

# **City of Charlotte**

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



## **Meeting Agenda**

**Monday, October 14, 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. Airport Lobby Renovation Update

**Staff Resource(s):**

Jack Christine, Aviation

**Time:** 10 minutes - Presentation; 20 minutes - Discussion

**Explanation**

- Provide an update on Airport renovations.

[Airport Lobby Renovation Update](#)

### 4. LYNX Silver Line Design Update

**Staff Resource(s):**

John Muth, CATS

**Time:** 10 minutes - Presentation; 20 minutes - Discussion

**Explanation**

- Provide an update on the LYNX Silver Line design.

[LYNX Silver Line Design Update](#)

### 5. Regional Transit Plan Update

**Staff Resource(s):**

John Muth, CATS

**Time:** 10 minutes - Presentation; 20 minutes - Discussion

**Explanation**

- Provide an update on the Regional Transit Plan.

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

**Staff Resource(s):**

Marie Harris, Strategy and Budget

**Time:** 5 minutes

**Synopsis**

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

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

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

*Call to Order*

*Introductions*

*Invocation*

*Pledge of Allegiance*

## **PUBLIC FORUM**

### **8. Public Forum**

**9. Consent agenda items 30 through 54 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 residents signed up to speak to the item.

## **AWARDS AND RECOGNITIONS**

### **10. Charlotte Fire Prevention Month Proclamation**

**Action:**

Mayor Lyles will read a proclamation recognizing October 2019 as Charlotte Fire Prevention Month.

### **11. Domestic Violence Awareness Month**

**Action:**

Mayor Lyles will read a proclamation recognizing October 2019 as Domestic Violence Awareness Month.

### **12. Dwayne L. Collins Day Proclamation**

**Action:**

Mayor Lyles will read a proclamation recognizing October 14, 2019, as Dwayne L. Collins Day.

### **13. Dyslexia Awareness Month**

**Action:**

Mayor Lyles will read a proclamation recognizing October 2019 as Dyslexia Awareness Month.

### **14. Indigenous Peoples' Day**

**Action:**

Mayor Lyles will read a proclamation recognizing October 14, 2019, as Indigenous Peoples' Day.

## PUBLIC HEARING

### 15. Public Hearing on Amending Chapter 11 - Housing Ordinance

**Action:**

- A. Conduct a Public Hearing on proposed updates to City Code of Ordinances Chapter 11 (Housing Code), and
- B. Approve amendments to the Housing Code.

**Committee Chair:**

Justin Harlow, Neighborhood Development Committee

**Staff Resource(s):**

Sabrina Joy-Hogg, City Manager's Office  
Anna Schleunes, City Attorney's Office  
Pamela Wideman, Housing and Neighborhood Services

**Current Ordinance**

- City Council adopted the most recent version of the Housing Code on January 14, 2008.
- Since then, the city has continued to identify opportunities to strengthen its ability to ensure that all dwellings meet minimum standards. Based on current issues and challenges, the Mayor requested a review of the Housing Ordinance.

**Proposed Changes**

- The Neighborhood Development Committee's recommendations are:
  - Revise potentially conflicting language,
  - Enhance civil penalties, and
  - Strengthen Minimum Standards of Fitness.
- The proposed changes in civil penalties include an increase from \$100 the first day after non-compliance and \$10 each additional day, to \$100 per day beginning the day after non-compliance.
- Standards of Fitness for Places of Habitation will be strengthened by adding provisions regarding items such as: space and use (interior doors and door hardware), light and ventilation, plumbing, heating facilities, structural, property maintenance for cabinetry and clothes dryers, and requiring existing cooling systems to be operational and maintained.
- The proposed effective date of these amendments is January 1, 2020.

**Committee Discussion**

- In March 2019, the Neighborhood Development Committee received a referral to review the Housing Code. Over the span of five committee meetings, the committee reviewed best practices, current issues, and trend data to develop proposed changes to the ordinance.
- Community feedback was solicited and considered throughout the entire process. The committee meeting scheduled for July was deferred to September to allow for additional time for community review and stakeholder feedback. Community engagement included six community meetings, four meetings with industry and advocate leaders, and online and in-person surveys were conducted.
- On September 18, 2019, the Neighborhood Development Committee voted 3-1 (Harlow, Driggs, Newton, voted FOR; Winston, voted AGAINST; Egleston, not present) to forward the proposed Housing Code changes to full Council for review and approval.

**Attachment(s)**

Housing Ordinance redline

[Chapter 11 HOUSING Redline for RCA](#)



## 16. Public Comment on the Streets Map

### **Action:**

**Receive public comments on the Streets Map.**

### **Committee Chair:**

Julie Eiselt, Transportation and Planning

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

Liz Babson, Transportation

Johanna Quinn, Transportation

### **Explanation**

- The Streets Map is a key implementation tool for the Transit-Oriented Development (TOD) Zoning Ordinance, which was adopted by City Council on April 15, 2019.
- The Streets Map sets the vision for the public realm within TOD by assigning street classifications and setting ultimate curb locations for complete streets in the TOD areas around the Blue Line.
- Street classification and curb location are used to determine design requirements such as setbacks, building placement, streetscapes, and other key design elements related to street frontages, providing predictability, consistency, and clarity for development.
- Until the Streets Map is adopted, TOD districts rely on area plans, some of which do not include Charlotte's most recently adopted complete street design policies.
- The Streets Map will also form the basis for the design of capital projects along streets.

### **Background**

- The Streets Map is intended to complement the adopted TOD Ordinance to create safe and comfortable complete streets for all users and to provide multi-modal access to transit stations and the destinations around those stations.
- The information on the Streets Map reflects previously-adopted policies from the Urban Street Design Guidelines (USDG), the Transportation Action Plan, Charlotte WALKS, and Charlotte BIKES.
- The Streets Map includes recommendations for the cross section of each arterial street in TOD around the Blue Line. These recommendations include number of lanes, bicycle facilities, and on-street parking and center space where applicable.

### **Community Input**

- The Streets Map incorporates significant public comment from previously-adopted City Council policies. Thousands of people commented during the adoption of USDG, TAP, Charlotte WALKS (adopted 2017), and Charlotte BIKES (adopted 2017).
- Information about the Streets Map has been provided across the City to community and advocacy groups including the Bicycle Advisory Committee, the Ordinance Advisory Committee (OAC), Town Halls, and Biketoberfest 2018.
- Staff have also met with the broader community as part of the TOD Zoning Alignment, attending all property owner and community meetings. The TOD Zoning Alignment and Streets Map are two key implementation tools for the recently adopted TOD districts.
- A Streets Map Stakeholder Group was formed to address questions from the OAC and to have a more in-depth conversation about the Streets Map. The Stakeholders were made up of developer and advocacy group representatives and met a total of three times.
- The Streets Map is available at <https://charlottenc.gov/Projects/Pages/StreetsMap.aspx>. The city collected public comments about the map June through September.

### **Transportation and Planning Committee Discussion**

- The Streets Map was presented to the Transportation and Planning Committee on July 22 and September 23, 2019. At the meeting on September 23, 2019, the Committee voted to recommend that the Streets Map be presented to full City Council for public comment.
- During the City Council Strategy Session on October 7, 2019, information was provided about the

Streets Map including the content, development, and application of the Streets Map to TOD.

**Next Steps**

- The Streets Map will be presented to City Council for adoption at the Business Meeting on October 28, 2019.

## 17. Public Hearing on a Resolution to Close the Unopened Alleyway off West Palmer Street and West Carson Boulevard

### Action:

- A. Conduct a Public Hearing to close the unopened alleyway off West Palmer Street and West Carson Boulevard, and
- B. Adopt a Resolution to close the unopened alleyway off West Palmer Street and West Carson Boulevard.

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

Liz Babson, Transportation

Casey Mashburn, Transportation

### **Explanation**

- North Carolina General Statute 160A-299 outlines the procedure for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way and attaches it to the adjacent property.
- The attached resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.
- The unopened alleyway off West Palmer Street and West Carson Boulevard is located in Council District 3.

### **Petitioner**

BOULEVARD REAL ESTATE ADVISORS LLC

### **Right-of-Way to be Abandoned**

The unopened alleyway off West Palmer Street and West Carson Boulevard.

### **Reason**

The abandonment of the alley will facilitate the redevelopment of certain parcels of land that abut the alley as a residential community.

### **Notification**

As part of the city's notification process, and in compliance with North Carolina General Statute 160A-299, the Charlotte Department of Transportation submitted this abandonment petition for review by the public and city departments.

### Adjoining property owner(s)

Dickerson Realty Florida, Inc. - No objections

Jim Griffin Roofing Company, Inc. - No objections

Lillian W. Griffin, Trustee of the Lillian W Griffin Revocable Trust - No objections

South End Gold, LLC - No objections

### Neighborhood/Business Association(s)

None

### Private Utility Companies

No objections

### City Departments

- Review by city departments identified no apparent reason this closing would:

- Be contrary to the public interest;
- Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to their property as outlined in the statutes; and
- Be contrary to the adopted policy to preserve existing rights-of-way for connectivity.

**Attachment(s)**

Map

Resolution

[Alleyway off W Palmer and W Carson Map](#)

[Resolution to Close Unopened Alleyway Off W. Palmer and W. Carson](#)

## 18. Public Hearing on a Resolution to Close the Unopened Alleyway off South Tryon Street and Hawkins Street

### Action:

- A. Conduct a Public Hearing to close the unopened alleyway off South Tryon Street and Hawkins Street, and
- B. Adopt a Resolution to close the unopened alleyway off South Tryon Street and Hawkins Street.

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

Liz Babson, Transportation  
Casey Mashburn, Transportation

### **Explanation**

- North Carolina General Statute 160A-299 outlines the procedure for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way and attaches it to the adjacent property.
- The attached resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.
- The unopened alleyway off South Tryon Street and Hawkins Street is located in Council District 3.

### **Petitioner**

Common Square Development LLC

### **Right-of-Way to be Abandoned**

The unopened alleyway off South Tryon Street and Hawkins Street.

### **Reason**

The future development will not require this alley. Access to the future development will be from South Tryon Street and West Boulevard.

### **Notification**

As part of the city's notification process, and in compliance with North Carolina General Statute 160A-299, the Charlotte Department of Transportation submitted this abandonment petition for review by the public and city departments.

### Adjoining property owner(s)

Common Square Development LLC - No objections  
Mecklenburg County - No objections

### Neighborhood/Business Association(s)

None

### Private Utility Companies

No objections

### City Departments

- Review by city departments identified no apparent reason this closing would:
  - Be contrary to the public interest;
  - Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to their property as outlined in the statutes; and

- Be contrary to the adopted policy to preserve existing rights-of-way for connectivity.

**Attachment(s)**

Map

Resolution

[Hawkins Alley Map](#)

[Resolution to Close Unopened Alleyway Off S. Tryon and Hawkins](#)

## 19. Public Hearing on a Resolution to Close a Portion of Auten Street

### Action:

- A. Conduct a Public Hearing to close a portion of Auten Street, and
- B. Adopt a Resolution to close a portion of Auten Street.

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

Liz Babson, Transportation  
Casey Mashburn, Transportation

### **Explanation**

- North Carolina General Statute 160A-299 outlines the procedure for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from the public right-of-way and attaches it to the adjacent property.
- The attached resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.
- The portion of Auten Street is located in Council District 2.

### **Petitioner**

Larry A. Griffin, JR and West End Investments-Charlotte, LLC

### **Right-of-Way to be Abandoned**

A portion of Auten Street.

### **Reason**

The right-of-way is not being used by the city nor does it provide necessary access or limits any connectivity of public streets in the area.

### **Notification**

As part of the city's notification process, and in compliance with North Carolina General Statute 160A-299, the Charlotte Department of Transportation submitted this abandonment petition for review by the public and city departments.

### Adjoining property owner(s)

Larry A. Griffin, JR - No objections

### Neighborhood/Business Association(s)

None

### Private Utility Companies

No objections

### City Departments

- Review by city departments identified no apparent reason this closing would:
  - Be contrary to the public interest;
  - Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to their property as outlined in the statutes; and
  - Be contrary to the adopted policy to preserve existing rights-of-way for connectivity.

### **Attachment(s)**

Map

Resolution

[Auten St Abandonment Map](#)

[Resolution to Close a portion of Auten Street](#)



## 20. Public Hearing on a Resolution to Close a Portion of Darby Avenue

### Action:

- A. Conduct a Public Hearing to close a portion of Darby Avenue, and**
- B. Adopt a Resolution to close a portion of Darby Avenue.**

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

Liz Babson, Transportation  
Casey Mashburn, Transportation

### **Explanation**

- North Carolina General Statute 160A-299 outlines the procedure for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from the public right-of-way and attaches it to the adjacent property.
- The attached resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.
- This portion of Darby Avenue is located in Council District 2.

### **Petitioner**

O'Leary Group Business Park, LLC

### **Right-of-Way to be Abandoned**

A portion of Darby Avenue.

### **Reason**

The abandonment of the portion of Darby Avenue will facilitate the redevelopment of certain parcels of land that abut the portion of Darby Avenue.

### **Notification**

As part of the city's notification process, and in compliance with North Carolina General Statute 160A-299, the Charlotte Department of Transportation submitted this abandonment petition for review by the public and city departments.

### Adjoining property owner(s)

O'Leary Group Business Park, LLC - No objections

### Neighborhood/Business Association(s)

None

### Private Utility Companies

No objections

### City Departments

- Review by city departments identified no apparent reason this closing would:
  - Be contrary to the public interest;
  - Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to their property as outlined in the statutes; and
  - Be contrary to the adopted policy to preserve existing rights-of-way for connectivity.

### **Attachment(s)**

Map

Resolution

[Darby Avenue Abandonment Map](#)

[Resolution to Close a portion of Darby Avenue](#)

## 21. Public Hearing on a Resolution to Close a Portion of Right-of-Way Along Parkwood Avenue

### Action:

- A. Conduct a Public Hearing to close a portion of right-of-way along Parkwood Avenue, and
- B. Adopt a Resolution to close a portion of right-of-way along Parkwood Avenue.

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

Liz Babson, Transportation

Casey Mashburn, Transportation

### **Explanation**

- North Carolina General Statute 160A-299 outlines the procedure for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way and attaches it to the adjacent property.
- The attached resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.
- The portion of right-of-way along Parkwood Avenue is located in Council District 1.

### **Petitioner**

Parkwood Holdings LLC

### **Right-of-Way to be Abandoned**

A portion of the public right-of-way along Parkwood Avenue.

### **Reason**

The abandonment will allow for the straightening of this portion of right-of-way along Parkwood Avenue for development.

### **Notification**

As part of the city's notification process, and in compliance with North Carolina General Statute 160A-299, the Charlotte Department of Transportation submitted this abandonment petition for review by the public and city departments.

### Adjoining property owner(s)

Parkwood Holdings LLC - No objections

### Neighborhood/Business Association(s)

None

### Private Utility Companies

No objections

### City Departments

- Review by city departments identified no apparent reason this closing would:
  - Be contrary to the public interest;
  - Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to their property as outlined in the statutes; and
  - Be contrary to the adopted policy to preserve existing rights-of-way for connectivity.

### **Attachment(s)**

Map

Resolution

[Parkwood Abandonment Map](#)

[Resolution to Close a portion of right-of-way along Parkwood Avenue](#)

## POLICY

### 22. Municipal Service District Property Owner Engagement Policy

**Action:**

**Adopt the Municipal Service District Property Owner Engagement Policy**

**Committee Chair:**

Greg Phipps, Budget and Effectiveness

**Staff Resource(s):**

Sabrina Joy-Hogg, City Manager's Office

Phil Reiger, Strategy and Budget

**Explanation**

- During the Fiscal Year 2020 budget approval process, Municipal Service District (MSD) contractors, Charlotte Center City Partners (CCCP) and University City Partners (UCP) requested to increase MSD property tax rates.
- City Council asked the MSD contractors to conduct an ad-hoc survey of property owners in the MSD districts to better understand public sentiment on the proposed increases.
- To address the issue for future consideration, the Budget and Effectiveness Committee (Committee) was charged with providing policy guidance on developing a formal process for property owner engagement when considering a requested MSD tax increase.
- Peer city comparisons were conducted to evaluate property owner engagement best practices.
- The proposed policy has been developed in collaboration with and agreement of both CCCP and UCP.
- The property owner engagement process in the proposed policy requires the following:
  - All requests to increase MSD taxes submitted in writing,
  - Notice of opportunities for feedback provided to all property owners and tenants within the district(s), and
  - Results of the engagement process provided to City Council as a part of the budget process to inform decisions on a requested MSD tax increase.
- The policy also ensures that MSD tax rate requests are completed in a timeframe consistent with the budget development timeline.

**Committee Discussion**

- In June 2019, the Committee received a referral to provide guidance on policy that ensures property owner and tenant engagement regarding MSD tax rate increase requests.
- On June 24 and July 22, 2019, the Committee reviewed the legal framework, history of existing MSDs, peer city research data, and collaborative input from CCCP and UCP.
- On September 17, 2019, the Committee reviewed the draft policy and voted unanimously (all committee members present) to recommend the policy to full Council.

**Attachment(s)**

Municipal Service District Property Owner Engagement Policy

[MSD Policy Property Owner Engagement](#)

### 23. City Manager's Report

## **BUSINESS**

## 24. Amended and Restated Interlocal Cooperation Agreement and Memorandum of Agreement - Brooklyn Village

### Action:

Adopt a resolution authorizing the City Manager to execute:

- An amended and restated Brooklyn Village Interlocal Cooperation Agreement between the City of Charlotte and Mecklenburg County that preserves the city's leverage for the development of affordable housing in the redevelopment plans for Brooklyn Village, and
- An amended and restated Brooklyn Village Memorandum of Agreement among the City of Charlotte, Mecklenburg County, and the Charlotte Housing Authority.

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

Pamela Wideman, Housing and Neighborhood Services

### **Explanation**

- In 2007, the city conveyed Marshall Park to Mecklenburg County to facilitate redevelopment of Brooklyn Village and the inclusion of affordable housing units. In return, Mecklenburg County conveyed land to the city to facilitate development of Knights Stadium, now known as BB&T Ballpark.
- The implementation of affordable housing and the terms by which the existing Marshall Park property is included in the Brooklyn Village redevelopment plans is specified in the Interlocal Cooperation Agreement between Mecklenburg County and the City of Charlotte (Interlocal Agreement), as well as the Memorandum of Agreement (MOA) among the city, Mecklenburg County, and the Charlotte Housing Authority.
- The current Interlocal Agreement contains a reversion option to convey Marshall Park back to the city at no cost if the county fails to sell the property to a developer by December 31, 2019. The city must make the request by April 1, 2020.
- In 2018, Mecklenburg County, with the assistance, support, and knowledge of the city, entered into a Master Redevelopment Agreement with BK Partners, LLC, to serve as master developer of Brooklyn Village.
- An updated Interlocal Agreement and MOA are necessary to preserve the city's leverage for affordable housing on the Brooklyn Village site while providing sufficient time to implement the development. The city, Mecklenburg County, and the Charlotte Housing Authority have worked in good faith to amend the terms of the Interlocal Agreement and MOA to reflect the current development plan.
- The Interlocal Agreement has been revised to extend the time Mecklenburg County has to sell any portion of the existing Marshall Park property to BK Partners, LLC from December 31, 2019, to December 31, 2029. If none of the Marshall Park property is sold by the County to the developer by that time, the city can request that Marshall Park be conveyed back to the city at no cost.
- The developer has agreed to provide a minimum of 114 housing units to households earning up to 80 percent of the area median income (AMI). A minimum of 35 of these housing units will be made available to households earning up to 60 percent of AMI; the remaining affordable units will be available to households earning 61 percent to 80 percent of AMI. The MOA has been revised to:
  - Reflect that a minimum of 35 housing units will be made available to households with tenant-based Housing Choice Vouchers for households earning up to 60 percent of the AMI. The previous MOA involved vouchers for 30 housing units for those households earning up to 80 percent of AMI, and
  - Include a provision that ensures a deed restriction will be placed on the below 60 percent AMI units for a term of at least 30 years.
- The Mecklenburg County Board of Commissioners approved a similar action on June 18, 2019.

### **Attachment(s)**

Resolution

Amended and Restated Brooklyn Village Interlocal Cooperation Agreement  
Amended and Restated Brooklyn Village Memorandum of Agreement

[2019 Brooklyn Village Resolution](#)

[Amended and Restated Brooklyn Village Interlocal Cooperation Agreement \(6-18-19\)](#)

[Brooklyn Village Amended and Restated Memorandum of Agreement \(6-18-19\)](#)

## 25. Interlocal Agreement for Ashe Plantation Wastewater Treatment Plant

### **Action:**

**Adopt a resolution ratifying an interlocal agreement with Union County to provide wastewater treatment services to the Ashe Meadows development.**

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

David Czerr, Charlotte Water  
Jackie Jarrell, Charlotte Water  
Keri Cantrell, Charlotte Water

### **Explanation**

- This interlocal agreement between Union County and the city will provide sanitary sewer connection and wastewater treatment for the Ashe Meadows development, located in Union County and within the service area of the Ashe Plantation Wastewater Treatment Plant, located in the Town of Mint Hill (adjacent to Council District 5).
- Union County will be charged for this service at the current retail volumetric sanitary sewer rate and will be invoiced monthly for usage.
- The agreement shall be of perpetual duration and may be terminated by mutual agreement of both parties.

### **Attachment(s)**

Resolution

[Resolution-Interlocal Agreement to Provide Sanitary Sewer Service in the Ashe Plantation Wastewater](#)



## 26. U.S. Department of Justice FY 2019 Edward Byrne Memorial Justice Assistance Grant

**Action:**

**Authorize the Mayor to accept a four-year, FY 2019 Edward Byrne Memorial Justice Assistance Grant in the amount of \$564,275 from the U.S. Department of Justice.**

**Staff Resource(s):**

Kerr Putney, Police

Coerte Voorhees, Police

Morgan Parks, Police

**Explanation**

- The Charlotte-Mecklenburg Police Department (CMPD) often applies for grants to fund programs and expenses that support the approved operating budget.
- Each year, the city applies for and receives the Edward Byrne Memorial Justice Assistance Grant.
- According to grant parameters, the city must accept the grant award by November 3, 2019, to receive the funding.
- The grant will fund overtime for neighborhood patrols and crime lab staff and the Police Cadet Program.
- The grant requires that Mecklenburg County receive 25 percent of the total award as a law enforcement partner.
- The city's share of the funding will be \$423,206; Mecklenburg County will receive \$141,069.
- The grant is for a four-year term from October 1, 2018, to September 30, 2022.
- No matching contribution from the city is required.

**Fiscal Note**

Funding: General Grants Fund

## 27. U.S. Department of Justice FY 2019 Sexual Assault Kit Initiative Grant

**Action:**

**Authorize the Mayor to accept a three-year, FY 2019 Sexual Assault Kit Initiative grant in the amount of \$1,494,054 from the U.S. Department of Justice.**

**Staff Resource(s):**

Kerr Putney, Police  
Muriel Hughes, Police  
Morgan Parks, Police

**Explanation**

- The Charlotte-Mecklenburg Police Department (CMPD) often applies for grants to fund work beyond what is programmed in the operating budget.
- CMPD has been awarded a Fiscal Year 2019 Sexual Assault Kit Initiative (SAKI) grant from the U.S. Department of Justice, Bureau of Justice Assistance (BJA).
- According to the grant parameters, the city must accept the grant award by November 2, 2019, to receive funding.
- This grant will provide funds to maintain the components of the BJA Model established with the FY 2016 SAKI grant received by CMPD, including continuing to fund one-full time Site Coordinator to serve as the point of contact for the multidisciplinary working group and track progress of secondary evidence testing, one full-time Sexual Assault Victim Advocate to provide resources to victims of sexual assault, one full-time DNA Criminalist, two part-time detectives, and evidence testing services.
- The grant is for a three-year term from October 1, 2019, through September 30, 2022.
- No matching contribution from the city is required.

**Fiscal Note**

Funding: General Grants Fund

## 28. Private Developer Agreement for Little Sugar Creek Tributary

### Action:

- A. Approve a developer agreement with Parkstone South, LLC for curb, gutter, and sidewalk improvements, and
- B. Adopt a budget ordinance appropriating \$56,000 in private developer funds for curb, gutter, and sidewalk improvements.

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

David Czerr, Charlotte Water

Ron Hargrove, Charlotte Water

Carl Wilson, Charlotte Water

### **Explanation**

- This developer agreement accomplishes city goals and reduces redundant work in the area by providing \$56,000 to cover the costs of Charlotte Water constructing sidewalk and road side drainage and making landscaping improvements along Glenkirk Road (Council District 6).
- Charlotte Water is already restoring the area as part of the Little Sugar Creek Tributary to Fairview Road Sanitary Sewer Improvements project. In lieu of constructing improvements required by the city, Parkstone South, LLC is contributing funds, equivalent to the cost of the improvements, for Charlotte Water to construct the improvements.
- The developer's contribution is based on cost estimates prepared by Planning, Design, and Development.

### **Fiscal Note**

Funding: Private Developer Contribution

### **Attachment**

Map

Budget Ordinance

[Appropriate Private Developer Funds Map](#)

[Budget Ordinance](#)

## 29. Mayor and City Council Topics

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

## CONSENT

### 30. Reflective Roadway and Runway Marking Material

**Action:**

- A. Approve a unit price contract to the lowest responsive bidder Swarco Industries, LLC for the purchase of reflective glass beads for an initial term of three years, and**
- B. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

**Staff Resource(s):**

Brent Cagle, Aviation  
Ervin Rathbone, Aviation  
Liz Babson, Transportation  
Bryan Tarlton, Transportation

**Explanation**

- Reflective glass beads are used to mark roadways and runways for higher visibility.
- On July 29, 2019, the city issued an Invitation to Bid; two bids were received.
- Swarco Industries, LLC was selected as the lowest responsive, responsible bidder.
- Total annual expenditures are estimated to be \$108,000.

**Charlotte Business INClusion**

Per Charlotte Business INClusion Policy: Part C: Section 2.1(a) The city shall not establish Subcontracting Goals for Contracts where: (a) there are not subcontracting opportunities identified for the Contract; or (b) there are no SBEs or MBEs certified to perform the scopes of work that the city regards as realistic opportunities for subcontracting.

This contract meets the provisions of (a) - No subcontracting opportunities.

**Fiscal Note**

Funding: Aviation Operating Budget and Department of Transportation Operating Budget

## 31. Construct Newell South Neighborhood Improvement Project

### **Action:**

**Approve a contract in the amount of \$1,594,043 to the lowest responsive bidder United Construction Company, Inc. for the Newell South Neighborhood Improvement Project.**

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

Mike Davis, General Services

Mark Grimshaw, General Services

### **Explanation**

- This project will construct approximately 1.5 miles of new sidewalk on Owen Boulevard, Creekstone Place, Blue Rock Drive, Rockland Drive, and Gray Drive in Council District 4.
- An eight-foot wide sidewalk connection that is approximately 800 feet will be constructed along Rockland Drive from the Toby Creek Greenway connection to Autumnwood Lane.
- On August 26, 2019, the city issued an Invitation to Bid; five bids were received.
- United Construction Company, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by fourth quarter 2020.

### **Charlotte Business INclusion**

Established SBE Goal: 17.00%

Committed SBE Goal: 24.03%

United Construction Company, Inc. exceeded the established SBE subcontracting goal, and has committed 24.03% (\$383,000) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Carolina Cajun Concrete, Inc. (SBE) (\$271,000) (concrete, excavation, utility)
- R.R.C. Concrete Inc (SBE, MBE) (\$82,000) (concrete)
- Streeter Trucking Company, Inc. (SBE, MBE) (\$30,000) (hauling)

Established MBE Goal: 7.00%

Committed MBE Goal: 7.03%

United Construction Company, Inc. met the established MBE subcontracting goal, and has committed 7.03% (\$112,000) 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) (\$82,000) (concrete)
- Streeter Trucking Company, Inc. (SBE, MBE) (\$30,000) (hauling)

### **Fiscal Note**

Funding: General Capital Investment Plan

### **Attachment(s)**

Map

[Location Map - Construct Newell South Neighborhood Improvement Project](#)

## 32. Construct 25th Street Extension Project

### **Action:**

**Approve a contract in the amount of \$4,445,241.63 to the lowest responsive bidder Sealand Contractors Corp. for the 25th Street Extension Project.**

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

Mike Davis, General Services  
Tom Russell, General Services  
Sharon Buchanan, General Services

### **Explanation**

- This project is part of the North East Corridor Infrastructure program and will include construction of a bridge over Little Sugar Creek extending 25th Street and improving connectivity to the LYNX Blue Line 25th Street Station in Council District 1.
- Work will include curb, gutter, sidewalk, planting strips, street lighting, and street trees.
- On August 20, 2019, the city issued an Invitation to Bid; four bids were received.
- Sealand Contractors Corp. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by first quarter 2021.

### **Charlotte Business INclusion**

Established SBE Goal: 14.00%

Committed SBE Goal: 14.00%

Sealand Contractors Corp. met the established SBE subcontracting goal, and has committed 14.00% (\$622,337.20) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Cesar A. Leon L.L.C. (SBE, MBE) (\$88,905) (hauling)
- Diamond Trucking of NC Inc (SBE, MBE) (\$88,905) (hauling)
- Streeter Trucking Company, Inc. (SBE, MBE) (\$88,905) (hauling)
- R C Hauling, Inc. (SBE) (\$85,025) (hauling)
- On Time Construction, Inc. (SBE) (\$84,998) (concrete, masonry)
- AMP Utility Distribution Services, LLC (SBE) (\$68,960) (utility material)
- Maybury Fencing Inc. (SBE) (\$46,900) (fence installation)
- Clear Creek of Salisbury Inc (SBE) (\$36,452.50) (concrete)
- Habitat Assessment & Restoration Program, Inc. (SBE) (\$19,131) (landscaping)
- Striping Concepts, LLC (SBE) (\$14,155.70) (pavement markings)

Established MBE Goal: 6.00%

Committed MBE Goal: 6.00%

Sealand Contractors Corp. met the established MBE subcontracting goal, and has committed 6.00% (\$266,715) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Cesar A. Leon L.L.C. (SBE, MBE) (\$88,905) (hauling)
- Diamond Trucking of NC Inc (SBE, MBE) (\$88,905) (hauling)
- Streeter Trucking Company, Inc. (SBE, MBE) (\$88,905) (hauling)

### **Fiscal Note**

Funding: General Capital Investment Plan

### **Attachment(s)**

Map

[Location Map - Construct 25th Street Extension Project](#)

### 33. Construct Storm Water Repairs and Improvements

**Action:**

- A. Approve a contract in the amount of \$4,066,599 to the lowest responsive bidder Onsite Development, LLC for the Storm Water Repairs and Improvements Fiscal Year 2020-C project, and**
- B. Approve a contract in the amount of \$3,891,512 to the lowest responsive bidder Onsite Development, LLC for the Storm Water Repairs and Improvements Fiscal Year 2020-D project.**

**Staff Resource(s):**

Kruti Desai, General Services  
Susan Tolan, General Services

**Explanation**

- These contracts are part of an ongoing program to provide repairs and/or improvements to storm drainage systems.
- Approximately 25 projects may be constructed within a contract term that may not exceed 24 months. The number of projects may vary depending on the nature and extent of the repairs constructed.

Action A

- On August 26, 2019, the city issued an Invitation to Bid; three bids were received.
- Onsite Development, LLC was selected as the lowest responsive, responsible bidder.

Action B

- On August 26, 2019, the city issued an Invitation to Bid; three bids were received.
- Onsite Development, LLC was selected as the lowest responsive, responsible bidder.

**Charlotte Business INclusion**Action A:

Established SBE Goal: 19.00%

Committed SBE Goal: 19.10%

Onsite Development, LLC has identified SBEs on its project team, and for each work order issued committed 19.10% of the total contract amount to the following certified firms:

- Affordable Source Trucking, LLC (SBE, MBE) (hauling)
- AMP Utility Distribution Services, LLC (SBE) (materials)
- Combs Tree Service LLC (SBE) (tree removal)
- JV Trucking, LLC (SBE) (hauling)
- LJR Concrete LLC(SBE) (concrete)
- MTS Trucking Inc. (SBE, MBE) (hauling)
- R.R.C. Concrete Inc. (SBE, MBE) (concrete)
- Solanos Trucking Company. Inc. (SBE) (hauling)
- Tony's Trucking Inc. (SBE, MBE) (hauling)

Established MBE Goal: 8.00%

Committed MBE Goal: 8.10%

Onsite Development, LLC has identified MBEs on its project team, and for each work order issued committed 8.10% 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)
- Tony's Trucking Inc. (SBE, MBE) (hauling)

Action B:

Established SBE Goal: 19.00%

Committed SBE Goal: 19.10%

Onsite Development, LLC has identified SBEs on its project team, and for each work order issued committed 19.10% of the total contract amount to the following certified firms:

- Affordable Source Trucking, LLC (SBE, MBE) (hauling)
- AMP Utility Distribution Services, LLC (SBE) (materials)
- Combs Tree Service LLC (SBE) (tree removal)
- JV Trucking, LLC (SBE) (hauling)
- LJR Concrete LLC(SBE) (concrete)
- MTS Trucking Inc. (SBE, MBE) (hauling)
- R.R.C. Concrete Inc. (SBE, MBE) (concrete)
- Solanos Trucking Company. Inc. (SBE) (hauling)
- Tony's Trucking Inc. (SBE, MBE) (hauling)

Established MBE Goal: 8.00%

Committed MBE Goal: 8.10%

Onsite Development, LLC has identified MBEs on its project team, and for each work order issued committed 8.10% 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)
- Tony's Trucking Inc. (SBE, MBE) (hauling)

**Fiscal Note**

Funding: Storm Water Capital Investment Plan



## 34. Construct Folger Drive Storm Drainage Improvement Project

### **Action:**

**Approve a contract in the amount of \$1,507,110 to the lowest responsive bidder Zoladz Construction Co., Inc. for the 6423 Folger Drive Storm Drainage Improvement project.**

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

Kruti Desai, General Services  
Stewart Edwards, General Services

### **Explanation**

- This project will address aging storm drainage systems along Folger Drive in the Lansdowne Neighborhood in Council District 6.
- This project will replace approximately 1,750 linear feet of storm drainage pipe and associated sanitary sewer, water main, paving, curb, gutter, and driveways.
- On August 20, 2019, the city issued an Invitation to Bid; five bids were received.
- Zoladz Construction Co., Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by fourth quarter 2020.

### **Charlotte Business INclusion**

Established SBE Goal: 16.00%

Committed SBE Goal: 16.03%

Zoladz Construction Co., Inc. met the established SBE subcontracting goal, and has committed 16.03% (\$241,570) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Diamond Trucking of NC Inc (SBE, MBE) (\$120,570) (hauling)
- Trull Contracting, LLC (SBE) (\$75,000) (asphalt paving)
- R.R.C. Concrete Inc (SBE, MBE) (\$46,000) (concrete)

Established MBE Goal: 8.00%

Committed MBE Goal: 11.05%

Zoladz Construction Co., Inc. exceeded the established MBE subcontracting goal, and has committed 11.05% (\$166,570) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Diamond Trucking of NC Inc (SBE, MBE) (\$120,570) (hauling)
- R.R.C. Concrete Inc (SBE, MBE) (\$46,000) (concrete)

### **Fiscal Note**

Funding: Storm Water Capital Investment Plan

### **Attachment(s)**

Map

[Location Map - Construct Folger Drive Storm Drainage Improvement Project](#)

## 35. Wastewater Master Plan

### Action:

- A. **Approve a contract for up to \$1,600,000 with HDR Engineering Inc. of the Carolinas for the wastewater master plan, and**
  
- B. **Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.**

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

David Czerr, Charlotte Water  
Jackie Jarrell, Charlotte Water  
Keri Cantrell, Charlotte Water

### **Explanation**

- This contract will provide a wastewater master plan, which is a system-wide effort to create a framework and long-term investment roadmap for wastewater collection and treatment needs.
- This plan will provide strategic vision and prioritization of capital projects ensuring efficient and cost-effective project delivery of both existing and new projects and programs. The plan will implement innovative tools to aid in improving system performance, continuing to meet regulatory requirements, and serving system-wide growth and development.
- On May 23, 2019, the city issued a Request for Qualifications (RFQ); three responses were received.
- HDR Engineering Inc. of the Carolinas is the best qualified firm to meet the city's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- The project is anticipated to be complete by fourth quarter 2020.

### **Charlotte Business INclusion**

The city negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1 (h) of the Charlotte Business INclusion Policy). HDR Engineering Inc. of the Carolinas has committed 11.25% (\$180,000) of the total contract amount to the following certified firms:

- Gavel & Dorn Engineering, PLLC (SBE) (\$145,000) (flow monitoring, hydraulic monitoring support)
- CriTek Engineering Group, P.C. (SBE, MBE) (\$35,000) (field data analysis)

### **Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

## 36. Fiscal Year 2020 Water and Sanitary Sewer Service Installations

### **Action:**

**Approve unit price contract in the amount of \$3,497,164 to the lowest responsive bidder State Utility Contractors, Inc. for water and sanitary sewer service installations.**

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

David Czerr, Charlotte Water  
Jackie Jarrell, Charlotte Water  
Keri Cantrell, Charlotte Water

### **Explanation**

- This contract is for water and sanitary sewer service installations throughout Charlotte Water's service area.
- New service installation includes connecting to the existing public main, which extends a small diameter line to the property and includes a water meter box or sewer clean out.
- Customers pay connection fees for the installation service, which are based on costs incurred by Charlotte Water in these contracts.
- The work covered by this contract will provide approximately 800 total service connections annually.
- Charlotte Water outsources most new water and sanitary sewer service installations to ensure timely service.
- On September 10, 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 September 18, 2019, the city issued an Invitation to Bid; two bids were received.
- State Utility Contractors, Inc. was selected as the lowest responsive, responsible bidder.

### **Charlotte Business INClusion**

Per Charlotte Business INClusion Policy: Part B: Section 2.3, the city shall not establish Subcontracting Goals for Contracts where: (a) there are not subcontracting opportunities identified for the Contract; or (b) there are no SBEs or MBEs certified to perform the scopes of work that the city regards as realistic opportunities for subcontracting.

This contract meets the provisions of (a) - No subcontracting opportunities.

### **Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

## 37. Six Mile Creek Pump Station Improvements Construction

### **Action:**

**Approve a guaranteed maximum price of \$4,257,600 to State Utility Contractors, Inc. for Design-Build Phase 2 construction services for the Six Mile Creek Pump Station Improvements project.**

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

David Czerr, Charlotte Water  
Ron Hargrove, Charlotte Water  
Carl Wilson, Charlotte Water

### **Explanation**

- State Utility Contractors, Inc. has developed a guaranteed maximum price (GMP) for the procurement and replacement of all four pumps and the construction of other various improvements at the Six Mile Creek Pump Station, which serves the southern part of Mecklenburg County (Council District 7) and a portion of Union County.
- These improvements will rehabilitate and replace critical components at the Six Mile Creek Pump Station to enhance the reliability of the station.
- On January 14, 2019, Council approved a contract with State Utility Contractors, Inc. for Design-Build Phase 1 design services. Based on the design, a GMP for construction services was developed.
- The project is anticipated to be complete by third quarter 2020.

### **Charlotte Business INclusion**

The City negotiates participation for Design-Build contracts after the firm is selected and scopes of work are defined for design and construction services (Part G: Section 2.7 of the Charlotte Business INclusion Policy). State Utility Contractors, Inc. has committed 17.62% (\$750,319) to the following certified firms:

- Smart Electric Company, Inc. (WBE) (\$312,319) (electrical)
- Basinger Contracting Company (SBE) (\$300,000) (mechanical pump installation)
- CITI, LLC (MBE) (\$90,000) (SCADA integration services)
- Painting the Carolinas, LLC (WBE) (\$40,000) (coatings)
- Joel E. Wood & Associates, PLLC (SBE) (\$5,000) (material testing)
- CES Group Engineers, LLP (SBE, WBE) (\$3,000) (surveying, construction staking)

### **Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

### **Attachment(s)**

Map

[Six Mile Map](#)

## 38. Charlotte Water Analytical Laboratory Services

### Action:

- A. Approve unit price contracts with the following companies for analytical laboratory services for an initial term of two years:**
- Pace Analytical Services LLC,
  - Prism Laboratories, Inc.,
  - Eurofins Eaton Analytical LLC, and
- B. Authorize the City Manager to renew the contracts for up to three, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

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

David Czerr, Charlotte Water  
Jackie Jarrell, Charlotte Water

### **Explanation**

- Contracts with these firms will be used to supplement Charlotte Water Laboratory Services during peak workload periods or periods of staffing fluctuations, to address special projects requiring additional testing, and to ensure required testing is performed in a timely manner.
- Charlotte Water conducts extensive and ongoing environmental testing to meet public health and water quality needs.
- On July 1, 2019, the city issued a Request for Proposals (RFP); six responses were received.
- The companies selected best meet the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Total annual expenditures are estimated to be \$500,000.

### **Charlotte Business INclusion**

Prism Laboratories, Inc. is a WBE.

Per Charlotte Business INclusion Policy: Part C: Section 2.1(a) The city shall not establish Subcontracting Goals for Contracts where: (a) there are not subcontracting opportunities identified for the Contract; or (b) there are no SBEs or MBEs certified to perform the scopes of work that the city regards as realistic opportunities for subcontracting.

This contract meets the provisions of (a) - No subcontracting opportunities.

### **Fiscal Note**

Funding: Charlotte Water Operating Budget

## 39. Bond Issuance Approval for Archdale Flats Family Apartments and Archdale Flats Seniors

### Action:

- A. Adopt a resolution granting the Charlotte Housing Authority's request to issue multi-family housing revenue bonds in an amount not to exceed \$21,161,000 to finance the development of Archdale Flats Family Apartments, and**
- B. Adopt a resolution granting the Charlotte Housing Authority's request to issue multi-family housing revenue bonds in an amount not to exceed \$10,672,000 to finance the development of Archdale Flats Seniors Apartments.**

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

Kelly Flannery, Finance

Pamela Wideman, Housing and Neighborhood Services

### **Explanation**

- This action will not obligate the city financially or impact the Capital Investment Plan. The adoption of the resolution is required by the governmental unit with jurisdiction over the area where the development is located, in order to satisfy Section 147(f) of the Internal Revenue Service Code of 1986.
- The Charlotte Housing Authority (CHA) is currently the primary local organization with statutory authority that issues housing revenue bonds. The CHA is requesting that City Council adopt resolutions authorizing the issuance of multi-family housing revenue bonds for the construction of:
  - Archdale Flats Family Apartments, a 202-unit affordable housing development, and
  - Archdale Flats Seniors Apartments, a 131-unit affordable housing development.
- These two developments will create a total of 333 new, affordable units serving households earning between 30 percent and 80 percent of area median income (AMI).
- Elmgton Capital Group, LLC and Horizon Development Properties, Inc., CHA's nonprofit affiliate, are the developers of both communities. Both projects will be located at 330 Archdale Drive in Council District 3.
- The CHA bonds, which are not to exceed \$21,161,000 for the family apartments and \$10,672,000 for the units for seniors, will be used to finance land acquisition and construction.
- The city has made no Housing Trust Fund allocation or other financial investment in these developments.

### **Background**

- In addition to the above referenced multi-family housing revenue bonds, the North Carolina Housing Finance Agency has approved four percent tax credit allocations totaling \$1,284,244 and \$653,568 for the Archdale Flats Family Apartments and Archdale Flats Seniors, respectively.

### **Attachment(s)**

CHA Resolution for Archdale Flats Family

CHA Resolution for Archdale Flats Seniors

City of Charlotte Resolution for Archdale Flats Family

City of Charlotte Resolution for Archdale Flats Seniors

CHA Public Hearing Certificate and Summary for Archdale Flats Family

CHA Public Hearing Certificate and Summary for Archdale Flats Seniors

[Archdale Flats Family-CHA Resolution](#)

[Archdale Flats Seniors-CHA Resolution](#)

[Archdale Flats Family - City Resolution](#)

[Archdale Flats Seniors-City Resolution](#)

[Archdale Flats Family-CHA Public Hearing Certificate and Summary](#)

[Archdale Flats Seniors-CHA Public Hearing Certificate and Summary](#)

## 40. Refund of Property Taxes

### **Action:**

**Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$2,622.61.**

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

Kelly Flannery, Finance

Mark Goodman, Finance

### **Explanation**

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

### **Attachment(s)**

Taxpayers and Refunds Requested

Resolution Property Tax Refunds

[List of Taxpayers](#)

[Resolution](#)

## 41. Meeting Minutes

### **Action:**

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

- **September 16, 2019 Zoning Meeting, and**
- **September 23, 2019 Business Meeting.**

### **Explanation**

- Meeting minutes can be reviewed on the City Clerk's website:
  - <https://charlottenc.gov/CityClerk/Pages/Minutes.aspx>

## PROPERTY TRANSACTIONS

### 42. In Rem Remedy 2128 Roslyn Avenue

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

**Public Purpose:**

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

**Policy:**

- Housing and Neighborhood Development and Community Safety

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

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

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

**Field Observation: (2128 Roslyn Avenue, Council District 2)**

**Action:**

**Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at (2128 Roslyn Avenue) (Neighborhood Profile Area 382).**

**Attachment(s)**

In Rem Packet for (2128 Roslyn Avenue)

[2128 Roslyn Av](#)



### 43. Property Transactions - Camp North End Capital Improvement Project, Parcel #15

**Action:** Approve the following Condemnation: Camp North End Capital Improvement Project, Parcel #15

**Project:** Camp North End Capital Improvement Project, Parcel #15

**Owner(s):** Holly H. Adkisson, Heather H. Rohrer, Hamilton C. Hall and Hope E. Hall

**Property Address:** 1022 Woodward Avenue

**Total Parcel Area:** 57,500 sq. ft. (0.03 ac.)

**Property to be acquired by Easements:** 1,424 sq. ft. (0.033 ac.) Sidewalk Utility Easement, 3,166 sq. ft. (0.073 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** I-2

**Use:** Industrial

**Tax Code:** 079-04-203,

<http://polaris3g.mecklenburqcountync.gov/#mat=4362&pid=07904203&gclid=07904203>

**Appraised Value:** \$19,275

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

**City Response:** The city informed the property owner they could obtain their own appraisal in order to justify a counteroffer.

**Recommendation:** To proceed with the project schedule, the recommendation is to proceed 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

## 44. Property Transactions - Camp North End Capital Improvement Project, Parcel #19

**Action:** Approve the following Condemnation: Camp North End Capital Improvement Project, Parcel #19

**Project:** Camp North End Capital Improvement Project, Parcel #19

**Owner(s):** MQC1, LLC

**Property Address:** 2001 Edison Street

**Total Parcel Area:** 7967 sq. ft. (0.18 ac)

**Property to be acquired by Easements:** 571 sq. ft. (0.013 ac.) Sidewalk Utility Easement, 978 sq. ft. (0.022 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** R-5

**Use:** Single-family Residential

**Tax Code:** 079-04-123,  
<<http://polaris3g.mecklenburqcountync.gov/#mat=66179&pid=07904123&gisid=07904123>>

**Appraised Value:** \$5,475

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

**City Response:** The city informed the property owner they could obtain their own appraisal in order to justify a counteroffer.

**Recommendation:** To proceed with the project schedule, the recommendation is to proceed 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

## 45. Property Transactions - Camp North End Capital Improvement Project, Parcel #20

**Action:** Approve the following Condemnation: Camp North End Capital Improvement Project, Parcel #20

**Project:** Camp North End Capital Improvement Project, Parcel #20

**Owner(s):** A-1 Distributing Company, LLC

**Property Address:** 900 Woodward Avenue

**Total Parcel Area:** 12,621 sq. ft. (0.29 ac.)

**Property to be acquired by Fee:** 628 sq. ft. (0.014 ac.) Fee Simple

**Property to be acquired by Easements:** 1,308 sq. ft. (0.03 ac.) Sidewalk Utility Easement, 1,555 sq. ft. (0.036 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** I-1

**Use:** Industrial

**Tax Code:** 079-06-554,

<http://polaris3g.mecklenburqcountync.gov/#mat=211685&pid=07906554&qisid=07906554>

**Appraised Value:** \$19,050

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

**City Response:** The city informed the property owner they could obtain their own appraisal in order to justify a counteroffer.

**Recommendation:** To proceed with the project schedule, the recommendation is to proceed 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

## 46. Property Transactions - Camp North End Capital Improvement Project, Parcel #46

**Action:** Approve the following Condemnation: Camp North End Capital Improvement Project, Parcel #46

**Project:** Camp North End Capital Improvement Project, Parcel #46

**Owner(s):** Emphasis Ads, Inc.

**Property Address:** 1619 North Graham Street

**Total Parcel Area:** 22,274 sq. ft. (0.51 ac.)

**Property to be acquired by Fee:** 5,321 sq. ft. (0.122 ac.) Fee Simple

**Property to be acquired by Easements:** 2,497 sq. ft. (0.057 ac.) Sidewalk Utility Easement, 3,487 sq. ft. (0.08 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** Asphalt paving

**Landscaping to be impacted:** None

**Zoned:** I-2

**Use:** Single-family Residential

**Tax Code:** 079-02-109,

<http://polaris3g.mecklenburqcountync.gov/#mat=401184&pid=07902109&qisid=07902109>

**Appraised Value:** \$119,825

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

**City Response:** The city informed the property owner they could obtain their own appraisal in order to justify a counteroffer.

**Recommendation:** To proceed with the project schedule, the recommendation is to proceed 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

## 47. Property Transactions - Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #1

**Action:** Approve the following Acquisition: Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #1

**Project:** Edgewater Drive to Rosecrest Drive Sanitary Sewer Replacement, Parcel #1

**Owner(s):** Matthew Gilbert and Kelley A. Gilbert

**Property Address:** 2058 Edgewater Drive

**Total Parcel Area:** 24,248 sq. ft. (0.557 ac.)

**Property to be acquired by Easements:** 1,943.04 sq. ft. (0.045 ac.) in Sanitary Sewer Easement, plus 2,198.67 sq. ft. (0.05 ac.) in Temporary Construction Easement

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

**Landscaping to be impacted:** Trees

**Zoned:** R-4

**Use:** Single-family Residential

**Tax Code:** 173-112-34,  
<<http://polaris3g.mecklenburqcountync.gov/#mat=69816&pid=17311234&gclid=17311234>>

**Purchase Price:** \$10,000

**Council District:** 6

## 48. 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):** Yolanda Sanchez

**Property Address:** 5115 Lakeview Road

**Total Parcel Area:** 9,818 sq. ft. (0.225 ac.)

**Property to be acquired by Fee:** 952 sq. ft. (0.022 ac.) in Fee Simple within Existing Right-of-Way

**Property to be acquired by Easements:** 1,135 sq. ft. (0.026 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,  
<<http://polaris3g.mecklenburgcountync.gov/#mat=142978&pid=02513438&qisid=02513438>>

**Appraised Value:** \$1,325

**Recommendation:** To proceed with the project schedule, the recommendation is to proceed 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

## 49. Property Transactions - Lakeview-Reames Intersection Improvements, Parcels #55 and 56

**Action:** Approve the following Acquisition: Lakeview-Reames Intersection Improvements, Parcels #55 and 56

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 #55 and 56

**Owner(s):** Lucinda Blackmon

**Property Address:** 8505 and 8509 Reames Road

**Total Parcel Area:** 22,185 sq. ft. (0.509 ac.)

**Property to be acquired by Fee:** 8,879 sq. ft. (0.204 ac.) in Fee Simple, plus 8,233 sq. ft. (0.189 ac.) in Fee Simple within Existing Right-of-Way

**Property to be acquired by Easements:** 415 sq. ft. (0.01 ac.) in Waterline Easement, plus 463 sq. ft. (0.011 ac.) in Temporary Construction Easement

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

**Landscaping to be impacted:** Trees

**Zoned:** R-4

**Use:** Single-family Residential

**Tax Code:** 025-134-40,  
<<http://polaris3g.mecklenburgcountync.gov/#mat=512122&pid=02513440&qisid=02513440>>

025-134-41,  
<<http://polaris3g.mecklenburgcountync.gov/#mat=205430&pid=02513441&qisid=02513441>>

**Purchase Price:** \$30,125

**Council District:** 2

## 50. Property Transactions - Lakeview Road Farm to Market, Parcels #17 and 18

**Action:** Approve the following Condemnation: Lakeview Road Farm to Market, Parcels #17 and 18

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 Road Farm to Market, Parcel #17 and 18

**Owner(s):** State Employees' Credit Union

**Property Address:** 6124 and 6134 Lakeview Road

**Total Parcel Area:** 47,058 sq. ft. (1.080 ac.)

**Property to be acquired by Fee:** 400 sq. ft. (0.009 ac.) in Fee Simple

**Property to be acquired by Easements:** 536 sq. ft. (0.012 ac.) in Storm Drainage Easement, plus 5,138 sq. ft. (0.118 ac.) in Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** R-MH

**Use:** Industrial

**Tax Code:** 037-258-04,  
<<http://polaris3g.mecklenburgcountync.gov/#pid=03725804&qisid=03725804>>

037-258-02,  
<<http://polaris3g.mecklenburgcountync.gov/#mat=439817&pid=03725802&qisid=03725802>>

**Appraised Value:** \$18,900

**Property Owner's Concerns:** Property owner was concerned with the project construction impacting their construction on the property.

**City's Response to Property Owner's Concerns:** The city explained that the project construction would coordinate with their construction on the property to not interfere with each other.

**Recommendation:** To proceed with the project schedule, the recommendation is to proceed 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



## 51. Property Transactions - Parkwood Avenue Improvements, Parcel #1

**Action:** Approve the following Condemnation: Parkwood Avenue Improvements, Parcel #1

**Project:** Parkwood Avenue Improvements, Parcel #1

**Owner(s):** Blackburd Homes, LLC

**Property Address:** 911 Parkwood Avenue

**Total Parcel Area:** 5,101 sq. ft. (0.117 ac.)

**Property to be acquired by Easements:** 69 sq. ft. (0.002 ac.) in Temporary Construction Easement, plus 79 sq. ft. (0.002 ac.) in Utility Easement

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

**Landscaping to be impacted:** None

**Zoned:** R-5

**Use:** Single-family Residential

**Tax Code:** 083-094-04,  
<<http://polaris3g.mecklenburqcountync.gov/#mat=438561&pid=08309404&qisid=08309404>>

**Appraised Value:** \$1,500

**Recommendation:** To proceed with the project schedule, the recommendation is to proceed 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

## 52. Property Transactions - Parkwood Avenue Improvements, Parcel #3

**Action:** Approve the following Condemnation: Parkwood Avenue Improvements, Parcel #3

**Project:** Parkwood Avenue Improvements, Parcel #3

**Owner(s):** Lunayet Inc.

**Property Address:** 1117 Parkwood Avenue

**Total Parcel Area:** 8,660 sq. ft. (0.199 ac.)

**Property to be acquired by Easements:** 120 sq. ft. (0.003 ac.) in Temporary Construction Easement, plus 52 sq. ft. (0.001 ac.) in Utility Easement

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

**Landscaping to be impacted:** None

**Zoned:** B-1

**Use:** Commercial

**Tax Code:** 083-092-11,  
<<http://polaris3g.mecklenburqcountync.gov/#mat=15135&pid=08309211&gclid=08309211>>

**Appraised Value:** \$1,750

**Property Owner's Counteroffer:** \$2,500

**Recommendation:** To proceed with the project schedule, the recommendation is to proceed 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

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

**Action:** Approve the following Acquisition: 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. (0.04 ac.) in Storm Drainage Easement, plus 3,183 sq. ft. (0.073 ac.) in Temporary Construction Easement, plus 2,203 sq. ft. (0.051 ac.) in Utility Easement, plus 1,018 sq. ft. (0.023 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,  
<<http://polaris3g.mecklenburgcountync.gov/#mat=30248&pid=09108123&gisid=09108123>>

**Purchase Price:** \$26,350

**Council District:** 1

## 54. Property Transactions - West Mallard Creek Church Sidewalk, Parcel #1

**Action:** Approve the following Acquisition: West Mallard Creek Church Sidewalk, Parcel #1

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:** West Mallard Creek Church Sidewalk, Parcel #1

**Owner(s):** Bascom's Corner, LLC

**Property Address:** 10400 Mallard Creek Church Road

**Total Parcel Area:** 100,189 sq. ft. (2.300 ac.)

**Property to be acquired by Easements:** 707 sq. ft. (0.016 ac.) in Sidewalk and Utility Easement, plus 2,108 sq. ft. (0.048 ac.) in Temporary Construction Easement

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

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

**Zoned:** RE-1

**Use:** Laboratory / Research

**Tax Code:** 047-168-20,  
<<http://polaris3g.mecklenburgcountync.gov/#mat=558919&pid=04716820&qisid=04716820>>

**Purchase Price:** \$12,125

**Council District:** 4

## Adjournment

## REFERENCES

## 55. Reference - Charlotte Business INclusion Policy

The following excerpts from the city's Charlotte Business INclusion Policy are intended to provide further explanation for those agenda items that reference the Charlotte Business INclusion Policy in the business meeting agenda.

### **Part A: Administration and Enforcement**

#### **Part A: Section 2.3: Targeted Outreach and Designated Contracts for Small Business Enterprises (SBEs).**

When feasible, the Charlotte Business INclusion (CBI) Office may designate certain Contracts or categories of Contracts in which solicitation efforts will be directed only to SBEs. In designating Contracts for targeted outreach or SBE participation, the CBI Office takes into account the size and scope of the Contract and the availability of SBEs to provide the applicable services or products.

**Part A: Section 3.1: Subcontracting Goals.** The city shall establish one or more Subcontracting Goals for all Construction Contracts of \$300,000 or more and for all Architecture, Engineering, and Surveying Contracts of \$100,000 or more. Contracts estimated to be less than these thresholds are exempt from the goal setting process.

**Appendix Section 20: Contract:** For the purposes of establishing an (Minority, Women, and Small Business Enterprise (MWSBE) subcontracting goal on a Contract, the following are examples of contract types:

- Any agreement through which the city procures services from a Business Enterprise, other than Exempt Contracts.
- Contracts include agreements and purchase orders for (a) construction, re-construction, alteration, and remodeling; (b) architectural work, engineering, surveying, testing, construction management, and other professional services related to construction; and (c) services of any nature (including but not limited to general consulting and technology-related services), and (d) apparatus, supplies, goods, or equipment.
- The term "Contract" shall also include Exempt Contracts for which an SBE, Minority Business Enterprise (MBE), or Women Business Enterprise (WBE) Goal has been set.
- Financial Partner Agreements, Development Agreements, Infrastructure Improvement Agreements, Design-Build, and Construction Manager-at-Risk Agreements shall also be deemed "Contracts," but shall be subject to the provisions referenced in the respective Parts of the Charlotte Business INclusion Program Policy.

**Appendix Section 27: Exempt Contracts:** Contracts that fall within one or more of the following categories are "Exempt Contracts" and shall be exempt from all aspects of the Charlotte Business INclusion Policy:

**No Competitive Process Contracts:** Contracts or purchase orders that are entered into without a competitive process, or entered into based on a competitive process administered by an entity other than the city, including but not limited to contracts that are entered into by sole sourcing, piggybacking, buying off the North Carolina State contract, buying from a competitive bidding group purchasing program as allowed under G.S. 143-129(e)(3), or using the emergency procurement procedures established by the North Carolina General Statutes.

**Managed Competition Contracts:** Managed competition contracts pursuant to which a city department or division competes with Business Enterprises to perform a city function.

**Real Estate Leasing and Acquisition Contracts:** Contracts for the acquisition or lease of real estate.

**Federal Contracts Subject to Disadvantaged Business Enterprise (DBE) Requirements:** Contracts that are subject to the U.S. Department of Transportation Disadvantaged Business Enterprise Program as

set forth in 49 CFR Part 26 or any successor legislation.

**State Funded Contracts Subject to the State's MWBE Requirements:** Contracts that are subject to an MWBE Goal set by the State of North Carolina pursuant to N.C. Gen. Stat. 143-128.2.

**Financial Partner Agreements with DBE or MWBE Requirements:** Contracts that are subject to a DBE program or minority and women business development program maintained by a Financial Partner.

**Interlocal Agreements:** Contracts with other units of federal, state, or local government.

**Contracts for Legal Services:** Contracts for legal services, unless otherwise indicated by the city Attorney.

**Contracts with Waivers:** Contracts for which the City Manager or CBI Program Manager waives the CBI Program requirements (such as when there are no MWSBE subcontracting opportunities on a Contract).

**Special Exemptions:** Contracts where the department and the CBI Program Manager agree that the department had no discretion to hire an MWSBE (e.g., emergency contracts or contracts for banking or insurance services) shall be Exempt Contracts.

**Appendix Section 35: Informal Contracts:** Contracts that are estimated to be less than the following dollar thresholds prior to issuance of the city Solicitation Documents:

- Construction Contracts: \$500,000, and
- Service Contracts and Commodities Contracts: \$100,000.

## **Part B: Construction and Commodities Contracts**

**Part B: Section 2.1:** When the city sets a Subcontracting Goal, each Bidder must either: (a) meet each Subcontracting Goal; or (b) comply with the Good Faith Negotiation and Good Faith Efforts requirements for each unmet Subcontracting Goal. Failure to comply constitutes grounds for rejection of the Bid. The city Solicitation Documents will contain certain forms that Bidders must complete to document having met these requirements.

**Part B: Section 2.3: No Goals When There Are No Subcontracting Opportunities.** The city shall not establish Subcontracting Goals for Contracts where: a) there are no subcontracting opportunities identified for the Contract; or b) there are no SBEs, MBEs, or WBEs (as applicable) to perform scopes of work or provide products or services that the city regards as realistic opportunities for subcontracting.

## **Part C: Service Contracts**

**Part C: Section 2.1(a) Subcontracting Goals: No Goal When There Are No MWSBE Subcontracting Opportunities.** The city shall not establish Subcontracting Goals for Service Contracts where (a) there are no subcontracting opportunities identified; or (b) there are no SBEs or MWBEs certified to perform the scopes of work that the city regards as realistic opportunities for subcontracting.

**Part C: Section 2.1(b) and 2.1(c):** The city may require each Proposer to submit with its Proposal one or more of the following: (a) a Participation Plan describing how Proposer intends to solicit MWSBE participation; (b) the Proposer's Committed Subcontracting Goals; and (c) an affidavit listing the SBEs and MWBEs it intends to use on the Contract.

**Part C: Section 2.1(h) Negotiated Goals:** The city may seek to negotiate Subcontracting Goals after Proposals have been submitted.

## **Part D: Post Contract Award Requirements**

**Part D: Section 6:** New Subcontractor Opportunities/Additions to Scope/Contract Amendments

If a Contractor elects to subcontract any portion of a Contract that the Contractor did not previously identify to the city as a subcontracting opportunity, or if the scope of work on a Contract increases for any reason in a manner that creates a new MWSBE subcontracting opportunity, the city shall either (a) notify the Contractor that there will be no Supplemental MWSBE Goal for the new work; or (b) establish and notify the Contractor of a Supplemental MWSBE Goal for the new work.

**Part G: Alternative Construction Agreements**

**Part G: Section 2.7:** Prior to City Council's vote to award the Alternative Construction Agreement, the Program Manager and the Company shall negotiate and agree on proposed MWSBE Goals for the Project and on a Participation Plan that describes the outreach and efforts the Company will be required to undertake to meet the MWSBE subcontracting goals.

## 56. Reference - Property Acquisitions and Condemnations

- The city has negotiated in good faith to acquire the properties set forth below
- For acquisitions, the property owner and staff have agreed on a price based on appraisals and/or estimates.
- In the case of condemnations, the value was established by an independent, certified appraisal followed by a third-party appraisal review.
- Real Estate staff diligently attempts to contact all property owners by:
  - Sending introductory letters via regular and certified mail,
  - Making several site visits,
  - Leaving door hangers and business cards,
  - Seeking information from neighbors,
  - Searching the internet,
  - Obtaining title abstracts, and
  - Leaving voice messages.
- For most condemnation cases, city staff and the property owner(s) have been unable to reach a settlement. In some cases, condemnation is necessary to ensure a clear title to the property.
- If the City Council approves the resolutions, the City Attorney's office will initiate condemnation proceedings. As part of the condemnation process, real estate staff and the City Attorney's Office will continue to negotiate, including court-mandated mediation, in an attempt to resolve the matter. Most condemnation cases are settled by the parties prior to going to court.
- If a settlement cannot be reached, the case will proceed to a trial before a judge or jury to determine "just compensation."
- Full text of each resolution is on file with the City Clerk's Office.
- The definition of easement is a right created by grant, reservation, agreement, prescription, or necessary implication, which one has in the land of another, it is either for the benefit of land, such as right to cross A to get to B, or "in gross," such as public utility easement.
- The term "fee simple" is a synonym for ownership and is an estate under which the owner is entitled to unrestricted powers to dispose of the property, and which can be left by will or inherited.



## 57. Reference - Property Transaction Process

### Property Transaction Process Following City Council Approval for Condemnation

The following overview is intended to provide further explanation for the process of property transactions that are approved by City Council for condemnation.

Approximately six weeks of preparatory work is required before the condemnation lawsuit is filed. During this time, city staff continues to negotiate with the property owner in an effort to reach a mutual settlement.

- If a settlement is reached, the condemnation process is stopped, and the property transaction proceeds to a real estate closing.
- If a settlement cannot be reached, the condemnation lawsuit is filed. Even after filing, negotiations continue between the property owner and the city's legal representative. Filing of the condemnation documents allows:
  - The city to gain access and title to the subject property so the capital project can proceed on schedule.
  - The city to deposit the appraised value of the property in an escrow account with the Clerk of Court. These funds may be withdrawn by the property owner immediately upon filing, and at any time thereafter, with the understanding that additional funds transfer may be required at the time of final settlement or at the conclusion of litigation.
- If a condemnation lawsuit is filed, the final trial may not occur for 18 to 24 months; however, a vast majority of the cases settle prior to final trial. The city's condemnation attorney remains actively engaged with the property owner to continue negotiations throughout litigation.
  - North Carolina law requires that all condemnation cases go through formal non-binding mediation, at which an independent certified mediator attempts to facilitate a successful settlement. For the minority of cases that do not settle, the property owner has the right to a trial by judge or jury in order to determine the amount of compensation the property owner will receive.