

City of Charlotte

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



Meeting Agenda

Monday, August 26, 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. American Cities Climate Challenge and Strategic Energy Action Plan Update

Staff Resource(s):

Sarah Hazel, City Manager's Office

Time: 10 minutes - Presentation; 10 minutes - Discussion

Explanation

- Update on city's sustainability efforts.

4. 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.

5. 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

6. Public Forum

7. Consent agenda items 23 through 69 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

8. Public Hearing and Decision on Cheyney Area Voluntary Annexation

Action:

- A. Hold a public hearing for Cheyney Area voluntary annexation, and**
- B. Adopt an annexation ordinance with an effective date of August 26, 2019, to extend the corporate limits to include this property and assign it to the adjacent Council District 4.**

Staff Resource(s):

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

Explanation

- Public hearings to obtain community input are required prior to City Council taking action on annexation requests.
- A petition has been received from the owner of a property totaling 147.968 acres.
- The property is owned by Mattamy Carolina Corporation.
- The property is zoned (R-4) Single Family Residential, four units per acre, and (MX-3) Mixed Used Development Districts.
- The petitioned area consists of one parcel: parcel identification number 027-18-186.
- The property is located within Charlotte's extraterritorial jurisdiction and shares boundaries with current city limits.
- The intent of the annexation is to enable the development of approximately 266 single-family residential units and 144 multifamily units.

Consistency with City Council Policies

- The annexation is consistent with voluntary annexation policy approved by City Council on March 24, 2003.
 - Is consistent with the policy to not adversely affect the city's ability to undertake future annexations;
 - Is consistent with the policy to not have undue negative impact on city finances or services;
 - Per policy, voluntary annexations that encompass unincorporated areas by new city limits may be approved if either of the following conditions exist:
 - A petitioner for a voluntary annexation would experience a significant hardship if the annexation were not approved; or
 - Under the facts of a particular voluntary annexation petition, the city's interests are served by varying the application of one or more of these policies.
 - This voluntary annexation is being recommended because the city's interests will be served.

Attachment(s)

Map

Annexation Ordinance

[Cheyney Annexation Map](#)

[Ordinance - Cheyney Area Voluntary Annexations](#)

9. Public Hearing and Decision on The Enclave at Peachtree Voluntary Annexation

- A. Hold a public hearing for The Enclave at Peachtree voluntary annexation, and**
- B. Adopt an annexation ordinance with an effective date of August 26, 2019, to extend the corporate limits to include this property and assign it to the adjacent Council District 2.**

Staff Resource(s):

Taiwo Jaiyeoba, Planning, Design and Development

Katrina Young, Planning, Design and Development

Explanation

- Public hearings to obtain community input are required prior to City Council taking action on annexation requests.
- A petition has been received from the owner of a property totaling 8.54 acres.
- The property is owned by The Enclave at Peachtree, LLC.
- The property is zoned (R-4) Single Family Residential, four units per acre.
- The petitioned area consists of one parcel: parcel identification number 039-20-115.
- The property is located within Charlotte's extraterritorial jurisdiction and shares a boundary with current city limits.
- The intent of the annexation is to enable the development of approximately 15 single-family residential units.

Consistency with City Council Policies

- The annexation is consistent with all city voluntary annexation policies approved by City Council on March 24, 2003.
 - Is consistent with the policy to not adversely affect the city's ability to undertake future annexations;
 - Is consistent with the policy to not have undue negative impact on city finances or services; and
 - Is consistent with the policy to not create unincorporated areas that will be encompassed by new city limits.

Attachment(s)

Map

Annexation Ordinance

[The Enclave at Peachtree Annexed Area Map](#)

[Ordinance -The Enclave at Peachtree](#)

10. Public Hearing and Decision on Sutton Farms Phase 2 Voluntary Annexation

- A. Hold a public hearing for the Sutton Farms Phase 2 voluntary annexation, and**
- B. Adopt an annexation ordinance with an effective date of August 26, 2019, to extend the corporate limits to include this property and assign it to the adjacent Council District 2.**

Staff Resource(s):

Taiwo Jaiyeoba, Planning, Design and Development

Katrina Young, Planning, Design and Development

Explanation

- On February 25, 2019, City Council set a public hearing, which was held on March 25, 2019, for the consideration of the application received for voluntary annexation. City Council approved Ordinance #9534-X and accepted the subject area for voluntary annexation.
- An additional public hearing is needed to accurately advertise the legal description of the subject area.
- On July 8, 2019, Council set the August 26, 2019 Council Business meeting as the date for the additional public hearing and decision.
- Public hearings to obtain community input are required prior to City Council taking action on annexation requests.
- A petition has been received from the owner of property totaling 8.75 acres.
- The property is owned by Pleasant Grove Presbyterian Church.
- The property is zoned (R-3) Single Family Residential, three units per acre.
- The petitioned area consists of one parcel: parcel identification number 035-181-16.
- The property is located within Charlotte's extraterritorial jurisdiction and shares boundaries with current city limits.
- The intent of the annexation is to enable the development of approximately 24 single-family residential units.

Consistency with City Council Policies

- The annexation is consistent with all city voluntary annexation policies approved by the City Council on March 24, 2003.
 - Is consistent with the policy to not adversely affect the city's ability to undertake future annexations;
 - Is consistent with the policy to not have undue negative impact on city finances or services; and
 - Is consistent with the policy to not create unincorporated areas that will be encompassed by new city limits.

Attachment(s)

Map

Annexation Ordinance

[Sutton Farms Phase 2rev](#)

[Ordinance -Sutton Farm Phase 2](#)

POLICY

11. City Manager's Report

BUSINESS

12. Secondary Public Safety Answering Point Funding Program

Action:

- A. **Approve a contract with the North Carolina 911 Board to implement the Secondary Public Safety Point funding program for an initial term of three years,**
- B. **Authorize the City Manager to renew the contract for up to two, one-year terms and to amend the contract consistent for the purpose for which the contract was approved, and**
- C. **Adopt a Resolution approving an Interlocal Agreement with Mecklenburg Emergency Medical Services Agency, a secondary Public Safety Answering Point for the 911 system, as required by the North Carolina 911 Board.**

Staff Resource(s):

Kerr Putney, Police
Sherie Pearsall, Police
Sonya Williams, Police

Explanation

- The North Carolina 911 Board distributes funds collected through the state's 911 service charge to the Public Safety Answering Point (PSAP).
- The Charlotte-Mecklenburg Police Department is a primary PSAP for answering 911 calls. Mecklenburg Emergency Medical Services Agency (MEDIC) and the Charlotte Fire Department are secondary PSAP agencies.
- The North Carolina 911 Board created a program in 2014 that distributes funds to the secondary agencies through their primary agency.
 - The Board requires all PSAPs, with a secondary agency in the 911 system, to enter into a contract to implement the secondary funding program.
- The North Carolina 911 Board requires an Interlocal Agreement between the primary and secondary agencies in the same system to define and assign responsibilities for answering and responding to 911 calls. The Agreement must be signed by the Executive Director of the North Carolina 911 Board.
- On June 12, 2017, the City Council approved a one-year contract with the North Carolina 911 Board and an Interlocal Agreement with MEDIC. The contract automatically renewed for an additional one-year term.
- The North Carolina 911 Board determines the amount of funding provided to secondary agencies by a formula based on call volume to each individual agency.
- Funding is used to pay for technology, furniture, and supplies to successfully operate the 911 system.
- Funding to secondary agencies will not affect funding for the primary agency.

Charlotte Business INclusion

This is an Interlocal Agreement contract and is exempt (Part A: Appendix 27 of the Charlotte Business INclusion Policy)

Attachment(s)

Interlocal Agreements for Secondary Public Safety Answering Point Funding Program
Resolution

[911 Board CMPD Secondary PSAP Agreement](#)

[CFD Secondary PSAP Agreement](#)

[MEDIC Secondary PSAP Agreement](#)

[Secondary PS Resolution](#)

13. Amendment to Interlocal Agreements with Lancaster County Water and Sewer District

Action:

Adopt a resolution to authorize the City Manager to execute an amendment for the sale of water by and between the City of Charlotte and Lancaster County Water and Sewer District.

Staff Resource(s):

David Czerr, Charlotte Water

Ron Hargrove, Charlotte Water

Explanation

- The proposed amendment will change the water sales rate charged to the Lancaster County Water and Sewer District (LCW&SD) for consumption from the Tier 3 residential rate to the non-residential rate that is typically charged to wholesale or bulk water users. All other provisions of the agreements will remain in their current state.
- The city periodically enters into regional agreements to provide water or collect and treat wastewater with neighboring municipalities.
- On March 23, 1998, Council approved a water sale agreement between the city and LCW&SD.
- On May 16, 2006, Council approved an agreement for the city to sell water to LCW&SD at Dorman Road, under which LCW&SD purchased a specified quantity of treated water through a meter located at the state line between Lancaster and Mecklenburg Counties.
- On January 9, 2017, Council amended these agreements to allow LCW&SD to purchase additional water capacity from the City.

Attachment(s)

Resolution

[Resolution-Amendment to Interlocal Agreements between the City of Charlotte and Lancaster County](#)

14. North Carolina Drinking Water State Revolving Fund Loan Application

Action:

- A. **Adopt a resolution authorizing Charlotte Water to apply for a Drinking Water State Revolving Fund loan in an amount not to exceed \$50,000,000 for the construction of water transmission mains within the distribution system,**
- B. **Authorize the City Manager to take necessary actions to accept and complete the financing, including applying to the State of North Carolina Department of Environmental Quality and obtaining Local Government Commission approval, and**
- C. **Adopt a budget ordinance appropriating \$50,000,000 from the Drinking Water State Revolving Fund Program.**

Staff Resource(s):

David Czerr, Charlotte Water
Shawn Coffman, Charlotte Water
Kelly Flannery, Finance

Explanation

- Charlotte Water is seeking authorization to apply for and accept a loan from the North Carolina Drinking Water State Revolving Fund (Fund) for the construction of the North South Water Transmission Main and the North Tryon Area Pressure Zone Boundary Change projects. Both projects are located in east Charlotte (Council Districts 4 and 5).
- The Fund is a federally-funded loan program that offers low-interest loans for drinking water related projects, and is administered by the North Carolina Department of Environmental Quality and the North Carolina Local Government Commission.

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Resolution
Budget Ordinance

[Resolution-North Carolina Drinking Water State Revolving Fund Application](#)

[Water SRF Budget Ordinance](#)

15. Adopt Resolution for Public Art in Right of Way

Action:

Adopt a resolution in support of the city's application for public art in North Carolina Department of Transportation right of way in accordance with the North Carolina Public Art on the Right of Way Policy.

Staff Resource(s):

Taiwo Jaiyeoba, Planning, Design and Development
Phil Reiger, Strategy and Budget

Explanation

- In December 2010, the North Carolina Department of Transportation (NCDOT) adopted the North Carolina Public Art on the Right of Way Policy, allowing public art on its transportation facilities under certain parameters.
- One of the requirements of the policy is that a local resolution be adopted requesting the placement or installation of art.
- Due to the high level of community interest in public art, many future opportunities for art in NCDOT right of way exist.
- Projects proposed within NCDOT right of way will follow the same approval processes as those within city-maintained right of way.
- Public art projects within city-maintained and NCDOT-maintained right of way will both be reviewed either by the Beautification Bureau or the Public Art Commission, depending upon the scale.
- Membership of both groups consists of City Council appointees.
- This resolution will align the processes for city and NCDOT art approvals, and it will satisfy NCDOT's requirement for local resolutions in support of public art projects within NCDOT right of way.

Attachment(s)

Resolution

[NCDOT Resolution 8.719_Final](#)

16. Adopt Resolution for Governor's Highway Safety Program Grant for Traffic Safety

Action:

Adopt a resolution authorizing the city to accept a grant award of \$20,000 from the Governor's Highway Safety Program.

Staff Resource(s):

Kerr Putney, Police
Will Farrell, Police
Justin Kupfer, Police

Explanation

- The Charlotte-Mecklenburg Police Department has an opportunity to accept a grant award of \$20,000 from the Governor's Highway Safety Program (GHSP), which provides the following:
 - \$14,000 to purchase four additional dual antenna radar units used in police vehicles to help enforce speed limit laws, and
 - \$6,000 for the Regional Law Enforcement Liaison travel, training, and meeting expenses.
- The grant is for a period of one year. No matching funds are required from the city.
- GHSP requires that City Council pass a resolution authorizing the acceptance of grant funding.

Fiscal Note

Funding: General Grants Fund

Attachment(s)

Resolution

[FY2020 GHSP Liason Grant Resolution](#)

17. Donate Trolley Buses

Action:

Adopt a resolution authorizing the donation of three surplus trolley buses to the City of Greenville, North Carolina.

Staff Resource(s):

John Lewis, CATS

Tangee Mobley, CATS

Explanation

- The Charlotte Area Transit System owns three trolley buses that previously provided Gold Rush service until 2017, when the service was discontinued.
- North Carolina General Statute 160A-280 permits the city to convey property to other units of government, if approved by the governing board.
- The City of Greenville, North Carolina seeks to bring Trolley Bus service to East Carolina University, Uptown, and the Vidant Hospital complex.
- The service will provide connectivity between major employment and educational complexes to an expanding urban core.
- This will provide the opportunity for the residents of Greenville to commute without the need for a personal vehicle.
- Market value of the three trolleys range from \$8,000 to \$23,500 each.
- The City of Greenville will accept the donated Trolley buses in "as-is" condition.

Attachment(s)

Resolution

[RCA -ResolutionTrolleyGreenville20191406.docx](#)

18. Appropriate Funds for LYNX Silver Line Rail Trail Study

Action:

Adopt a budget ordinance appropriating \$25,000 from the Town of Matthews for a LYNX Silver Line rail trail study.

Staff Resource(s):

Liz Babson, Transportation
John Lewis, CATS
Molly Carter, CATS
Jason Lawrence, CATS

Explanation

- The LYNX Silver Line is a planned, 26-mile light rail corridor. The current alignment is proposed to extend from Union County, through the Town of Matthews, southeast Charlotte, Uptown Charlotte, and CLT Airport, terminating in the City of Belmont in Gaston County (Council Districts 1, 2, 3, 5, and 6). Beginning in fall 2019, the LYNX Silver Line will advance into the design phase.
- The Charlotte Area Transit System is launching a study to determine future alignment for a LYNX Silver Line rail trail. The trail is anticipated to be located adjacent to the proposed line from the Town of Matthews to the City of Belmont.
- The City of Charlotte and the Town of Matthews received funds through the Charlotte Regional Transportation Planning Organization (CRTPO) to study opportunities to preserve a rail trail along the proposed alignment.
- CRTPO will contribute \$150,000, the Town of Matthews will contribute \$25,000, and the City of Charlotte will contribute \$25,000 to complete the study.

Fiscal Note

Funding: General Capital Investment Plan

Attachment(s)

Budget Ordinance

[BO SL Rail Trail 8.26.2019](#)

19. Appropriate Private Developer Funds

Action:

- A. **Approve a developer agreement with Mattamy Homes for traffic signal installations and improvements, and**
- B. **Adopt a budget ordinance appropriating \$77,050 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 \$77,050 in private developer funding is for traffic signals, traffic signal modifications and/or upgrades, and other related work associated with the developer's project. The funding is restricted to the project noted below:
 - Mattamy Homes contributed \$77,050 for traffic signal modifications at the intersection of Browne Road and DeArmon Road (Council District 4).
- These developer contributions are based on cost estimates prepared by the Charlotte Department of Transportation (CDOT).
- Any funding contributed by the developer(s) for a signal project that is unused by the city will be refunded back to the developer(s) after project completion.
- CDOT will install and operate these signals as part of the existing signal systems in the area.

Fiscal Note

Funding: Private Developer Contributions

Attachment(s)

Map
Budget Ordinance

[Traffic Signal Improvements Map](#)

[BO Developer Appropriations 8.26.2019](#)

20. Nomination to the Arts and Science Council Advisory Council

Action:

Nominate citizens to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- In an effort to better serve our regional community and to increase community engagement, the Arts and Science Council (ASC) established Advisory Councils in 2016 for the purpose of providing input, feedback, and recommendations to the ASC Board to help align the cultural community with the needs of local communities.
- One appointment to the Central Advisory Council - District 3 - for a partial term beginning immediately and ending June 30, 2020 (nomination by Councilmember Mayfield).
 - Tracy Wopperer has resigned.

Attachment(s)

ASC Advisory Council Policy
2019 ASC Advisory Councils Membership Roster
ASC Advisory Council Applications (District 3)

21. Nominations of the Chairperson and Vice-Chairperson to the Alternative Compliance Review Committee

Action:

Nominate Alternative Compliance Review Committee members to serve as specified.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- On April 15, 2019, City Council approved the formation of the Alternative Compliance Review Committee with members to serve as specified.
- City Council and the Mayor have made their appointments; the board membership is complete.
- The membership structure states City Council will designate the initial Chairperson and Vice-Chairperson; thereafter, the committee will elect leadership from membership.

Attachment(s)

Alternative Compliance Review Committee Members

22. Mayor and City Council Topics

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

CONSENT

23. Fire Apparatus Repair Services

Action:

- A. Approve a unit price contract with Anchor-Richey EVS for fire apparatus collision repairs for the 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):

Reginald Johnson, Fire
Cindy Bonham, Fire
Angela Lee, General Services
Chris Trull, General Services

Explanation

- Management and maintenance of the city's fleet of vehicles includes repairing and coordinating the repair of damage from collisions.
- The Fire Department's fleet is comprised of over 100 makes and models of equipment including engines, ladder trucks, special operations equipment, and support apparatus.
- The city uses outside service providers to perform collision repairs on some Fire vehicles due to custom-made replacement parts, specialty tools, and equipment necessary to complete these repairs.
- Anchor-Richey EVS is the only one-stop shop in the local area that makes specialized fire apparatus and collision repairs.
- 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 the limited number of vendors with the required qualifications to provide these services.
- Annual expenditures are estimated to be \$300,000.

Charlotte Business INclusion

This contract is exempt due to a waiver of competitive solicitation (Part A: Appendix 1 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: General Services Operating Budget

24. Police Security Equipment, Maintenance, and Support Services

Action:

- A. **Approve a contract with ADM Security Systems Inc to provide security system maintenance, equipment, and support services for an initial term of three years, and**
- B. **Authorize the City Manager to renew the contract for up to two, one-year renewal 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
Estella Patterson, Police
Reenie Askew, Innovation and Technology
Crystal Cody, Innovation and Technology

Explanation

- There are many Charlotte-Mecklenburg Police Department (CMPD) facilities throughout the community including Headquarters, the Training Academy, and 19 other facilities used by employees.
- The security systems in these facilities are critical to protecting the safety of personnel and equipment.
- This contract for security equipment, maintenance, and 24-hour support allows CMPD to purchase card readers, security cameras, and other equipment when the existing equipment cannot be repaired.
- On June 4, 2019, the city issued a Request for Proposals (RFP); two responses were received.
- ADM Security 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 \$500,000.

Charlotte Business INclusion

ADM Security Systems Inc, is a city-certified SBE. Additionally, ADM Security Systems Inc. has committed 5% to MWSBEs in the following scopes of work:

- Cable and Camera Cleaning
- Conduit Services

Fiscal Note

Funding: Police Operating Budget

25. Security Enhancements for Charlotte-Mecklenburg Police Department Headquarters Lobby

Action:

Approve a contract in the amount of \$950,280 to the lowest responsive bidder Catalyst Construction Company, Inc. for security enhancements to the Charlotte-Mecklenburg Police Department headquarters lobby.

Staff Resource(s):

Angela Lee, General Services
William Haas, General Services
Kerr Putney, Police
Estella Patterson, Police

Explanation

- This project will include the renovation of 2,800 square feet within the Charlotte-Mecklenburg Police Department (CMPD) headquarters at 601 East Trade Street, in Council District 1.
- This renovation will improve security for CMPD staff and visitors, and includes:
 - Security enhancements including ballistic resistant door and window systems,
 - Enlarging the public vestibule area,
 - A new customer service counter and waiting room area, and
 - Minor electrical and mechanical modifications to the existing system.
- On May 1, 2019, the city issued an Invitation to Bid; one bid was 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 May 16, 2019, the city issued a second Invitation to Bid; no bids were received.
- On May 24, 2019, the city issued a third Invitation to Bid; one bid was received.
- Catalyst Construction Company, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by fourth quarter 2019.

Charlotte Business INclusion

Catalyst Construction Company, Inc. is a city certified SBE.

Established SBE Goal: 9.00%

Committed SBE Goal: 6.15%

Catalyst Construction Company, Inc. did not meet the established SBE subcontracting goal, but has complied with the good faith negotiation and good faith efforts requirements, and has committed 6.15% (\$57,400) of the base bid amount (excluding allowances estimated at \$17,000) to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Armstrong Mechanical Services Inc. (SBE) (\$39,700) (mechanical)
- Access Services, Inc. (SBE, MBE) (\$12,500) (labor)
- Ground Thunder Trucking LLC (SBE) (\$5,200) (dumpster)

Established MBE Goal: 5.00%

Committed MBE Goal: 5.43%

Catalyst Construction Company, Inc. exceeded the established MBE subcontracting goal, and has committed 5.43% (\$50,700) of the base bid amount (excluding allowances of \$17K) to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- American Tec Electric LLC (MBE) (\$38,200) (electrical)
- Access Services (SBE, MBE) (\$12,500) (labor)

Fiscal Note

Funding: Police Operating Budget

Attachment(s)

Map

[Location Map - CMPD HQ Lobby Entrance Security Enhancements](#)

26. 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 construction of the Charlotte-Mecklenburg Police Department University City Division Station.

Staff Resource(s):

Angela Lee, General Services

Mike Davis, 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 Charlotte-Mecklenburg Police Department 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 June 26, 2019, the city 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: 15.67%

Miles-McClellan Construction Company, Inc. exceeded the established SBE subcontracting goal, and has committed 15.67% (\$1,437,617) of the base bid amount (excluding allowances estimated at \$329,000) 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)
- DLS Landscape (SBE) (\$55,000) (landscaping)
- Berry's Container Service L.L.C. (SBE) (\$15,000) (waste removal)
- Faith Cleaning, Inc. (SBE) (\$5,000) (final cleaning)
- Houston Pressure Washing Inc (SBE) (\$2,000) (pressure cleaning)
- Richa Graphics (SBE, MBE) (\$2,000) (document printing)

Established MBE Goal: 5.00%

Committed MBE Goal: 19.87%

Miles-McClellan Construction Company, Inc. exceeded the established MBE subcontracting goal, and has committed 19.87% (\$1,822,545) of the base bid amount (excluding allowances estimated at \$329,000) 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)
- Richa Graphics (SBE, MBE) (\$2,000) (document printing)

Fiscal Note

Funding: General Capital Investment Plan

Attachment(s)

Map

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

27. Construct Sidewalk Ramps and Address Sidewalk Gaps

Action:

Approve a contract in the amount of \$787,704.50 to the lowest responsive bidder OnSite Development, LLC for the construction of sidewalk ramps and address gaps.

Staff Resource(s):

Angela Lee, General Services
Mike Davis, General Services
Becky Chambers, General Services

Explanation

- This contract includes the installation of sidewalk and accessible ramps in various locations throughout Charlotte.
- Projects are identified through public requests and technical analysis. Projects are built throughout the course of the contract on an as-needed basis.
- On July 9, 2019, the city issued an Invitation to Bid; three bids were received.
- OnSite Development, LLC was selected as the lowest responsive, responsible bidder.
- Construction is anticipated to be complete by fourth quarter 2021.

Charlotte Business INclusion

Established SBE Goal: 21.00%

Committed SBE Goal: 21.10%

OnSite Development, LLC has identified SBEs on its project team, and for each work order issued, committed 21.10% of the total contract amount to the following certified firms:

- Affordable Source Trucking, LLC (SBE, MBE) (hauling)
- AMP Utility Distribution Services, LLC (SBE) (materials)
- B&N Grading, Inc. (SBE) (asphalt)
- JV Trucking, LLC (SBE) (hauling)
- Landmark Materials, LLC (SBE) (hauling)
- LJR Concrete LLC (SBE) (concrete)
- MTS Trucking Inc. (SBE, MBE) (hauling)
- R.R.C. Concrete, Inc (SBE, MBE) (concrete)
- Streeter Trucking Company, Inc. (SBE, MBE) (hauling)
- WSH Construction, Inc. (SBE) (construction)

Established MBE Goal: 10.00%

Committed MBE Goal: 10.10%

OnSite Development, LLC has identified MBEs on its project team, and for each work order issued, committed 10.10% of the total contract amount to the following certified firms:

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

Fiscal Note

Funding: General Capital Investment Plan

28. Resolution of Intent to Abandon and Close the Unopened Alleyway off West Palmer Street and West Carson Boulevard

Action:

- A. Adopt a Resolution of Intent to Abandon and Close the unopened alleyway off West Palmer Street and West Carson Boulevard, and**
- B. Set a Public Hearing for September 9, 2019.**

Staff Resource(s):

Liz Babson, Transportation

Casey Mashburn, 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 City Council action in accordance with the statute.
- The action removes land from public right-of-way and attaches it to the adjacent property.
- The unopened alleyway off West Palmer Street and West Carson Boulevard is located in Council District 3.

Petitioner

Boulevard Real Estate Advisors LLC

Attachment(s)

Map

Resolution

[Alleyway Map](#)

[Resolution of Intent to Abandon Unopened Alleyway Off W. Palmer and W. Carson](#)

29. Construct Storm Drainage Improvement Projects

Action:

Approve a contract in the amount of \$2,786,198.20 to the lowest responsive bidder OnSite Development, LLC for the construction of storm drainage improvement projects.

Staff Resource(s):

Angela Lee, General Services
Kruti Desai, General Services
Susan Tolan, General Services

Explanation

- This contract is part of an ongoing program to provide repairs and/or improvements to storm drainage systems.
- This contract will address failing storm drainage systems in the following locations:
 - 1301 Ranch Road (Council District 2),
 - 1308 Interurban Avenue (Council District 2),
 - 7259 Point Lake Drive (Council District 5),
 - 1331 Kingscross Drive (Council District 6),
 - 2114 Shadyview Drive (Council District 6),
 - 2217 Archdale Drive (Council District 6), and
 - 11143 Ballantyne Crossing Avenue (Council District 7).
- Work will also include grading, drainage, sidewalks, and curb and gutter.
- On July 5, 2019, the city issued an Invitation to Bid for "Collective Storm Drainage Improvement Projects Series C"; four bids were received.
- OnSite Development LLC was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by end of fourth quarter 2020.

Charlotte Business INclusion

Established SBE Goal: 19.00%

Committed SBE Goal: 27.13%

OnSite Development, LLC exceeded the established SBE subcontracting goal, and has committed 27.13% (\$755,814) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- AMP Utility Distribution Services, LLC (SBE) (\$125,000) (utility materials)
- R.R.C. Concrete Inc (SBE, MBE) (\$75,000) (concrete)
- Affordable Source Trucking, LLC (SBE, MBE) (\$107,162.80) (hauling)
- JV Trucking, LLC (SBE) (\$107,162.80) (hauling)
- MTS Trucking Inc. (SBE, MBE) (\$107,162.80) (hauling)
- Solanos Trucking Company, Inc. (SBE) (\$107,162.80) (hauling)
- Tony's Trucking Company, Inc. (SBE, MBE) (\$107,162.80) (hauling)
- B&N Grading, Inc. (SBE) (\$20,000) (asphalt)

Established MBE Goal: 10.00%

Committed MBE Goal: 14.23%

OnSite Development, LLC met the established MBE subcontracting goal, and has committed 14.23% (\$396,488.40) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Affordable Source Trucking, LLC (SBE, MBE) (\$107,162.80) (hauling)
- MTS Trucking Inc. (SBE, MBE) (\$107,162.80) (hauling)
- Tony's Trucking Company, Inc. (SBE, MBE) (\$107,162.80) (hauling)
- R.R.C. Concrete Inc (SBE, MBE) (\$75,000) (concrete)

Fiscal Note

Funding: Storm Water Capital Investment Plan

Attachment(s)

Map

[Location Map - Collective Storm Drainage Improvement Projects Series C](#)

30. Construct Lincoln Heights Storm Drainage Improvement Project

Action:

Approve a contract in the amount of \$6,466,935.42 to the lowest responsive bidder Nassiri Development, LLC for the Lincoln Heights storm drainage improvement project.

Staff Resource(s):

Angela Lee, General Services
Kruti Desai, General Services
Matt Gustis, General Services

Explanation

- This project will replace approximately 7,700 linear feet of storm drainage pipe and associated sanitary sewer, paving, curb and gutter, and driveways.
- The project area is located in the Irwin Creek watershed with boundaries of Beatties Ford Road to the west, Gilbert Street to the north, Interstate 77 to the east, and St. Luke Street to the south, in Council District 2.
- On June 13, 2019, the city issued an Invitation to Bid; seven bids were received.
- Nassiri Development, LLC was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by fourth quarter 2021.

Charlotte Business INclusion

Established SBE Goal: 16.00%

Committed SBE Goal: 16.28%

Nassiri Development, LLC exceeded the established SBE subcontracting goal, and has committed 16.28% (\$1,053,057.50) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Trull Contracting, LLC (SBE) (\$515,000) (milling, paving)
- R.R.C. Concrete Inc (SBE, MBE) (\$363,000) (concrete)
- Sun King Trucking, LLC. (SBE, MBE) (\$80,000) (hauling)
- RW Trucking, Inc. (SBE) (\$40,000) (hauling)
- P and TL, Inc. (SBE) (\$17,000) (erosion control, hydroseeding, matting)
- AMP Utility Distribution Services, LLC (SBE) (\$20,000) (utility supplier)
- Spikes-Out Tree Care LLC (SBE, MBE) (\$10,000) (clearing)
- Striping Concepts, LLC (SBE) (\$4,500) (striping)
- Mid-Atlantic Erosion Control, Inc. (SBE) (\$3,557.50) (erosion control)

Established MBE Goal: 7.00%

Committed MBE Goal: 7.00%

Nassiri Development, LLC met the established MBE subcontracting goal, and has committed 7.00% (\$453,000) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- R.R.C. Concrete Inc (SBE, MBE) (\$363,000) (concrete)
- Sun King Trucking, LLC. (SBE, MBE) (\$80,000) (hauling)
- Spikes-Out Tree Care LLC (SBE, MBE) (\$10,000) (clearing)

Fiscal Note

Funding: Storm Water Capital Investment Plan

Attachment(s)

Map

[Location Map - Lincoln Heights Storm Drainage Improvement Project](#)

31. Sanitary Sewer Rehabilitation

Action:

- A. Approve a unit price contract with Atlantic Coast Contractors, Inc. for Sanitary Sewer Rehabilitation for an initial term of one year, and**
- B. Authorize the City Manager to renew the contract for up to three, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

David Czerr, Charlotte Water

Ronald Hargrove, Charlotte Water

Explanation

- This contract will provide contractor services to Charlotte Water for medium- to large-scale repair, replacement, and rehabilitation projects, that are necessary to maintain the operational integrity of the sanitary sewer system.
- The city operates and maintains more than 4,300 miles of sanitary sewer lines. Many of these pipes often need repairs, replacement, or rehabilitation.
- The contract provides unit prices for various types of sewer main repairs including:
 - Repairing sewer system defects on pipes, manholes, and service lines,
 - Installing sections of new pipe to replace defective pipe,
 - Installing pipe liners, and
 - Cleaning and television inspection of internal pipeline infrastructure.
- This contract also enables Charlotte Water to address structural issues (such as cracked pipes, leaking manholes, etc.) as a preventative measure to reduce sanitary sewer overflows.
- On June 27, 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 July 19, 2019, the ITB was re-issued; two bids were received.
- Atlantic Coast Contractors, Inc. was selected as the lowest responsive, responsible bidder.
- The renewals allow for possible price adjustments based on the Engineering News Record Construction Cost Index.
- Annual expenditures are estimated to be \$6,417,991.

Charlotte Business INclusion

Established MSBE Goal: 10.00%

Committed MSBE Goal: 11.25%

Atlantic Coast Contractors, Inc. met the established subcontracting goal and has committed 11.25% (\$722,137.00) of the total contract amount to the following certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Central Carolina Underground (SBE) (\$200,000) (manhole rehab)
- Pipe Pros LLC (SBE) (\$150,000) (video and cleaning of sewers)
- Right of Way Contractors LLC (MBE) (\$100,000) (paving and concrete)
- AMP Utility Distribution Services LLC (SBE, WBE) (\$85,000) (material supplier)
- Jones Grading and Fencing, Inc. (SBE, MBE) (\$40,000) (fencing, hauling, and concrete)
- The Huffstetler Group, Inc. (SBE) (\$40,000) (concrete)
- Ram Pavement Services, Inc. (SBE) (\$26,562) (pavement services)
- All Points Trucking, Inc. (SBE, WBE) and D's Trucking Services, Inc. (SBE, WBE) (\$23,000) (hauling)
- P and TL, Inc. (SBE) (\$22,575) (erosion control)
- Venture Utility Construction, Inc. (SBE) (\$20,000) (utility construction)
- Mid Atlantic Erosion Control, Inc. (SBE) (\$10,000) (erosion control)

- Nassiri Development LLC (SBE, WBE) (\$5,000) (utility and underground construction)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

32. McAlpine Creek Sanitary Sewer Rehabilitation Phase I

Action:

Approve a contract in the amount of \$3,613,382.44 to the lowest responsive bidder Insituform Technologies, LLC for the McAlpine Creek Sanitary Sewer Rehabilitation project.

Staff Resource(s):

David Czerr, Charlotte Water

Ronald Hargrove, Charlotte Water

Scott Clark, Charlotte Water

Explanation

- This project will rehabilitate 7,515 linear feet of 54-inch pipe by installing a liner within the existing McAlpine Creek Sewer Outfall beginning at Charlotte Country Day Middle School and running south along McAlpine Creek (adjacent to Council Districts 6 and 7).
- The new pipe lining is a corrosion-resistant product that is expected to extend the life of the sanitary sewer line another 50 years.
- On June 7, 2019, the city issued an Invitation to Bid; five bids were received.
- Insituform Technologies, LLC was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by the fourth quarter of 2020.
- Phases II and III are planned for Fiscal Year 2021 and Fiscal Year 2022.

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: Charlotte Water Capital Investment Plan

Attachment(s)

Map

[RCAMap_McAlpine54](#)

33. Delinquency Letter Printing and Mailing Services

Action:

- A. Approve a unit price contract with United Printing Company for delinquency letter printing and mailing services for an initial term of two years, and
- B. Authorize the City Manager to renew the contract for up to three, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.

Staff Resource(s):

David Czerr, Charlotte Water
Steve Miller, Charlotte Water

Explanation

- This contract provides daily processing, printing, and mailing of delinquency letters to water customers who have a past due balance and have not submitted payment after two previous overdue notices.
- Delinquent customers receive an initial past due notification on their bill. If needed, a second notice is provided via phone call.
- On May 30, 2019, the city issued a Request for Proposals (RFP); three responses were received.
- United Printing Company best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$183,600.

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: Charlotte Water Operating Budget

34. CATS Repair Services and Parts

Action:

- A. Approve a unit price contract with Siemens Mobility, Inc. for light rail vehicle repair services and parts for an initial term of three years, and**
- B. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

John Lewis, CATS

Gary Lee, CATS

Explanation

- The Charlotte Area Transit System (CATS) rail operation requires daily maintenance and repair of the light rail cars, trolley cars, and rail infrastructure.
- The proprietary system knowledge and original equipment manufacturer parts provided by Siemens Mobility, Inc. meet the required specifications and standards to keep the light rail cars, trolley cars, and rail infrastructure systems operating in a safe and reliable condition and to maintain the warranty on the rail vehicles.
- Rail-related part repair services and new parts will be ordered on an as-needed basis.
- The contract amount is based on prior usage and the additional light rail cars brought into service with the opening of the Blue Line Extension.
- Annual expenditures are estimated to be \$350,000 with escalation adjustments per year for a total amount of \$2,250,000 for the five-year period.
- 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 Siemens being the original supplier of the light rail vehicles.

Charlotte Business INclusion

This is a contract with a waiver of solicitation for services, and is exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: CATS Operating Budget

35. Airport Concourse A Ramp Expansion, Phase I Change Order

Action:

Approve change order #1 for \$706,817.65 to Flatiron Constructors Inc. - Blythe Development Company, A Joint Venture, for the construction of Concourse A Aircraft Ramp Expansion, Phase I.

Staff Resource(s):

Brent Cagle, Aviation

Jack Christine, Aviation

Explanation

- The Concourse A Aircraft Ramp Expansion project scope includes underground utility installation, jet fuel lines, grading, and the addition of concrete ramp pavement.
- On May 9, 2016, City Council approved a contract in the amount of \$39,799,138 to Flatiron Constructors Inc. - Blythe Development Company, A Joint Venture, for the construction of Concourse A Aircraft Ramp Expansion, Phase I Project.
- This change order is needed to account for the increased expenses incurred during the relocation of a mid-field fueling station.
- The new total value of the contract, including change order #1, is \$40,505,955.65.
- This activity is occurring on airport property, located in Council District 3.

Disadvantaged Business Enterprise

All additional work involved in this change order will be performed by Flatiron Constructors Inc. - Blythe Development Company, A Joint Venture, and their existing subcontractors.

Fiscal Note

Funding: Aviation Capital Investment Plan

36. Airport Parking Deck Maintenance

Action:

Approve a contract in the amount of \$621,962.70 to the lowest responsive bidder Western Waterproofing Company of America DBA Specialty Contractors for the east daily parking deck expansion joint maintenance.

Staff Resource(s):

Brent Cagle, Aviation

Jack Christine, Aviation

Explanation

- The east daily parking deck at the airport is 11 years old and needs maintenance to extend the useful life of the parking facility.
- The project scope includes expansion joint replacement, weatherproofing through recoating the surface deck, adding cove sealant and possible block out material, and restriping parking spaces on the fourth and fifth levels.
- On June 7, 2019, the city issued an Invitation to Bid; six bids were received.
- Western Waterproofing Company of America DBA Specialty Contractors was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by fourth quarter 2019.
- This activity is occurring on airport property, located in Council District 3.

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: Aviation Capital Investment Plan

37. Public Auction for Disposal of Surplus Equipment

Action:

- A. **Adopt a resolution declaring specific vehicles, equipment, and other miscellaneous items as surplus,**
- B. **Authorize said items for sale by public auction on September 14, 2019, and**
- C. **Authorize the City Manager to approve certain administrative and storage fees as may be required from time to time for auction events.**

Staff Resource(s):

Angela Lee, General Services
Kay Elmore, General Services

Explanation

- General Services provides asset recovery and disposal services to city departments, Mecklenburg County, Emergency Management Services, and the Charlotte Housing Authority.
- Periodic auctions of surplus items are regularly conducted at the city's Asset Recovery and Disposal facility located at 5550 Wilkinson Boulevard, Charlotte, North Carolina, in Council District 3.
- Pursuant to North Carolina General Statute 160A-270(b), approval is requested for a public auction to be held on September 14, 2019, at 9:00 a.m. to dispose of city-owned property declared as surplus.
- The auction company will be compensated 8.5 percent of the total gross sale price of rolling stock and miscellaneous items.
- Proceeds from the auction are distributed to the city's General Fund and Enterprise Funds (Aviation, Charlotte Water, and Charlotte Area Transit System), and other agencies based on asset ownership.

Attachment(s)

Property Lists (Exhibit - A city owned property)
Delegation of Authority
Resolution

[Rolling Stock list \(Exhibit - A\)](#)

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

[Rolling stock auction - Resolution](#)

38. Fiscal Year 2019 Tax Collector's Settlement Statement and Fiscal Year 2020 Order of Collection

Action:

- A. Receive as information and record in full in the minutes the Mecklenburg County Tax Collector's Settlement Statement for Fiscal Year 2019, and
- B. Adopt an Order of Collection, pursuant to North Carolina General Statute 105-321(b), authorizing the Mecklenburg County Tax Collector to collect the taxes for Fiscal Year 2020.

Staff Resource(s):

Stephanie Kelly, City Clerk

Kelly Flannery, Finance

Explanation

Actions A and B are routine, annual items.

Action A

- According to North Carolina General Statute 105-373:
 - After July 1, and before being charged with collecting taxes for the current fiscal year, the Tax Collector must submit to the governing board an annual report of the amount collected on the preceding fiscal year's taxes with which he/she is charged, and the amount remaining uncollected, and
 - The Tax Collector's Settlement Statement must be entered in full into the official record of the governing board.
- The Tax Collector's Settlement Statement is an informational report on property tax collection activity for the preceding fiscal year (July 1, 2018 - June 30, 2019), as well as previous fiscal years.

Action B

- According to North Carolina General Statute 105-321(b), an order directing the Tax Collector to collect the taxes charged in tax records and receipts must be entered into the official record of the governing board.
- The Order of Collection authorizes the collection of Fiscal Year 2020 real estate and motor vehicle taxes.
- The Order of Collection must be adopted and returned to Mecklenburg County, Office of the Tax Collector, by September 1, 2019.

Attachment(s)

Fiscal Year 2020 Order of Collection

Tax Collector's Settlement Statement

[FY 2020 Order of Collection](#)

[FY 2019 Settlement Statement](#)

39. Set Public Hearing on Catawba Plantation Townhomes Voluntary Annexation

Action:

Adopt a resolution setting the public hearing for September 23, 2019, for the Catawba Plantation Townhomes voluntary annexation petition.

Staff Resource(s):

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

Explanation

- The city has received a petition for voluntary annexation of private property.
- Public hearings are required prior to City Council action on annexation requests.
- This property is located within Charlotte's extraterritorial jurisdiction.
- The area proposed for annexation does not share a boundary with current city limits.
- Annexation of this area will allow for more orderly land development review, extension of city services, capital investments, and future annexation processes.
- The 23.121-acre Catawba Plantation Townhomes site is located north of Mount Holly-Huntersville Road and east of Mount Holly Road in northwest Mecklenburg County.
 - The property is currently vacant;
 - The petitioner has plans to construct two phases of residential townhomes that will include 125 multi-family units on the site;
 - The property is zoned (MX-2) Mixed Use Conditional District;
 - The property is located adjacent to Council District 2; and
 - Petitioned area consists of two parcels, parcel identification numbers 031-141-07 and 031-141-03.

Consistency with City Council Policies

- The annexation is consistent with two city voluntary annexation policies and inconsistent with one of the policies approved by the City Council on March 24, 2003.
 - Is consistent with the policy to not adversely affect the city's ability to undertake future annexations;
 - Is consistent with the policy to not have undue negative impact on city finances or services; and
 - Is consistent with the policy to not create unincorporated areas that will be encompassed by new city limits.

Public Hearing Date

The resolution sets Monday, September 23, 2019, for the public hearing.

Attachment(s)

Map
Resolution

[Catawba Plantation Townhomes Area \(Satellite\) Annexation Map](#)

[Resolution to set public hearing - Catawba Plantation Townhomes Area](#)

40. Set Public Hearing on Miranda Village Voluntary Annexation

Action:

Adopt a resolution setting the public hearing for September 23, 2019, for the Miranda Village voluntary annexation petition.

Staff Resource(s):

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

Explanation

- The city has received a petition for voluntary annexation of private property.
- Public hearings are required prior to City Council action on annexation requests.
- This property is located within Charlotte's extraterritorial jurisdiction.
- The area proposed for annexation shares boundaries with current city limits.
- Annexation of this area will allow for more orderly land development review, extension of city services, capital investments, and future annexation processes.
- The 115.305-acre Miranda Village site is located south of Mount Holly-Huntersville Road and Interstate-485 and west of Beatties Ford Road in northern Mecklenburg County.
 - The property is currently vacant with the exception of vacant structures and a single-family home;
 - The petitioner has plans to construct a master planned residential community with 300-single family residential units on the site;
 - The property is zoned (R-3) Single Family Residential which allows up to three units per acre;
 - The property is located immediately adjacent to Council District 2; and
 - Petitioned area consists of one parcel, parcel identification number 037-411-09.

Consistency with City Council Policies

- The annexation is consistent with voluntary annexation policy approved by City Council on March 24, 2003.
 - Is consistent with the policy to not adversely affect the city's ability to undertake future annexations;
 - Is consistent with the policy to not have undue negative impact on city finances or services;
 - Per policy, voluntary annexations that encompass unincorporated areas by new city limits may be approved if either of the following conditions exist:
 - A petitioner for a voluntary annexation would experience a significant hardship if the annexation were not approved; or
 - Under the facts of a particular voluntary annexation petition, the city's interests are served by varying the application of one of more of these policies.
 - This voluntary annexation is being recommended because the city's interests will be served.

Public Hearing Date

The resolution sets Monday, September 23, 2019, for the public hearing.

Attachment(s)

Map

Resolution

[Miranda Village Annexation Map](#)

[Resolution to set date of Public Hearing - Miranda Village](#)

41. Refund of Property Taxes

Action:

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$8,945.88.

Staff Resource(s):

Kelly Flannery, 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](#)

42. Meeting Minutes

Action:

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

- **June 3, 2019 Strategy Session,**
- **June 10, 2019 Business Meeting,**
- **June 17, 2019 Zoning Meeting,**
- **June 24, 2019 Business Meeting, and**
- **July 8, 2019 Special/Business Meeting.**

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

PROPERTY TRANSACTIONS

43. Property Transactions - Colwick Road Sidewalk Gaps, Parcel #1

Action: Approve the following Condemnation: Colwick Road Sidewalk Gaps, Parcel #1

Project: Colwick Road Sidewalk Gaps, Parcel #1

Owner(s): Shick N. Lee and Lai N. Lee

Property Address: 4408 Colwick Road

Total Parcel Area: 14,597 sq. ft. (.335 ac.)

Property to be acquired by Easements: 259 sq. ft. (.006 ac.) in Sidewalk and Utility Easement, plus 467 sq. ft. (.011 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: B-1

Use: Commercial

Tax Code: 157-173-09

Appraised Value: \$2,625

Property Owner's Counteroffer: \$8,900

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

City's Response to Property Owner's Concerns: Staff explained they could obtain their own appraisal in order to justify a counter offer.

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

Council District: 1

[Location Map - Condemnation - Colwick Road Sidewalk Gaps.P1.docx](#)

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

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

Project: Irvins Creek Trunk, Parcel #8

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

Property Address: 11224 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)

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

45. Property Transactions - Lakeview-Reames Intersection Improvements, Parcel #3

Action: Approve the following Condemnation: Lakeview-Reames Intersection Improvements, Parcel #3

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 #3

Owner(s): Alfor Sharkey and Della Sharkey

Property Address: 4305 Craven Hill Drive

Total Parcel Area: 10,728 sq. ft. (.246 ac.)

Property to be acquired by Easements: 367 sq. ft. (.008 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: 037-155-13

Appraised Value: \$175

Property Owner's Counteroffer: \$1,000

Recommendation: The city is currently waiting on signed documents but to avoid delay in the project schedule, staff recommends proceeding to condemnation during which time negotiations can continue, mediation is available and if necessary, just compensation can be determined by the court.

Council District: 2

[Location Map - Condemnation - Lakeview - Reames Intersection Improvements.P3.docx](#)

46. Property Transactions - Lakeview-Reames Intersection Improvements, Parcel #4

Action: Approve the following Condemnation: Lakeview-Reames Intersection Improvements, Parcel #4

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 #4

Owner(s): Timmy W. Friday

Property Address: 4311 Craven Hill Drive

Total Parcel Area: 9,584 sq. ft. (.220 ac.)

Property to be acquired by Easements: 354 sq. ft. (.008 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: 037-155-14

Appraised Value: \$200

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

Council District: 2

[Location Map - Condemnation - Lakeview - Reames Intersection Improvements.P4.docx](#)

47. Property Transactions - Lakeview-Reames Intersection Improvements, Parcel #15

Action: Approve the following Condemnation: Lakeview-Reames Intersection Improvements, Parcel #15

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 #15

Owner(s): TAH 2017-1 Borrower, LLC

Property Address: 4427 Craven Hill Drive

Total Parcel Area: 9,910 sq. ft. (.228 ac.)

Property to be acquired by Easements: 142 sq. ft. (.003 ac.) in Storm Drainage Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-4

Use: Single-family Residential

Tax Code: 037-155-25

Appraised Value: \$125

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

Council District: 2

[Location Map - Condemnation - Lakeview - Reames Intersection Improvements.P15.docx](#)

48. Property Transactions - Lakeview-Reames Intersection Improvements, Parcel #20

Action: Approve the following Condemnation: Lakeview-Reames Intersection Improvements, Parcel #20

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 #20

Owner(s): Lugor Associates, LLC

Property Address: 4700 Lakeview Road

Total Parcel Area: 209,952 sq. ft. (4.820 ac.)

Property to be acquired by Fee: 7,314 sq. ft. (.168 ac.) in Fee Simple, plus 13,099 sq. ft. (.301 ac.) in Fee Simple within Existing Right-of-Way

Property to be acquired by Easements: 353 sq. ft. (.008 ac.) in Storm Drainage Easement, plus 6,108 sq. ft. (.14 ac.) in Sidewalk and Utility Easement, plus 3,483 sq. ft. (.08 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: 037-155-11

Appraised Value: \$6,375

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

Council District: 2

[Location Map - Condemnation - Lakeview - Reames Intersection Improvements.P20.docx](#)

49. Property Transactions - Lakeview-Reames Intersection Improvements, Parcel #21

Action: Approve the following Condemnation: Lakeview-Reames Intersection Improvements, Parcel #21

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 #21

Owner(s): Rhonda Oliver Monaghan, Jerry Radford Oliver, Jr. et al.

Property Address: Trinity Road

Total Parcel Area: 27,217 sq. ft. (.625 ac.)

Property to be acquired by Fee: 1,182 sq. ft. (.027 ac.) in Fee Simple, plus 14,324 sq. ft. (.329 ac.) in Fee Simple within Existing Right-of-Way

Property to be acquired by Easements: 1,025 sq. ft. (.024 ac.) in Sidewalk and Utility Easement, plus 570 sq. ft. (.013 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-3

Use: Single-family Residential

Tax Code: 037-155-12

Appraised Value: \$1,025

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.P21.docx](#)

50. Property Transactions - Lakeview-Reames Intersection Improvements, Parcel #22

Action: Approve the following Condemnation: Lakeview-Reames Intersection Improvements, Parcel #22

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 #22

Owner(s): Cleveland Cook and Elister Cook

Property Address: 4804 Lakeview Road

Total Parcel Area: 11,103 sq. ft. (.255 ac.)

Property to be acquired by Easements: 739 sq. ft. (.017 ac.) in Sidewalk and Utility Easement, plus 517 sq. ft. (.012 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-4

Use: Single-family Residential

Tax Code: 037-164-14

Appraised Value: \$800

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.P22.docx](#)

51. Property Transactions - Lakeview-Reames Intersection Improvements, Parcel #28

Action: Approve the following Condemnation: Lakeview-Reames Intersection Improvements, Parcel #28

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 #28

Owner(s): Leroy Talvage and Dorothy Linney Sellers

Property Address: 4936 Lakeview Road

Total Parcel Area: 133,435 sq. ft. (3.063 ac.)

Property to be acquired by Fee: 1,917 sq. ft. (.044 ac.) in Fee Simple, plus 4,180 sq. ft. (.096 ac.) in Fee Simple within Existing Right-of-Way

Property to be acquired by Easements: 1,877 sq. ft. (.043 ac.) in Sidewalk and Utility Easement, plus 2,086 sq. ft. (.048 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: 037-163-09

Appraised Value: \$5,225

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

Council District: 2

[Location Map - Condemnation - Lakeview - Reames Intersection Improvements.P28.docx](#)

52. Property Transactions - Lakeview-Reames Intersection Improvements, Parcel #30

Action: Approve the following Condemnation: Lakeview-Reames Intersection Improvements, Parcel #30

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 #30

Owner(s): Albert Allen, Jr. and Robbie V. Allen

Property Address: 5020 Lakeview Road

Total Parcel Area: 16,896 sq. ft. (.388 ac.)

Property to be acquired by Easements: 1,112 sq. ft. (.026 ac.) in Sidewalk and Utility Easement, plus 3,085 sq. ft. (.071 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-3

Use: Single-family Residential

Tax Code: 037-163-07

Appraised Value: \$2,275

Property Owner's Counteroffer: \$6,500

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

City's Response to Property Owner's Concerns: Staff explained to the property owner they can obtain their own appraisal in order to support their counter offer.

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

Council District: 2

[Location Map - Condemnation - Lakeview - Reames Intersection Improvements.P30.docx](#)

53. Property Transactions - Lakeview-Reames Intersection Improvements, Parcel #31

Action: Approve the following Condemnation: Lakeview-Reames Intersection Improvements, Parcel #31

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 #31

Owner(s): Clarence A Harris and Natasha N. Sullivan-Harris

Property Address: 5028 Lakeview Road

Total Parcel Area: 20,133 sq. ft. (.462 ac.)

Property to be acquired by Easements: 1,118 sq. ft. (.026 ac.) in Sidewalk and Utility Easement, plus 390 sq. ft. (.009 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-3

Use: Single-family Residential

Tax Code: 037-163-06

Appraised Value: \$875

Property Owner's Counteroffer: \$1,100

Recommendation: The city is currently waiting on signed documents but to avoid delay in the project schedule, staff recommends proceeding to condemnation during which time negotiations can continue, mediation is available and if necessary, just compensation can be determined by the court.

Council District: 2

[Location Map - Condemnation - Lakeview - Reames Intersection Improvements.P31.docx](#)

54. Property Transactions - Lakeview-Reames Intersection Improvements, Parcel #33

Action: Approve the following Condemnation: Lakeview-Reames Intersection Improvements, Parcel #33

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 #33

Owner(s): First Beneficial Mortgage

Property Address: 5115 Lakeview Road

Total Parcel Area: 9,818 sq. ft. (.225 ac.)

Property to be acquired by Fee: 952 sq. ft. (.022 ac.) in Fee Simple within Existing Right-of-Way

Property to be acquired by Easements: 1,135 sq. ft. (.026 ac.) in Storm Drainage Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-4

Use: Single-family Residential

Tax Code: 025-134-38

Appraised Value: \$1,325

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

Council District: 2

[Location Map - Condemnation - Lakeview - Reames Intersection Improvements.P33.docx](#)

55. Property Transactions - Lakeview-Reames Intersection Improvements, Parcel #34

Action: Approve the following Condemnation: Lakeview-Reames Intersection Improvements, Parcel #34

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 #34

Owner(s): Damian Flott

Property Address: 8428 Rego Street

Total Parcel Area: 41,324 sq. ft. (.949 ac.)

Property to be acquired by Easements: 2,289 sq. ft. (.053 ac.) in Storm Drainage Easement, plus 1,915 sq. ft. (.044 ac.) in Sidewalk and Utility Easement, plus 1,001 sq. ft. (.023 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: R-3

Use: Single-family Residential

Tax Code: 037-162-01

Appraised Value: \$3,375

Property Owner's Concerns: Property owner is concerned about the amount of compensation being offered.

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

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

Council District: 2

[Location Map - Condemnation - Lakeview - Reames Intersection Improvements.P34.docx](#)

56. Property Transactions - Lakeview-Reames Intersection Improvements, Parcel #35

Action: Approve the following Condemnation: Lakeview-Reames Intersection Improvements, Parcel #35

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 #35

Owner(s): Renee Maxwell

Property Address: Lakeview Road

Total Parcel Area: 89,670 sq. ft. (2.059 ac.)

Property to be acquired by Fee: 7,068 sq. ft. (.162 ac.) in Fee Simple within Existing Right-of-Way

Property to be acquired by Easements: 301 sq. ft. (.007 ac.) in Storm Drainage Easement, plus 553 sq. ft. (.013 ac.) in Waterline Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-4

Use: Single-family Residential

Tax Code: 025-134-39

Appraised Value: \$225

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

Council District: 2

[Location Map - Condemnation - Lakeview - Reames Intersection Improvements.P35.docx](#)

57. Property Transactions - Lakeview-Reames Intersection Improvements, Parcel #37

Action: Approve the following Condemnation: Lakeview-Reames Intersection Improvements, Parcel #37

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 #37

Owner(s): Loy Homes of the Carolinas, Inc.

Property Address: 5128 Lakeview Road

Total Parcel Area: 19,105 sq. ft. (.439 ac.)

Property to be acquired by Easements: 694 sq. ft. (.016 ac.) in Sidewalk and Utility Easement, plus 1,020 sq. ft. (.023 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-3

Use: Single-family Residential

Tax Code: 037-162-13

Appraised Value: \$750

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

Council District: 2

[Location Map - Condemnation - Lakeview - Reames Intersection Improvements.P37.docx](#)

58. Property Transactions - Lakeview-Reames Intersection Improvements, Parcel #39

Action: Approve the following Acquisition: Lakeview-Reames Intersection Improvements, Parcel #39

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 #39

Owner(s): Dorothy E. Blackmon

Property Address: 5216 Lakeview Road

Total Parcel Area: 33,777 sq. ft. (.775 ac.)

Property to be acquired by Fee: 399 sq. ft. (.009 ac.) in Fee Simple

Property to be acquired by Easements: 106 sq. ft. (.002 ac.) in Sidewalk and Utility Easement, plus 2,449 sq. ft. (.056 ac.) in Temporary Construction Easement, plus 241 sq. ft. (.006 ac.) in Utility Easement

Structures/Improvements to be impacted: Brick mailbox

Landscaping to be impacted: Trees and various plantings

Zoned: R-3

Use: Single-family Residential

Tax Code: 037-166-07

Purchase Price: \$10,275

Council District: 2

[Location Map - Closing - Lakeview - Reames Intersection Improvements.P39.docx](#)

59. Property Transactions - Lakeview-Reames Intersection Improvements, Parcel #44

Action: Approve the following Condemnation: Lakeview-Reames Intersection Improvements, Parcel #44

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 #44

Owner(s): The Garden of Gethsemane Baptist Church Inc.

Property Address: Lakeview Road

Total Parcel Area: 16,014 sq. ft. (.368 ac.)

Property to be acquired by Easements: 1,492 sq. ft. (.034 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-3

Use: Single-family Residential

Tax Code: 037-166-05

Appraised Value: \$175

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

Council District: 2

[Location Map - Condemnation - Lakeview - Reames Intersection Improvements.P44.docx](#)

60. Property Transactions - Lakeview-Reames Intersection Improvements, Parcel #54

Action: Approve the following Condemnation: Lakeview-Reames Intersection Improvements, Parcel #54

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 #54

Owner(s): Veronica B. Watkins

Property Address: 8449 Reams Road

Total Parcel Area: 20,621 sq. ft. (.473 ac.)

Property to be acquired by Fee: 1,420 sq. ft. (.033 ac.) in Fee Simple

Property to be acquired by Easements: 342 sq. ft. (.008 ac.) in Sidewalk and Utility Easement, plus 605 sq. ft. (.014 ac.) in Waterline Easement, plus 4,828 sq. ft. (.111 ac.) in Temporary Construction Easement, plus 100 sq. ft. (.002 ac.) in Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R-3

Use: Single-family Residential

Tax Code: 037-162-12

Appraised Value: \$37,850

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.P54.docx](#)

61. Property Transactions - Lakeview-Reames Intersection Improvements, Parcel #68

Action: Approve the following Condemnation: Lakeview-Reames Intersection Improvements, Parcel #68

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 #68

Owner(s): Veronica Baldwin Shah, Aaliyah Shah, et al.

Property Address: 8603 Reames Road

Total Parcel Area: 28,238 sq. ft. (.648 ac.)

Property to be acquired by Fee: 3,513 sq. ft. (.081 ac.) in Fee Simple within Existing Right-of-Way

Property to be acquired by Easements: 504 sq. ft. (.012 ac.) in Sidewalk and Utility Easement, plus 1,282 sq. ft. (.029 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: 025-134-63

Appraised Value: \$725

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.P68.docx](#)

62. Property Transactions - Lakeview-Reames Intersection Improvements, Parcel #72

Action: Approve the following Condemnation: Lakeview-Reames Intersection Improvements, Parcel #72

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 #72

Owner(s): Lakeview Road Landfill, Inc.

Property Address: 4705 Lakeview Road

Total Parcel Area: 975,351 sq. ft. (22.391 ac.)

Property to be acquired by Easements: 329 sq. ft. (.008 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: 025-351-13

Appraised Value: \$75

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

City's Response to Property Owner's Concerns: Staff verified that the project would have no negative environmental impact 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: 2

[Location Map - Condemnation - Lakeview - Reames Intersection Improvements.P72.docx](#)

63. Property Transactions - Sugar Creek Road Streetscape, Parcel #21

Action: Approve the following Acquisition: Sugar Creek Road Streetscape, Parcel #21

Project: Sugar Creek Road Streetscape, Parcel #21

Owner(s): Sugar Creek Ventures, LLC

Property Address: 200 East Sugar Creek Road

Total Parcel Area: 805,686 sq. ft. (18.496 ac.)

Property to be acquired by Fee: 4,286 sq. ft. (.098 ac.) in Fee Simple

Property to be acquired by Easements: 1,906 sq. ft. (.044 ac.) in Storm Drainage Easement, plus 16,144 sq. ft. (.371 ac.) in Temporary Construction Easement, plus 5,532 sq. ft. (.127 ac.) in Utility Easement, plus 578 sq. ft. (.013 ac.) in Storm Drainage Easement and Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: I-2

Use: Commercial

Tax Code: 091-081-06

Purchase Price: \$122,350

Council District: 1

[Location Map - Closing - Sugar Creek Road Streetscape.P21.docx](#)

64. Property Transactions - Sugar Creek Road Streetscape, Parcel #22

Action: Approve the following Acquisition: Sugar Creek Road Streetscape, Parcel #22

Project: Sugar Creek Road Streetscape, Parcel #22

Owner(s): BinacoSC, LLC

Property Address: 225 East Sugar Creek Road

Total Parcel Area: 21,980 sq. ft. (.505 ac.)

Property to be acquired by Fee: 1,629 sq. ft. (.037 ac.) in Fee Simple

Property to be acquired by Easements: 371 sq. ft. (.009 ac.) in Temporary Construction Easement, plus 1,240 sq. ft. (.028 ac.) in Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: I-2

Use: Commercial

Tax Code: 091-051-22

Purchase Price: \$42,850

Council District: 1

[Location Map - Closing -Sugar Creek Road Streetscape.P22.docx](#)

65. Property Transactions - Sugar Creek Road Streetscape, Parcel #24

Action: Approve the following Condemnation: Sugar Creek Road Streetscape, Parcel #24

Project: Sugar Creek Road Streetscape, Parcel #24

Owner(s): Vien Chi Chau, Phuong Thi Vuu, Nam My Chau, Van My Ngo, Tam My Chau and Lien My Chau Quach

Property Address: East Sugar Creek Road

Total Parcel Area: 22,755 sq. ft. (.522 ac.)

Property to be acquired by Fee: 762 sq. ft. (.017 ac.) in Fee Simple

Property to be acquired by Easements: 2,826 sq. ft. (.065 ac.) in Storm Drainage Easement, plus 464 sq. ft. (.011 ac.) in Temporary Construction Easement, plus 1,422 sq. ft. (.033 ac.) in Utility Easement, plus 996 sq. ft. (.023 ac.) in Storm Drainage Easement and Utility Easement

Structures/Improvements to be impacted: Asphalt Pavement

Landscaping to be impacted: None

Use: Commercial

Tax Code: 091-051-49

Appraised Value: \$23,750

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

Council District: 1

[Location Map - Condemnation - Sugar Creek Road Streetscape.P24.docx](#)

66. Property Transactions - Sugar Creek Road Streetscape, Parcel #25

Action: Approve the following Condemnation: Sugar Creek Road Streetscape, Parcel #25

Project: Sugar Creek Road Streetscape, Parcel #25

Owner(s): CDG of NC, LLC

Property Address: 126 East Sugar Creek Road

Total Parcel Area: 44,989 sq. ft. (1.033 ac.)

Property to be acquired by Easements: 1,724 sq. ft. (.04 ac.) in Storm Drainage Easement, plus 3,183 sq. ft. (.073 ac.) in Temporary Construction Easement, plus 2,203 sq. ft. (.051 ac.) in Utility Easement, plus 1,018 sq. ft. (.023 ac.) in Storm Drainage Easement and Utility Easement

Structures/Improvements to be impacted: Asphalt Pavement

Landscaping to be impacted: None

Zoned: B-2

Use: Commercial

Tax Code: 091-081-23

Appraised Value: \$26,350

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

Council District: 1

[Location Map - Condemnation - Sugar Creek Road Streetscape.P25.docx](#)

67. Property Transactions - Sugar Creek Road Streetscape, Parcel #27

Action: Approve the following Condemnation: Sugar Creek Road Streetscape, Parcel #27

Project: Sugar Creek Road Streetscape, Parcel #27

Owner(s): The Thayer Residuary Trust and The Thayer Surviving Spouse's Trust, et al

Property Address: 4220 North Tryon Street

Total Parcel Area: 77,129 sq. ft. (1.771 ac.)

Property to be acquired by Easements: 3,643 sq. ft. (.084 ac.) in Temporary Construction Easement, plus 1,085 sq. ft. (.025 ac.) in Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: B-2

Use: Commercial

Tax Code: 091-081-08

Appraised Value: \$19,175

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

Council District: 1

[Location Map - Condemnation - Sugar Creek Road Streetscape.P27.docx](#)

68. Property Transactions - Water Oak Storm Drainage Improvements, Parcel #10

Action: Approve the following Acquisition: Water Oak Storm Drainage Improvements, Parcel #10

Project: Water Oak Storm Drainage Improvements, Parcel #10

Program: Flood Control

Owner(s): Kacey Neil Spears and Amy B. Spears

Property Address: 4527 Water Oak Road

Total Parcel Area: 23,381 sq. ft. (.537 ac.)

Property to be acquired by Easements: 1,797 sq. ft. (.041 ac.) in Storm Drainage Easement, plus 102 sq. ft. (.002 ac.) in Temporary Construction Easement, plus 78 sq. ft. (.002 ac.) in Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-3

Use: Single-family Residential

Tax Code: 157-131-02

Purchase Price: \$19,915

Council District: 5

[Location Map - Closing -Water Oak Storm Drainage Improvements.P10.docx](#)

69. Property Transactions - Water Oak Storm Drainage Improvements, Parcel #12

Action: Approve the following Acquisition: Water Oak Storm Drainage Improvements, Parcel #12

Project: Water Oak Storm Drainage Improvements, Parcel #12

Program: Flood Control

Owner(s): John David Brooks and Wendy Brannon Brooks

Property Address: 4601 Water Oak Road

Total Parcel Area: 20,831 sq. ft. (.478 ac.)

Property to be acquired by Easements: 1,528 sq. ft. (.035 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: 157-183-01

Purchase Price: \$12,710

Council District: 5

[Location Map - Closing -Water Oak Storm Drainage Improvements.P12.docx](#)

ZONING

70. Public Hearing on Rezoning Petition 2018-142

Action:

Hold a public hearing on petition 2018-142 by Proffitt Dixon Partners:

- From R-3 (single family residential),
- To R-8MF (multi-family residential, conditional) and INST(CD) (institutional, conditional).

Staff Resource(s):

Taiwo Jaiyeoba, Planning, Design and Development

Dave Pettine, Planning, Design and Development

John Kinley, Planning, Design and Development

Explanation

- The public hearing on this rezoning petition was deferred by City Council on July 15, 2019.
- City Council voted to defer the petition to the August 26 Business Meeting.
- The property is approximately 20.5-acres, and is located on the west side of Providence Road, north of Lynbridge Road, and south of Old Providence Road in Council District 7.
- The petition proposes to allow up to 79 single family attached (townhome) units or carriage units (stacked flats) and an active adult retirement community with up to 200 units.

Attachment(s)

Pre-Hearing Staff Analysis

Site Plan

[2018-142 PHstaff_DONE](#)

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Adjournment

REFERENCES

71. 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.

72. 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.

73. 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.