Economic Development
Lori Lencheski, Economic Development

Explanation

- On December 6, 2018, Cognizant Technology Solutions LLC US Corp. announced its selection of Charlotte for a capital investment of \$5,000,000 to expand its headquarters in Council District 3.
- This action is requesting approval of a Business Investment Grant estimated to be up to \$51,161 over five years. Mecklenburg County's share is estimated to be \$87,179, bringing the combined city and county grant estimated total to \$138,340.
 - On August 8, 2018, the Mecklenburg County Board of Commissioners, in Closed Session, indicated its intent to approve a Business Investment Grant to Cognizant Technology Solutions LLC US Corp.
 - On August 27, 2018, City Council, in Closed Session, indicated its intent to approve a Business Investment Grant to Cognizant Technology Solutions LLC US Corp.
 - In addition to the grant for the expansion, the State of North Carolina also approved a Job Development Investment Grant in the amount of \$1,700,000 and \$390,000 in community college training funds.
- In addition to the \$5,000,000 capital investment, Cognizant Technology Solutions LLC US Corp. has committed to:
 - 300 jobs to be hired locally over five-years (\$68,270 average wage), and
 - 488 current employees in Charlotte to be retained for the term of the grant.
- Additional benefits also include:
 - Workforce development partnerships and relationship with company can be utilized to connect talent to available positions.
 - The project's alignment with:
 - City Values and Winning Cities Characteristics,
 - Letter to the Community (Good Paying Jobs),
 - Equitable Economic Development, and Economic Opportunity,
 - Diversity of jobs on proposed project,
 - Job retention through corporate expansion, and
 - Growth industry with significant job and contracting opportunities.

Background

- Fortune 500, multinational corporation headquartered in Teaneck, New Jersey.
- The Charlotte operation currently employs 963 people.
- Cognizant provides IT services, including digital technology, consulting, and operations services.
- With the expansion, Cognizant will focus on markets primarily in financial services, healthcare, manufacturing, retail, and logistics.
- Due to growth and diversification of services, the company is proposing an expanded regional delivery center at the current location, 8520 Cliff Cameron Drive in Charlotte.

Business Investment Grant

- Request meets the City Council approved criteria for a five-year, 50 percent local business

expansion grant.

- The general terms and conditions of this grant include:
 - The company will be asked to coordinate job fairs and recruitment events for both temporary and permanent jobs with the city and county. Community organizations and residents will receive ample notice of these employment activities in addition to training opportunities with city job training and placement partnerships.
 - Actual grant payments are based on the value of the investment as appraised by the Mecklenburg County Tax Office.
 - Property taxes due from Cognizant Technology Solutions LLC US Corp. must be paid before a grant payment is made.
 - If Cognizant Technology Solutions LLC US Corp. removes the investment from Charlotte during the grant term, it shall pay back 100 percent of the investment grant paid to date.
 - If Cognizant Technology Solutions LLC US Corp. moves the investment from Charlotte within five years of the end of the Business Investment Program (BIP) grant term, a portion of the grant must be repaid as follows:
 - Within one year of the end of the BIP Term - 90 percent of grant payments
 - Within two years of the end of the BIP Term - 75 percent of grant payments
 - Within three years of the end of the BIP Term - 60 percent of grant payments
 - Within four years of the end of the BIP Term - 45 percent of grant payments
 - Within five years of the end of the BIP Term - 30 percent of grant payments

Fiscal Note

Funding: Business Investment Grant

10. Public Hearing for Lowe's Companies Inc. Business Investment Grant

Action:

- A. **Conduct a public hearing regarding approval of a Business Investment Grant to Lowe's Companies Inc.,**
- B. **Approve contracts between the City of Charlotte, the North Carolina Department of Commerce (the State) and Lowe's Companies Inc. for a \$2,000,000 One North Carolina Grant from the State to Lowe's Companies Inc.,**
- C. **Approve the city's share of a Business Investment Grant to Lowe's Companies Inc. for a total estimated amount of \$6,031,880 over 10 years, and**
- D. **Adopt a budget ordinance appropriating \$2,000,000 for a One North Carolina Grant to Lowe's Companies Inc.**

Staff Resource(s):

Tracy Dodson, Economic Development
Lori Lencheski, Economic Development

Explanation

- On June 27, 2019, Lowe's Companies Inc. announced its selection of Charlotte for a capital investment of \$153,885,325 to relocate its global headquarters to Charlotte with site location in Council District 3.
- This action is requesting approval of a Business Investment Grant estimated to be up to \$6,031,880 over 10 years. Mecklenburg County's share is estimated at \$10,160,514. Total city and county combined grant is estimated to be \$16,192,394 over ten years.
 - On June 4, 2019, the Mecklenburg County Board of Commissioners, in Closed Session, indicated its intent to approve a Business Investment Grant to Lowe's Companies Inc.
 - On May 28, 2019, the City Council, in Closed Session, indicated its intent to approve a Business Investment Grant to Lowe's Companies Inc.
 - In addition to the grant for the expansion, the State of North Carolina also approved a Job Development Investment Grant in the amount of \$38,900,000 and \$1,960,000 in community college training funds.
- In addition to the \$153,885,325 capital investment, Lowe's Companies Inc. has committed to 1,912 jobs to be hired locally over five years (\$110,000 average wage).
- One North Carolina Grant
 - On June 27, 2019, the State announced that it had awarded a One North Carolina Grant to Lowe's Companies Inc. in an amount not to exceed \$2,000,000 as part of a financial incentive package.
 - The amount of the One North Carolina Grant is contingent upon the ability of the city and the county to provide a local match.
 - By state statute, the city is required to administer a performance contract with Lowe's Companies Inc. to ensure compliance with the state's job creation and capital investment standards.
 - On May 28, 2019, City Council indicated its intent to approve the Business Investment Grant to Lowe's Companies Inc. in a closed session in order to meet the city's portion of the local match requirement.
- Additional benefits also include:
 - Workforce development partnerships and relationship with company can be utilized to connect talent to available positions.
 - The project's alignment with:
 - City Values and Winning Cities Characteristics,

- Letter to the Community (Good Paying Jobs),
- Equitable Economic Development, and Economic Opportunity,
- Diversity of jobs on proposed project,
- Job retention through Corporate Expansion, and
- Growth industry with significant job and contracting opportunities.

Background

- Lowes plans to create a 'Tech Hub' to use technological innovation to revolutionize operations and the retail experience for their customers.
- Lowe's Companies Inc., established in 1946, is homegrown to North Carolina with headquarters in Mooresville, North Carolina.
- Lowe's Companies Inc. is the 8th largest retailer in the US and employs 28,000 people in North Carolina.
- Lowe's Companies Inc. will invest a total of \$228,000,000 in permanent space, temporary space, hangar and aircraft; city and county incentives are based on \$153,885,325 in capital investment.

Business Investment Grant

- The general terms and conditions of this grant include:
 - The company will be asked to coordinate job fairs and recruitment events for both temporary and permanent jobs with the city and county. Community organizations and residents will receive ample notice of these employment activities in addition to training opportunities with city job training and placement partnerships.
 - Actual grant payments are based on the value of the investment as appraised by the Mecklenburg County Tax Office.
 - Property taxes due from Lowe's Companies Inc. must be paid before a grant payment is made.
 - If Lowe's Companies Inc. removes the investment from Charlotte during the grant term, it shall pay back 100 percent of the investment grant paid to date.
 - If Lowe's Companies Inc. moves the investment from Charlotte within ten years of the end of the Business Investment Program (BIP) grant term, a portion of the grant must be repaid as follows:
 - Within one year of the end of the BIP Term - 90 percent of grant payments
 - Within two years of the end of the BIP Term - 75 percent of grant payments
 - Within three years of the end of the BIP Term - 60 percent of grant payments
 - Within four years of the end of the BIP Term - 45 percent of grant payments
 - Within five years of the end of the BIP Term - 30 percent of grant payments
 - Within six years of the end of the BIP Term - 20 percent of grant payments
 - Within seven to ten years of the end of the BIP Term - 10 percent of grant payments

Fiscal Note

Funding: Business Investment Grant

Attachment(s)

Budget Ordinance

[Lowe's Budget Ordinance](#)

POLICY

11. City Manager's Report

BUSINESS

12. Affordable Housing Development Support Requests

Action:

- A. Adopt resolutions approving land transactions of city-owned properties valued at \$4,870,000 for the following multi-family affordable housing developments:**
- Parcel Identification Number 080-104-02, valued at \$1,320,000, for the development of 7th Street Apartments,
 - Parcel Identification Numbers 149-012-47 and 149-012-51, valued at \$2,570,000, for the development of South Village Apartments at Scaleybark
 - Parcel Identification Number 143-051-01, valued at \$980,000 for the development of Tyvola Road Apartments, and
- B. Approve \$12,800,000 in Housing Trust Fund allocations for the following multi-family affordable housing developments:**
- 7th Street Apartments, \$1,500,000
 - Abbingdon On Mt. Holly, \$2,000,000
 - Evoke Living at Westerly Hills, \$2,000,000
 - Heritage Park Apartments, \$600,000
 - North Tryon Homes, \$2,000,000
 - South Village Apartments at Scaleybark, \$3,000,000
 - Wendover Walk Apartments, \$1,700,000

Staff Resource(s):

Pamela Wideman, Housing and Neighborhood Services

Mike Davis, General Services

Tony Korolos, General Services

Explanation

- Local Initiatives Support Corporation (LISC) Partnership:
 - In Fiscal Year 2019, City Council approved a partnership with LISC, a national non-profit with a grassroots focus.
 - LISC is one of the largest national organizations that supports projects to revitalize communities and bring greater economic opportunity to residents.
 - With the addition of the LISC partnership, that manages the private and philanthropic contributions to the Charlotte Housing Opportunity Fund, the cost to the city of creating four percent Tax Credit Development affordable housing units is now less by approximately half of what the city previously contributed.
- Housing Vouchers:
 - Recently the city and LISC entered into partnership with the Charlotte Housing Authority (CHA) for project based vouchers.
 - Through his partnership, CHA has pledged up to 75 project based vouchers per year to be used toward affordable housing developments, in areas of high opportunity.
 - The use of the vouchers also contributes to leveraging funding sources.
- On April 26, 2019, the city and LISC issued a joint Request for Proposals (RFP) to aid in the production of affordable housing units.
 - In response to this joint RFP, 14 proposals were received, seeking various types of gap-financing support including tax credits from the North Carolina Housing Finance Agency (NCHFA), HTF and city-owned land, allocations from the Charlotte Housing Opportunity Investment Fund, interest-free debt, and project-based vouchers.
 - This approach was the first dual review process conducted by the city and LISC. The following guiding principles were adhered to:
 - Ensuring affordable, multi-family housing developer experience,
 - Creating mixed-income developments in areas of high opportunity,
 - Achieving long-term affordability, and
 - Maximizing leverage of available resources.

- Approval of the recommended developments will add 950 affordable and workforce housing units to the city’s existing supply.
- The recommended developments meet all submission requirements, including land use and rezoning approvals.
- Each development received a score of 22 or more points based on the Housing Locational Scoring Guidelines.
- Additionally, the NCHFA will base final awards on:
 - Market demand and local housing needs,
 - Ability to serve qualified residents for the longest affordability period,
 - Design and quality of construction, and
 - Financial structure and long-term viability.
- Developments seeking four percent tax credit awards must submit their applications to the NCHFA before October 10, 2019.

Background

- On November 26, 2001, City Council established the Housing Trust Fund (HTF) to provide gap-financing to assist with the development of affordable housing in Charlotte.
- On August 27, 2018, City Council adopted the Housing Charlotte Framework, which recommends expanding the supply of high-quality rental housing by building new affordable housing, preserving existing naturally occurring affordable housing and promoting family-self-sufficiency initiatives. Approval of Actions A and B support the Council’s commitment to both expanding and preserving the supply of affordable housing.
- On April 22, 2019, City Council adopted the U.S. Department of Housing and Urban Development’s Annual Action Plan (Plan). The Plan:
 - Identifies the need for affordable, safe and decent housing for low and moderate-income families, and
 - Reaffirms three basic goals of the city’s Housing Policy:
 - Preserve the existing housing stock,
 - Expand the supply of affordable housing, and
 - Support family self-sufficiency initiatives.
- Local HTF allocations demonstrate local alignment with state-supported affordable housing developments and allow for the leveraging of local dollars with state tax-credit allocations.
- Additionally, the use of city-owned land allows for additional leveraging of local HTF allocations. This strategy is a best practice used across the country to assist in expanding the supply of affordable housing and is consistent with the Council approved Housing Framework, City-Owned Real Estate and Facilities Policy, as well as the Guidelines for Evaluation and Disposition of City-Owned Land for Affordable Housing.

City Council Discussion

- Housing and Neighborhood Services provided a briefing of the affordable housing development support requests to City Council during the July 8, 2019, Action Review meeting.

Charlotte Business INclusion

- All HTF funded projects and their developers are subject to MWSBE goals determined based on the amount of the HTF allocations received.

Fiscal Note

Funding: Capital Investment Plan (Housing Trust Fund)

Attachment(s)

July 8, 2019 Action Review Presentation

Lease Transfer Details

Resolutions

Parcel Maps

[HTF CHOIF Funding Requests - Action Briefing](#)

[Lease Transfer Details](#)

[Location Map - 7th St](#)

[Location Map - Scaleybark](#)

[Location Map W Tyvola](#)

[7th St. Resolution](#)

[Scaleybark Resolution 7.10.19](#)

[West Tyvola Lease Resolution 7.10.19](#)

13. Brookshire Boulevard Apartments Bond Issuance Approval

Action:

Adopt a resolution granting the Charlotte Housing Authority's request to issue multi-family housing revenue bonds, in an amount not to exceed \$11,500,000, to finance the development of Brookshire Boulevard Apartments.

Staff Resource(s):

Pamela Wideman, Housing and Neighborhood Services
Zelleka Biermann, Housing and Neighborhood Services

Explanation

- This action will not obligate the city financially or impact the Capital Investment Plan. The adoption of the resolution is required by the governmental unit with jurisdiction over the area where the development is located in order to satisfy Section 147(f) of the Internal Revenue Service Code of 1986.
- The Charlotte Housing Authority (CHA) is requesting that City Council adopt a resolution authorizing the issuance of multi-family housing revenue bonds for Brookshire Boulevard Apartments, a 96-unit affordable housing development.
- Laurel Street Residential Development, Inc. is the developer of the community, which will be located at 7801 Old Plank Road, located in Council District 2.
- The CHA bonds, which are not to exceed \$11,500,000, will be used to finance land acquisition and construction.

Background

- On April 23, 2018, City Council approved a Housing Trust Fund allocation of \$4,224,000 for the development's construction.
- The North Carolina Housing Finance Agency approved a four percent tax credit and a bond allocation capacity totaling \$11,500,000 for the project.

Attachment(s)

Brookshire Boulevard Apartments Bond Resolution

[City of Charlotte Resolution](#)

14. Upgrade and Enhance the Charlotte-Mecklenburg Police Department Training Facility

Action:

Accept \$1,000,000 in funding and ratify a Memorandum of Agreement with the Federal Bureau of Investigation (FBI) for training facility enhancements and the FBI's use of the training facility.

Staff Resource(s):

Kerr Putney, Police

Jeff Estes, Police

Explanation

- The city operates a law enforcement training facility to provide for the training and testing for Charlotte-Mecklenburg Police Department (CMPD) officers.
- The Federal Bureau of Investigation (FBI) has operational responsibilities for maintaining the firearms proficiency of its Special Agents and other personnel assigned to its Charlotte Field Office.
- The FBI has a longstanding and positive working relationship with the city and has used the Firearms Range continuously for many years.
- The FBI is seeking to fund enhancements to the Firearms Range in exchange for use of the facility without fee for a period of 20 years.
- The FBI will reimburse the city up to \$1,000,000 to fund upgrades and enhancements to the Firearms Range. Enhancements may include:
 - Construction of a modular classroom with audio/video capabilities that can seat 50 or more students for training, and
 - Replacement barrier shields on the firearms range.

Fiscal Note

Funding: General Grant Funding

15. Ashe Plantation Wastewater Treatment Plant Upgrades Project

Action:

- A. **Approve a contract in the amount of \$1,245,075.70 to the lowest responsive bidder Basinger Contracting Company for the Ashe Plantation Wastewater Treatment Plant Upgrades project,**
- B. **Approve a non-reimbursable developer agreement with Carolina Development Services, LLC for sanitary sewer construction of a portion of the Ashe Plantation Wastewater Treatment Plant Upgrades project, and**
- C. **Adopt a budget ordinance appropriating \$270,270 from Carolina Development Services, LLC for a portion of the Ashe Plantation Wastewater Treatment Plant Upgrades project.**

Staff Resource(s):

Angela Lee, Charlotte Water
David Czerr, Charlotte Water
Keri Cantrell, Charlotte Water

Explanation

- This project provides for the replacement of essential parts of the Ashe Plantation Wastewater Treatment Plant, located in the Town of Mint Hill (adjacent to Council District 5), to ensure reliable service.
- On May 15, 2019, the city issued an Invitation to Bid (ITB); two bids were received.
 - G.S. 143-132 prohibits municipalities from awarding construction contracts over \$500,000 without receiving at least three competitive bids from the initial advertisement of the contract. The city may subsequently award the contract even if re-advertisements result in fewer than three competitive bids.
- On June 13, 2019, the ITB was re-issued; three bids were received.
- Basinger Contracting Company was selected as the lowest responsive, responsible bidder.
- Private developer agreements and appropriations are needed when a developer is required to make infrastructure improvements that will be constructed by the city.
- The \$270,270 in private developer funding is for the influent pump station and associated electrical components, process piping, and other appurtenances. Any funding contributed by the developer for the portion of the upgrades project that is unused by the city will be refunded back to the developer after project completion.
- The project is anticipated to be complete by the first quarter of 2020.

Charlotte Business INclusion

Basinger Contracting Company is the prime contractor and is a city certified SBE.

Fiscal Note

Funding: Charlotte Water Capital Investment Plan; Private Developer Contribution

Attachment(s)

Map
Budget Ordinance

[Map-Ashe Plantation Wastewater Treatment Plant Upgrades Project](#)

[Carolina Development Services](#)

16. Charlotte Water Revenue Bond Refunding

Action:

- A. **Adopt a bond order and resolution that makes certain Statements of Facts concerning the refunding of Water Sewer Revenue Bonds in an amount not to exceed \$75,000,000,**
- B. **Authorize City Officials to take the necessary actions to complete the financing, including the application to the Local Government Commission, the servicing of debt and all necessary reporting and disclosure requirements, and**
- C. **Adopt a budget ordinance appropriating \$75,000,000 to the Charlotte Water Revenue Bond Debt Service Fund.**

Staff Resource(s):

Kelly Flannery, Finance

Matt Hastedt, Finance

Angela Lee, Charlotte Water

Explanation

- This action authorizes the city to enter into a Bond Purchase Agreement in an amount not to exceed \$75,000,000 to refund outstanding 2009 revenue bonds.
- Refunding the city's outstanding 2009 Water Sewer Revenue Bonds is anticipated to generate approximately \$17,000,000 in savings over 16 years.
- The current action will:
 - Provide information required for Local Government Commission approval of the financing,
 - Provide approval to the City Manager and the Authorized Officers named in the Resolution to take the necessary actions to complete the financing, and
 - Provide an appropriation of the bond proceeds received from the sale.

Fiscal Note

Funding: Charlotte Water Debt Service Fund

Attachment(s)

Resolution

Bond Order

Budget Ordinance

[Resolution](#)

[Bond Order - Charlotte Water and Sewer Refunding Revenue Bonds, Series 2019](#)

[Charlotte Water Refunding Budget Ordinance](#)

17. Charlotte Community Capital Fund

Action:

- A. Authorize the City Manager to execute a contract with Self-Help Credit Union to extend the City's participation in the Charlotte Community Capital Fund for an additional one-year and six months term to extend its expiration to June 30, 2020, and**
- B. Authorize the City Manager to approve additional programmatic changes including but not limited to future terms, fund administrators, and other administrative adjustments consistent with the purpose of the Fund.**

Committee Chair:

James Mitchell, Economic Development

Staff Resources(s)

Tracy Dodson, Economic Development

Eric B. Nelson, General Services

Explanation

- On February 24, 2003, City Council approved the creation of the Charlotte Community Capital Fund (Fund) to help small businesses in the Charlotte region gain access to capital that is otherwise unavailable through conventional lending.
- On September 3, 2003, the City Manager executed an Allocation of Services and Duties Agreement (Agreement) with Self-Help Credit Union (Self-Help), a local non-profit community development lender and Fund administrator.
- The Fund was capitalized with loans of \$500,000 from the City, and \$1,479,480 from private and non-profit investors, including The Knight Foundation, Time Warner Cable, Piedmont Natural Gas, and several banking institutions.
- Fund oversight is provided by the Charlotte Community Capital Fund Operating Committee (Operating Committee) of original Fund investors, including two appointments by the Mayor and City Council.
- Funds are not used as direct business loans; rather, funds are used as an 85 percent guarantee for business loans made by Self-Help.
- Loans are typically used for equipment and inventory purchases and to support working capital needs.
- The Fund serves small businesses in Mecklenburg, Cabarrus, Rowan, Union, Anson, Gaston, and Lincoln counties.
- On April 28, 2014, Council authorized the City Manager to extend the Agreement until March 31, 2019.
- On May 9, 2019, the Operating Committee unanimously approved the extension of the Fund to June 30, 2020.
- The Operating Committee will use this extension to research, compile data, and recommend ways to assist businesses improve their chances of successfully accessing capital.
- Since its beginning, the Fund has made 148 loans totaling \$7,771,439, which equates to an average of 10 loans annually and an average loan amount of \$52,510.
- Of the 148 loans made through December 31, 2018, 60 percent of the loans were extended to minority-owned and 56 percent to women-owned businesses.

Committee Discussion

- On June 27, 2019, the Economic Development Committee voted unanimously (Mitchell, Driggs, Eiselt, and Newton) to approve the Fund extension.

18. Adopt a Resolution Supporting North Carolina Department of Transportation Safety Projects

Action:

Adopt a resolution supporting safety projects at Brookshire Boulevard and Old Plank Road and at Brookshire Boulevard and Pleasant Grove Road to improve traffic safety in support of the Vision Zero Action Plan.

Staff Resource(s):

Liz Babson, Transportation
Angela Berry, Transportation

Explanation

- The North Carolina Department of Transportation (NCDOT) conducted an evaluation of crash history and found a pattern of angle crashes at the following intersections, located in Council District 2:
 - NC 16 (Brookshire Boulevard) and Old Plank Road, and
 - NC 16 (Brookshire Boulevard) and Pleasant Grove Road.
- The NCDOT proposed safety improvements at these intersections that require a resolution of support for the use of NCDOT High Hazard Elimination funding.
- The projects support the Vision Zero Action Plan by advancing a safe transportation system for all users.
- NCDOT anticipates beginning design in FY 2020.

Fiscal Note

Funding: North Carolina Department of Transportation

Attachment(s)

Map
Resolution

[IntersectionImprovements NC16 Map](#)

[Resolution of Support for NC6 at Pleasant Grove & Old Plank](#)

19. Appropriate Private Developer Funds for Traffic Signal Improvements

Action:

- A. **Approve a developer agreement with QuikTrip Corporation for traffic signal installations and improvements, and**
- B. **Adopt a budget ordinance appropriating \$17,500 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 \$17,500 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 project noted below:
 - QuikTrip Corporation contributed \$17,500 for traffic signal modifications at the intersections of WT Harris Boulevard and I-485 Inner and Outer Ramps, located in Council District 2.
- This developer contribution is 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 operate these signals as part of the existing signal systems in the area.

Fiscal Note

Funding: Private Developer Contributions

Attachment(s)

Map
Budget Ordinance

[Signal Improvement Map](#)

[BO Developer Appropriations 7.22.2019](#)

20. Mayor and City Council Topics

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

CONSENT

21. Police DNA Equipment and Supplies

Action:

- A. **Approve the purchase of DNA equipment, software upgrades, and supplies by the sole source exemption,**
- B. **Approve a contract with Life Technologies Corporation for the purchase of DNA equipment, software upgrades, and supplies for the term of three years, and**
- C. **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):

Kerr Putney, Police

Matthew Mathis, Police

Sheree Enfinger, Police

Sole Source Exemption

- G.S. 143-129(e)(6) provides that formal bidding requirements do not apply when:
 - Performance or price competition are not available;
 - A needed product is available from only one source or supply; or
 - Standardization or compatibility is the overriding consideration.
- Sole sourcing is necessary because Life Technologies Corporation is the only vendor capable of supplying DNA testing kits, consumables, and software that are compatible with the DNA testing equipment currently used by Charlotte-Mecklenburg Police Department's (CMPD) crime lab.
- The City Council must approve purchases made under the sole source exception.

Explanation

- Analyzing DNA samples is a routine service of the CMPD crime lab.
- The software and supplies provided by Life Technologies Corporation have been validated through an extensive testing process required for the crime lab's accreditation and for coordination with the Federal Bureau of Investigation's national DNA database.
- Annual expenditures are estimated to be \$300,000.

Charlotte Business INclusion

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

Fiscal Note

Funding: Police Operating Budget

22. Fire Emergency and Transportation Fuel

Action:

- A. **Approve the purchase of emergency and transportation fuel by the gas, fuel, and oil exception,**
- B. **Approve a contract with Jacobus Energy LLC for the purchase of emergency and transportation fuel for the term of three years, and**
- C. **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):

Reginald Johnson, Fire
Cynthia Bonham, Fire
Damian Owens, Fire

Gas, Fuel, and Oil Exception

- G.S. 143-129(e)(5) states the purchase of gasoline, diesel fuel, alcohol fuel, motor oil, fuel oil, or natural gas are not subject to the formal bidding requirements.
- These purchases are subject to the informal bidding procedures of G.S. 143-131.

Explanation

- The city contracts to maintain fuel tanks at Charlotte Fire Department locations, which require fuel delivery on an as needed basis.
- To assure continuous fuel delivery in the event of an emergency or natural disaster, the city contracts with a supplier that procures its fuel from outside of the Charlotte distribution system.
- The fuel supplier must provide above ground fuel tanks and an electronic fuel tank monitoring system free of charge.
- In the event of extended emergency conditions, the volume of fuel required along with priority needs necessitate having a vendor that is equipped to supply larger deliveries and ensure that the city remains a first priority during product and service interruptions.
- On May 28, 2019, the city issued an informal Request for Quotes; three quotes were received.
- Jacobus Energy LLC was selected as the lowest responsive, responsible bidder.
- In the event of an emergency, Jacobus Energy LLC may also be used by other city departments under this contract.
- Annual expenditures for this contract are estimated to be \$1,000,000.

Charlotte Business INclusion

This contract is being purchased off of an existing State contract and is exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Fire Department Operating Budget

23. Bridge Maintenance

Action:

Approve a contract in the amount of \$1,373,025.25 to the lowest responsive bidder Sloan Construction a Division of Reeves Construction Company for bridge maintenance.

Staff Resource(s):

Liz Babson, Transportation
Geoffrey Sloop, Transportation

Explanation

- The Federal Highway Administration mandates that bridges and culverts be inspected every two years for structural adequacy, safety, and functionality.
- The city is responsible for the inspection and maintenance of 205 bridges within city limits.
- This contract provides for routine construction and maintenance work to three bridges identified through the inspection process. The bridges are located in Council Districts 2 and 3.
- Work may include but is not limited to:
 - Superstructure replacement,
 - Concrete pavement repairs,
 - Asphalt surface sealing, repair, or replacement,
 - Brush and tree control,
 - Debris removal,
 - Soil and erosion repairs,
 - Barrier rail and hand rail installation and repairs,
 - Retaining wall repairs and replacement,
 - Culvert repairs,
 - Removal, containment, and disposal of the existing materials,
 - Traffic control, and
 - Erosion and sediment control.
- On June 3, 2019, the city issued an Invitation to Bid; three bids were received.
- Sloan Construction was selected as the lowest responsive, responsible bidder.
- Maintenance anticipated to occur Summer 2019.

Charlotte Business INclusion

Established MSBE Goal: 10.00%

Committed MSBE Goal: 10.29%

Sloan Construction a Division of Reeves Construction Company met the established MSBE subcontracting goal, and has committed 10.29% (\$141,241) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Roadmasters Traffic Control LLC (SBE) (\$100,000) (traffic control)
- Oliver Paving Company (SBE) (\$36,830) (asphalt)
- Ground Effects, Inc. (SBE) (\$4,411) (striping)

Fiscal Note

Funding: Capital Investment Plan

Attachment(s)

List of Bridges

[Bridge Maintenance List 2019](#)

24. Bridge Painting Services

Action:

Approve a contract in the amount of \$826,903.99 to the lowest responsive bidder Astron General Contracting Company, Inc. for bridge painting services.

Staff Resource(s):

Liz Babson, Transportation
Geoffrey Sloop, Transportation

Explanation

- The Federal Highway Administration mandates that bridges and culverts be inspected every two years for structural adequacy, safety, and functionality.
- The city is responsible for the inspection and maintenance of 205 bridges within city limits.
- The paint service contract provides for routine maintenance work to 20 bridges identified through the inspection process. The identified bridges are located in Council Districts 1,2,3,6, and 7.
- Painting maintenance protects and preserves the steel components of the structure.
- Work may include but is not limited to:
 - Removal, containment, and disposal of the existing paint,
 - Surface preparation,
 - Painting, and
 - Traffic control.
- On June 4, 2019, the city issued an Invitation to Bid; six bids were received.
- Astron General Contracting Company, Inc. was selected as the lowest responsive, responsible bidder.

Charlotte Business INclusion

Established MSBE Goal: 5.00%

Committed MSBE Goal: 5.02%

Astron General Contracting Company, Inc. met the established MSBE subcontracting goal, and has committed 5.02% (\$41,500) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- GDC, Inc. (SBE, MBE) (\$41,500) (traffic control)

Fiscal Note

Funding: Capital Investment Plan

Attachment(s)

List of Bridges

[Bridge Painting Services List](#)

25. Construct Charlotte-Mecklenburg Police Department University City Division Station

Action:

Approve a contract in the amount of \$9,503,205 to the lowest responsive bidder Miles-McClellan Construction Company, Inc. for the Charlotte-Mecklenburg Police Department University City Division Station project.

Staff Resource(s):

Mike Davis, General Services
William Haas, General Services
Kerr Putney, Police
Estella Patterson, Police

Explanation

- The planned University City Division Police Station project includes construction of a 16,081 -square-foot facility at 8452 North Tryon Street, located in Council District 4.
- The University City Division is currently occupying a leased property at 8401 University Executive Park Drive.
- In 2010, City Council approved the Facilities Strategic Plan for Police Stations. The goals for division stations in the Plan are:
 - Owned and maintained by the city, not located in leased facilities,
 - Constructed in highly visible and accessible locations that contribute to the community perception of safety and security,
 - Sized to accommodate future personnel growth and support the functions a patrol division is expected to provide to the community,
 - Designed to be highly recognizable as a CMPD division station while reflecting the exterior design context of the community where it is located, and
 - Support the functional needs of a patrol division based on a standardized facility design template.
- This facility has been designed to achieve basic-level LEED version 4 certification per the City Policy on Sustainable Facilities.
- On May 10, 2019, the city issued an Invitation to Bid; no bids were received.
- On June 26, 2019, the city re-issued an Invitation to Bid; four bids were received.
- Miles-McClellan Construction Company, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by third quarter 2020.

Charlotte Business INclusion

Established SBE Goal: 15.00%
Committed SBE Goal: 15.01%

Miles-McClellan Construction Company, Inc. met the established SBE subcontracting goal, and has committed 15.01% (\$1,358,617) of the base bid amount (excluding allowances of \$329K) to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Bernard Irby Inc. (SBE, MBE) (\$932,545) (electrical, fire alarm)
- Carroll Small Repairs (SBE, MBE) (\$260,500) (acoustical ceilings, carpentry, door install, sitework)
- Maybury Fencing Inc. (SBE) (\$165,572) (fencing)

Established MBE Goal: 5.00%
Committed MBE Goal: 20.11%

Miles-McClellan Construction Company, Inc. exceeded the established MBE subcontracting goal, and has

committed 20.11% (\$1,820,545) of the base bid amount (excluding allowances of \$329K) to the following certified firms (Part B: Section 3 of the Charlotte Business INClusion Policy):

- Bernard Irby Inc. (SBE, MBE) (\$932,545) (electrical, fire alarm)
- A-1 Glass & Aluminum, LLC (MBE) (\$627,500) (aluminum storefront, interior glass)
- Carroll Small Repairs (SBE, MBE) (\$260,500) (acoustical ceilings, carpentry, door install, sitework)

Fiscal Note

Funding: General Capital Investment Plan

Attachment(s)

Map

[Location Map - CMPD University City Division Station](#)

26. Construct Yellowstone Zebulon Street Connectivity Project

Action:

- A. Reject the low-bid by Blythe Construction, Inc. for the Yellowstone Zebulon Street Connectivity Project, and**
- B. Approve a contract in the amount of \$2,473,819.38 to the lowest responsive bidder Sealand Contractors Corp. for the Yellowstone Zebulon Street Connectivity Project.**

Staff Resource(s):

Mike Davis, General Services
David Wolfe, General Services
Lamar Davis, General Services

Explanation

- This contract includes construction services for the Yellowstone Zebulon Street Connectivity project, identified in the West Trade/Rozzelles Ferry Comprehensive Neighborhood Improvement Program (CNIP), located in Council District 2.
- Included in the project are a new roadway, street resurfacing, bridge, 12-foot-wide multi-use path, sidewalks and pedestrian lighting from the Rozzelles Ferry Road/Zebulon Avenue intersection to the Yellowstone Drive/Coronet Way intersection.
- This CNIP project will provide residents, Johnson C. Smith University students and commercial property owners with a safe route to the proposed and current Stewart Creek Greenway, Martin Luther King Park, CityLYNX Gold Line West Trade station and the future development of Old Savona Mills.
- The project will encourage private development along Rozzelles Ferry Road and at the business park on Zebulon Avenue, and will connect the Biddleville and Eleanore Heights neighborhoods.
- A water pipe rehabilitation project, funded by Charlotte Water, is being coordinated with this project to minimize disruptions.
- On April 1, 2019, the city issued an Invitation to Bid; four bids were received.
- Sealand Contractors Corp. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by third quarter 2021.

Reject Low-Bid Explanation

- Blythe Construction, Inc.'s bid in the amount of \$2,369,035.20 was found to be non-responsive as a result of failing to meet the city's Charlotte Business INclusion (CBI) Program goal.

Charlotte Business INclusion

Established SBE Goal: 12.00%

Committed SBE Goal: 12.00%

Sealand Contractors Corp. met the established SBE subcontracting goal, and has committed 12.00% (\$296,868.15) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- On Time Construction, Inc. (SBE) (\$102,780) (concrete, masonry)
- Miami Trucking, L.L.C. (SBE) (\$31,485) (hauling)
- Jones Grading & Fencing, Inc. (SBE, MBE) (\$23,796) (clearing and grubbing)
- Martin Landscaping Co. (SBE) (\$13,025.15) (landscaping)
- Maybury Fencing Inc. (SBE) (\$12,773) (fence installation)
- Erosion Defence LLC (SBE) (\$9,417.75) (erosion control)
- Darnell Jones Trucking, Inc (SBE, MBE) (\$49,950) (hauling)
- Streeter Trucking Company, Inc. (SBE, MBE) (\$49,945) (hauling)
- Striping Concepts, LLC (SBE) (\$3,696.25) (erosion control)

Established MBE Goal: 5.00%

Committed MBE Goal: 5.00%

Sealand Contractors Corp. met the established MBE subcontracting goal, and has committed 5.00% (\$123,691) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Darnell Jones Trucking, Inc (SBE, MBE) (\$49,950) (hauling)
- Streeter Trucking Company, Inc. (SBE, MBE) (\$49,945) (hauling)
- Jones Grading & Fencing, Inc. (SBE, MBE) (\$23,796) (clearing and grubbing)

Fiscal Note

Funding: General Capital Investment Plan and Charlotte Water Capital Investment Plan

Attachment(s)

Map

[Location Map - Yellowstone – Zebulon Connectivity Project](#)

27. Construct I-77/West Trade Street Underpass Enhancement Project

Action:

Approve a contract in the amount of \$2,218,958.35 to the lowest responsive bidder Sealand Contractors Corp. for the I-77/West Trade Street Underpass Enhancement project.

Staff Resource(s):

Mike Davis, General Services
David Wolfe, General Services
Lamar Davis, General Services

Explanation

- This contract includes construction services for the I-77/West Trade Street Underpass Enhancement Project, identified in the West Trade/Rozzelles Ferry Comprehensive Neighborhood Improvement Program (CNIP), located in Council District 2.
- Included in the project are sidewalks, curb, gutter, wheelchair ramps, pedestrian lighting, signage and benches. Landscaping and a decorative retaining wall will also be installed under the I-77 bridge as part of the project.
- This CNIP project will enhance connections between uptown Charlotte and the West Corridor including the new Five Points Public plaza, Frazier Park, residential and commercial properties and Johnson C. Smith University.
- On April 29, 2019, the city issued an Invitation to Bid; four bids were received.
- Sealand Contractors Corp. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by fourth quarter 2020.

Charlotte Business INclusion

Established SBE Goal: 20.00%
Committed SBE Goal: 20.00%

Sealand Contractors Corp. met the established SBE subcontracting goal, and has committed 20.00% (\$443,834) of the total contract amount to the following certified SBE firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- On Time Construction, Inc. (SBE) (\$163,320) (concrete, masonry)
- Axiom Foundations, LLC (SBE) (\$130,891) (foundation engineering)
- Darnell Jones Trucking, Inc (SBE, MBE) (\$59,250) (hauling)
- Streeter Trucking Company, Inc. (SBE, MBE) (\$59,250) (hauling)
- Frady Tree Care (SBE) (\$17,750) (tree and shrub removal)
- Striping Concepts, LLC (SBE) (\$8,983) (pavement markings)
- P and TL, Inc. (SBE) (\$4,390) (erosion control)

Established MBE Goal: 8.00%
Committed MBE Goal: 5.34%

Sealand Contractors Corp. failed to meet the established MBE subcontracting goal at bid, but earned the required Good Faith Efforts Points (Part B: Section 5 of the Charlotte Business INclusion Policy) and are recommended for award. At bid, Sealand Contractors Corp. committed 5.34% (\$118,500) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Darnell Jones Trucking, Inc (SBE, MBE) (\$59,250) (hauling)
- Streeter Trucking Company, Inc. (SBE, MBE) (\$59,250) (hauling)

Fiscal Note

Funding: General Capital Investment Plan

Attachment(s)

Map

[Location Map - I-77 West Trade Underpass Enhancement Project](#)**28. Construct Charlotte Fire Station #43****Action:**

Approve a contract in the amount of \$5,880,405.46 to the lowest responsive bidder Southside Constructors, Inc for the Charlotte Fire Department Fire Station #43 project.

Staff Resource(s):

Mike Davis, General Services

William Haas, General Services

Reginald Johnson, Fire

Cynthia Bonham, Fire

Explanation

- Charlotte Fire Station #43 will include construction of a three-bay, 12,802-square foot facility at 421 Clanton Road, located in Council District 3.
- The new station is needed to meet the service needs of the surrounding area and improve emergency response times.
- This facility has been designed to achieve basic-level LEED version 4 certification per the city policy on sustainable facilities. LEED certification is awarded to buildings that demonstrate a high level of energy-efficiency and sustainable design.
- On June 2, 2019, the city issued an Invitation to Bid; four bids were received.
- Southside Constructors, Inc was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by third quarter 2020.

Charlotte Business INclusion

Established SBE Goal: 13.00%

Committed SBE Goal: 20.24%

Southside Constructors, Inc. exceeded the established SBE subcontracting goal, and has committed 20.24% (\$1,066,241) of the base bid amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Bernard Irby Inc. (SBE, MBE) (\$631,368) (electrical system)
- Ground Thunder Trucking, LLC (SBE) (\$434,873) (concrete)

Established MBE Goal: 7.00%

Committed MBE Goal: 11.98%

Southside Constructors, Inc. exceeded the established MBE subcontracting goal, and has committed 11.98% (\$631,368) of the base bid amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Bernard Irby Inc. (SBE, MBE) (\$631,368) (electrical system)

Fiscal Note

Funding: General Capital Investment Plan

Attachment(s)

Map

[Location Map - CFD Fire Station 43](#)

29. Contracts for the Purchase of Vehicles

Action:

- A. Approve unit price contracts for the purchase of police pursuit and miscellaneous vehicles for one year to the following:**
- Carthage F LLC dba Cooper Ford,
 - Parks Chevrolet, Inc.,
 - Performance Ford, Inc. and
- B. Authorize the City Manager to renew the contracts for up to four, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

Kay Elmore, General Services
Chris Trull, General Services

Explanation

- The city's annual budget includes funding to replace or add vehicles to the city's fleet based on an assessment of vehicles and equipment conducted by Fleet Management.
 - This assessment uses a rating based on vehicle usage, age, maintenance costs, and condition.
- On May 2, 2019, the city issued an Invitation to Bid on behalf of the Charlotte Cooperative Purchasing Alliance; five bids were received.
- Carthage F LLC dba Cooper Ford, Parks Chevrolet, Inc., and Performance Ford, Inc. were selected as the lowest responsive, responsible bidders.
- Fiscal Year 2020 expenditures for all contracts are estimated to be \$7,734,840.

Charlotte Business INclusion

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: General Capital Equipment Fund and CATS Capital Investment Plan

30. Program Management Services for Mallard Creek Basin and Wastewater Treatment Plant Improvements

Action:

- A. **Approve a contract in the amount of \$4,871,035 with Brown and Caldwell for Program Management Services for Mallard Creek Basin and Wastewater Treatment Plant Improvements, and**
- B. **Authorize the City Manager 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

Explanation

- This contract will provide the preliminary engineering to make capacity improvements to the sewer collection and treatment systems that serve the Mallard Creek area, including an expansion of the Mallard Creek Wastewater Treatment Plant, located in Council District 4.
- The Mallard Creek Basin service area is experiencing significant development around the new Blue Line Extension, UNC Charlotte, and the University Research Park.
- On February 18, 2019, the city issued a Request for Qualifications (RFQ); four proposals were received.
- Brown and Caldwell is the best qualified firm to meet the city's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- The project is anticipated to be complete in the second quarter of 2021.

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). Brown and Caldwell has committed 23.05% (\$1,123,000) of the total contract amount to the following certified firm(s):

- Pipe Pros LLC (SBE) (\$440,000) (closed-circuit television)
- Gavel & Dorn Engineering PLLC (SBE) (\$352,000) (sewer condition assessment services)
- Southeastern Consulting Engineers Inc. (SBE) (\$248,000) (electrical design)
- TKG PLLC (SBE, WBE) (\$60,000) (e-Builder services)
- LDSI, Inc. (SBE) (\$20,000) (surveying)
- Habitat Assessment and Restoration Program, Inc. (\$3,000) (SBE, WBE) (wetland delineation)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Map

[Mallard Creek WWTP Map](#)

31. Developer Donation of Design Services for Fuda Creek Sanitary Sewer Pipeline

Action:

Authorize the City Manager to negotiate and execute a contract with Rocky River Road Associates, LLC for the donation of surveying, engineering, and easements to the city for the Fuda Creek Sewer Line Project.

Staff Resource(s):

Angela Lee, Charlotte Water
David Czerr, Charlotte Water
Carl Wilson, Charlotte Water

Explanation

- This action will allow the city to accept donated engineering services from Rocky River Road Associates, LLC for a proposed sanitary sewer main extension along Fuda Creek in east Mecklenburg County (adjacent to Council District 4).
- Rocky River Road Associates, LLC has purchased land in the subject area, to create a development known as Farmington that needs sanitary sewer infrastructure.
- Charlotte Water will build approximately 4,200 linear feet of 15-inch and 12-inch sanitary sewer line along Fuda Creek, which will eliminate two existing sanitary sewer lift stations.
- Rocky River Road Associates, LLC has committed to donate surveying, design, plat preparation, and easements on its land at no cost to the city to expedite the design and easement acquisition phase.
- The construction and construction administration contracts are anticipated to be submitted for Council approval in the fall of 2019.

Charlotte Business INCLUSION

Prior to the City Manager executing the agreement, the CBI office will establish MWSBE subcontracting goals on all work tied to this agreement (Part G, Section 2.7 of the Charlotte Business INCLUSION Policy).

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Map

[Map-Developer Donation of Design Services for Fuda Creek Sanitary Sewer Pipeline](#)

32. Contract Amendment for Field Operations Zone 4 Facility Replacement

Action:

Approve contract amendment #1 for \$949,500 to the contract with C Design, Inc. for architectural design and construction administration services for the Field Operations Zone 4 Facility Replacement project.

Staff Resource(s):

Angela Lee, Charlotte Water

Ron Hargrove, Charlotte Water

Explanation

- This project is for the replacement of the existing Zone 4 Field Operations Facility, originally constructed in 1972, which is located at 4100 West Tyvola Road (Council District 3).
- This contract amendment is necessary to accommodate additional costs to design and administer the project.
- The original scope was negotiated based on an assumed square footage of the facilities. Since that time, the building's planned square footage has been expanded to better address space constraints resulting from adding work groups to this location.
- On May 14, 2018, Council approved a contract for architectural services with C Design, Inc. for the Field Operations Zone 4 Facility Replacement project.
- The value of the new contract will be \$2,213,000.

Charlotte Business INclusion

The work involved in this amendment will be performed by C Design, Inc. and their existing subcontractors (Part D: Section 6 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Map

[Contract Amendment for Field Operations Zone 4 Facility](#)

33. Airport Environmental Assessment for the Fourth Parallel Runway

Action:

Approve a contract for \$4,431,087 with Landrum & Brown, Inc. for an Environmental Assessment for the Fourth Parallel Runway and associated projects.

Staff Resource(s):

Brent Cagle, Aviation

Jack Christine, Aviation

Explanation

- Aviation conducted an Airport Master Plan (AMP) update in 2015 that identified the need for a fourth parallel runway, additional gates, and the expansion of the air carrier ramp to accommodate forecasted demand.
- Based on the AMP, the proposed fourth parallel runway was intended to have a length of 12,000 feet.
- Under federal requirements, the Federal Aviation Administration (FAA) began the Environmental Impact Statement process, which identifies any significant environmental impacts of the proposed activities
- During this process, the FAA determined that a runway of 10,000 feet would support the Airport's need, rather than the originally-proposed length of 12,000 feet.
- Considering this change, the FAA concluded that the environmental impacts were significantly reduced and that an Environmental Assessment is the appropriate action to satisfy federal requirements.
- This contract provides services to complete the Environmental Assessment, which will outline environmental impacts and mitigation strategies for Aviation to follow during this project.
- On March 8, 2019, the city issued a Request for Qualifications; three responses were received.
- Landrum & Brown, Inc. best meets the city's needs in terms of qualifications and experience.
- Federal Airport Improvement Program grants and Passenger Facility Charges will pay for this contract.
- This activity is occurring on Airport property, located in Council District 3.

Disadvantaged Business Enterprise

Landrum & Brown, Inc. has committed 17.64% (\$781,510) of the total contract amount to the following certified firm(s):

- Airport Design Consultants, Inc (DBE) (\$530,900) (engineering services)
- Legacy Research Associates (DBE) (\$85,655) (environmental consulting services)
- Sharp & Company, Inc (DBE) (\$164,955) (management consulting services)

Fiscal Note

Funding: Aviation Community Investment Plan

34. Airport Perimeter Fence Upgrade

Action:

Approve a contract in the amount of \$3,084,018 to the lowest responsive bidder, Fence Builders, Incorporated for the perimeter fence upgrade project.

Staff Resource(s):

Brent Cagle, Aviation

Jack Christine, Aviation

Explanation

- The Airport is surrounded by approximately 20 miles of perimeter fence. The perimeter fence provides security and keeps wildlife from accessing the airfield.
- This contract includes the removal and replacement of approximately 33,000 linear feet of perimeter security fence.
- In 2016, the Federal Aviation Administration approved the Airport's Wildlife Hazard Management Plan, which included making improvements to the perimeter fence by 2020.
- According to the Department of Agriculture, increasing a fence's height to 10 feet results in the near-elimination of deer attempting to jump over the fence.
- On April 29, 2019, the city issued an Invitation to Bid; four bids were received.
- Fence Builders, Incorporated was the lowest responsible bidder.
- The project is anticipated to be completed by December 31, 2020.
- This activity is occurring on airport property, located in Council District 3.

Charlotte Business INclusion

Established MSBE Goal: 12.00%

Committed MSBE Goal: 12.00%

Fence Builders, Incorporated met the established subcontracting goal, and has committed 12.00% (\$349,510) of the base bid amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- WGK, Inc. (MBE, SBE) (\$326,710) (concrete)
- Diva Dumps, LLC (MBE, SBE) (\$22,800) (portable toilets, dumpsters)

Fiscal Note:

Funding: Aviation Community Investment Plan

35. Airport Ramp Snow Removal Services

Action:

- A. **Approve a unit price contract with Blythe Construction, Inc. for ramp snow removal services for an initial term of three years, and**

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

Staff Resource(s):

Brent Cagle, Aviation

Jack Christine, Aviation

Explanation

- This contract will provide services to assist with the removal of snow from the air carrier ramp.
- On April 1, 2019, the city issued a Request for Proposals (RFP); one response was received.
- Blythe Construction, Inc. best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$266,666.
- 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

36. Airport Fall Protection Systems

Action:

- A. Approve the purchase of fall protection systems, by the sole source exemption,
- B. Approve a contract with Atlantic Fall Protection, Inc. for the purchase of fall protection systems for the term of three years, and
- C. 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

Sole Source Exemption

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

Explanation

- Aviation is installing fall protection devices in various areas, such as on passenger boarding bridges and roofs.
- This contract will provide design and installation services for specialized trolley systems, including guardrails and anchorage points.
- Annual expenditures are estimated to be \$150,000.
- This activity is occurring on airport property, located in Council District 3.

Charlotte Business INclusion

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

Fiscal Note

Funding: Aviation Operating Budget

37. American Airlines Cargo and Catering Lease

Action:

- A. **Approve a 10-year lease agreement with American Airlines for the cargo and catering facility at Charlotte Douglas International Airport, 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

- This action is to lease a cargo and catering facility to American Airlines to support its airline operations. American Airlines currently occupies this space. The facility consists of 17,379 square feet of office space and 65,584 square feet of cargo space.
- Annual rent for the facility is \$396,610.50, with the total 10-year lease value equaling \$3,966,105.
- Rents for the facility will be adjusted periodically per the terms and conditions of the lease to keep pace with market conditions.
- This activity is occurring on airport property, located in Council District 3.

Fiscal Note

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

38. Installment Financing Agreement for Charlotte Water Vehicles and Equipment

Action:

- A. Adopt a resolution approving an installment financing agreement up to \$20,000,000 for the purchase and delivery of vehicles and equipment, and**
- B. Authorize City Officials to take the necessary actions to complete the financings, including the execution and delivery of various documents to complete the agreement, the servicing of debt and all necessary reporting and disclosure requirements.**

Staff Resource(s):

Kelly Flannery, Finance
Matt Hastedt, Finance
Angela Lee, Charlotte Water

Explanation

- This action authorizes the city to enter into an installment financing agreement for up to \$20,000,000 to finance vehicles and equipment for Charlotte Water such as cars, trucks, heavy equipment, and technology laboratory equipment.
- Appropriation of the proceeds from this financing was provided in FY 2018, 2019 and 2020.
- The city's obligation to repay the debt will be secured by a security interest in the vehicles and equipment.
- The current action will give approval to the City Manager and Authorized Officers to take the necessary actions to complete the financing.

Fiscal Note

Funding: Charlotte Water Debt Service Fund

Attachment(s)

Resolution

[Approving Resolution](#)

39. Meeting Minutes

Action:

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

- **May 28, 2019 Business Meeting**

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

PROPERTY TRANSACTIONS**40. Property Transactions - Cross Charlotte Trail Brandywine - Tyvola, Parcel #7.1**

Action: Approve the following Acquisition: Cross Charlotte Trail Brandywine - Tyvola, Parcel #7.1

Project: Cross Charlotte Trail Brandywine - Tyvola, Parcel #7.1

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: Signs and lighting

Landscaping to be impacted: Trees and various plantings

Zoned: O-2

Use: Office

Tax Code: 171-181-44

Purchase Price: \$91,725

Council District: 6

[Location Map - Closing - Cross Charlotte Trail.P7.1.docx](#)

41. Property Transactions - Cross Charlotte Trail Brandywine - Tyvola, Parcel #26

Action: Approve the following Condemnation: Cross Charlotte Trail Brandywine - Tyvola, Parcel #26

Project: Cross Charlotte Trail Brandywine - Tyvola, Parcel #26

Owner(s): WMCI Charlotte XV, LLC

Property Address: 4943 Park Road

Total Parcel Area: 169,609 sq. ft. (3.894 ac.)

Property to be acquired by Fee: 13,537 sq. ft. (.311 ac.) in Fee Simple

Property to be acquired by Easements: 8,710 sq. ft. (.199 ac.) in Greenway Easement, plus 1,481 sq. ft. (.034 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-43MF

Use: Multi-family

Tax Code: 175-121-03

Appraised Value: \$57,600

Property Owner's Concerns: The property owner is concerned with the easement language and has requested revisions. Property owner is awaiting lender approval.

City's Response to Property Owner's Concerns: Revision to the agreement language is in process.

Recommendation: To avoid delay in the project schedule, the city 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 - Condemnation - Cross Charlotte Trail Brandywine - Tyvola.P26.docx](#)

42. Property Transactions - Lakeview-Reames Intersection Improvements, Parcel #70

Action: Approve the following Condemnation: Lakeview-Reames Intersection Improvements, Parcel #70

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: Lakeview-Reames Intersection Improvements, Parcel #70

Owner(s): Rayanee S. Shah

Property Address: 8615 Reames Road

Total Parcel Area: 35,080 sq. ft. (.805 ac.)

Property to be acquired by Fee: 5,251 sq. ft. (.121 ac.) in Fee Simple within Existing Right-of-Way

Property to be acquired by Easements: 1,459 sq. ft. (.033 ac.) in Sidewalk and Utility Easement, plus 1,872 sq. ft. (.043 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-4

Use: Single-family Residential

Tax Code: 025-134-62

Appraised Value: \$1,075

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

Council District: 2

[Location Map - Condemnation - Lakeview - Reames Intersection Improvements.P70.docx](#)

43. Property Transactions - Pamlico Right of Way Phase 2, Parcel #3

Action: Approve the following Acquisition: Pamlico Right of Way Phase 2, Parcel #3

Project: Pamlico Right of Way Phase 2, Parcel #3

Owner(s): William C. Davis

Property Address: 1224 Louise Avenue

Total Parcel Area: 7,300 sq. ft. (.168 ac.)

Property to be acquired by Easements: 1,313 sq. ft. (.03 ac.) in Right of Way Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-5

Use: Single-family Residential

Tax Code: 081-162-05

Purchase Price: \$20,000

Council District: 1

[Location Map - Closing - Pamlico Right of Way Phase 2.P3.docx](#)

44. Property Transactions - Upper Little Sugar Creek Sanitary Sewer Phase 3, Parcel #1

Action: Approve the following Condemnation: Upper Little Sugar Creek Sanitary Sewer Phase 3, Parcel #1

Project: Upper Little Sugar Creek Sanitary Sewer Phase 3, Parcel #1

Owner(s): MM MRA, LLC

Property Address: 2000 Canterwood Drive

Total Parcel Area: 229,671 sq. ft. (5.273 ac.)

Property to be acquired by Easements: 6,893 sq. ft. (.158 ac.) in Sanitary Sewer Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and shrubs

Use: Multi-family

Tax Code: 089-242-04

Appraised Value: \$6,475

Outstanding Concerns: Property owner has become unresponsive.

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

Council District: 3

[Location Map - Condemnation - Upper Little Sugar Creek Sanitary Sewer Phase 3.P1.docx](#)

45. Property Transactions - Water Oak Storm Drainage Improvements, Parcel #9

Action: Approve the following Acquisition: Water Oak Storm Drainage Improvements, Parcel #9

Project: Water Oak Storm Drainage Improvements, Parcel #9

Program: Flood Control

Owner(s): Alex M. Myrick and Maria Alexander Naranjo

Property Address: 1015 Linda Lane

Total Parcel Area: 18,944 sq. ft. (.435 ac.)

Property to be acquired by Easements: 184 sq. ft. (.004 ac.) in Storm Drainage Easement, plus 155 sq. ft. (.004 ac.) in Utility Easement, plus 1,465 sq. ft. (.034 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: 157-131-03

Purchase Price: \$16,525

Council District: 5

[Location Map - Closing - Water Oak Storm Drainage Improvements.P9.docx](#)

Adjournment

REFERENCES

46. 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.

47. 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.

48. 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.