

# **City of Charlotte**

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



## **Meeting Agenda**

**Monday, January 27, 2020**

**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 Malcolm Graham  
Council Member Reneé Johnson  
Council Member James Mitchell  
Council Member Matt Newton  
Council Member Victoria Watlington  
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. 2040 Comprehensive Plan Two-Year Outlook (deferred due to time)**

**Staff Resource(s):**

Taiwo Jaiyeoba, City Manager's Office

Alysia Osbourne, Planning, Design, and Development

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

**Explanation**

- Provide a two-year outlook for the 2040 Comprehensive Plan.

### **4. Boards and Commissions Update (deferred due to time)**

**Staff Resource(s):**

Stephanie C. Kelly, City Clerk's Office

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

**Explanation**

- Update on the city's Boards and Commissions process.

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

**Staff Resource(s):**

Marie Harris, Strategy and Budget

**Time:** 5 minutes

**Synopsis**

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

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

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

*Call to Order*

*Introductions*

*Invocation*

*Pledge of Allegiance*

## **PUBLIC FORUM**

### **7. Public Forum**

**8. Consent agenda items 20 through 51 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**

### **9. Human Trafficking Awareness Month**

**Action:**

Mayor Lyles will read a proclamation recognizing January 2020 as Human Trafficking Awareness Month.

### **10. National Mentoring Month Proclamation**

**Action:**

Mayor Lyles will read a proclamation recognizing January 2020 as National Mentoring Month.

## **PUBLIC HEARING**

## 11. Public Hearing on a Resolution to Close an Alleyway between West Carson Boulevard and West Palmer Street

### Action:

- A. Conduct a public hearing to close an alleyway between West Carson Boulevard and West Palmer Street (parallel to Church Street), and
- B. Adopt a resolution to close an alleyway between West Carson Boulevard and West Palmer Street (parallel to Church Street).

### **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 the 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 alleyway between West Carson Boulevard and West Palmer Street (parallel to Church Street) to be closed is located in Council District 3.

### **Petitioner**

Spectrum Companies

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

An alleyway between West Carson Boulevard and West Palmer Street (parallel to Church Street).

### **Reason**

Per the petition submitted by Spectrum Companies, the closing of this alleyway will allow the parcels adjoining the alley to be combined and redeveloped as a unified development. The city has no objections.

### **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 public and city department review.

### Adjoining property owner(s)

Speedee Prints, LLC - No objections  
HA-CT Properties, LLC - No objections  
CCJ Properties, 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

[W Carson & W Palmer - Abandonment Map](#)

[Resolution to Close alleyway between W Carson and W Palmer \(Parallel to Church St\)](#)

## **POLICY**

### **12. City Manager's Report**

[01.27.2020 Digital Alliance](#)

## BUSINESS

### 13. Governor's Highway Safety Program Grant for Driving While Impaired Task Force

**Action:**

**Adopt a resolution to apply for and accept a grant award in the amount of \$198,940 from the Governor's Highway Safety Program for a Driving While Impaired Task Force.**

**Staff Resource(s):**

Kerr Putney, Police  
William Farrell, Police

**Explanation**

- The Charlotte-Mecklenburg Police Department (CMPD) has been awarded a fiscal year (FY) 2021 Governor's Highway Safety Program (GHSP) grant for Driving While Impaired (DWI) Task Force. This grant has been awarded annually for the previous seven years.
- On October 28, 2013, City Council authorized a grant acceptance from the GHSP to offset costs of a DWI Task Force to focus on mitigating DWI and informing the dangers associated with DWI for four years. GHSP modified the grant application and offered a fifth, sixth, seventh, and now eighth year of funding for a FY 2021 grant of \$198,940.
- The grant will fund 25 percent of the Task Force's personnel costs for six officers and one sergeant assigned to the DWI Task Force in FY 2021 (\$198,940) which offsets the Task Force costs by \$3,342,231 over the eight-year grant award period.
- In FY 2019, the DWI Task Force conducted over 38 educational awareness sessions with area high school students and instructed over 200 officers in standardized field sobriety testing.
- GHSP requires that City Council adopt a resolution to authorize CMPD to apply for and accept the grant funding.
- The grant is for a one-year term from October 1, 2020, through September 30, 2021.
- In FY 2022, the city will assume the total annual cost of the DWI Task Force.
- The grant totals \$198,940 and requires the city to provide matching funds in the amount of \$596,819, which is included in CMPD's operating budget.

**Fiscal Note**

Funding: General Grants Fund and Police Operating Budget

**Attachment(s)**

Resolution

[Local Government Resolution FY2021 GHSP DWI Task Force](#)

## 14. Charlotte Fire Department Urban Search and Rescue Lease

### **Action:**

- A. Approve a lease amendment between the City of Charlotte and The Meritex Corporation for a facility for Charlotte Fire's Urban Search and Rescue Team, and**
- B. Authorize the City Manager to execute all necessary documents to complete the lease amendment between the City of Charlotte and The Meritex Corporation.**

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

Phil Reiger, General Services  
Tony Korolos, General Services  
Reginald Johnson, Fire

### **Explanation**

- The Charlotte Fire Urban Search and Rescue (USAR) Team has leased 18,338 square feet of space in a warehouse facility at 3140 Yorkmont Road in Council District 3 since March 2010.
- The USAR Team provides a regional service by responding to emergencies or disasters, including earthquakes, hurricanes, tornadoes, and floods.
- The equipment housed at the leased facility includes, but is not limited to: five tractor trailers, six 28-foot trailers, two 25-foot generators, and eight 8-foot generators. There are also five offices and a conference room used for training and deployment preparation.
- In November 2018, the city signed an extension of the existing lease for a one-year term, which terminates March 14, 2020, with no renewal options.
- The proposed lease includes:
  - A five-year term, and
  - Annual base rent of \$7.15 per square foot, plus an additional \$1.85 per square foot for operating expenses and common area maintenance. The total rent cost will be \$13,753.50 per month, with three percent annual increases. This rate is consistent with market rates.
- This transaction is consistent with Charlotte Fire Department's Facilities Master Plan and with the City-Owned Real Estate and Facilities Policy adopted by City Council in June 2017.

### **Fiscal Note**

Funding: General Grants Fund and Fire Operating Budget

### **Attachment(s)**

Map

[USAR Map - RCA 2019](#)

## 15. Municipal Agreement for the Lakeview Road Corridor Project

### **Action:**

- A. Adopt a resolution authorizing the City Manager to execute a Municipal Agreement with the North Carolina Department of Transportation to accept Discretionary funds for the Lakeview Road Corridor project, and**
- B. Adopt a budget ordinance appropriating \$3,823,000 from the North Carolina Department of Transportation for the Lakeview Road Corridor project.**

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

Liz Babson, Transportation  
Ashley Landis, Transportation  
Keith Bryant, Transportation

### **Explanation**

- The North Carolina Department of Transportation (NCDOT) provides supplemental funding opportunities for existing discretionary-funded projects.
  - The Charlotte Regional Transportation Planning Organization approved Discretionary funds for Lakeview Road Corridor project in July 2019.
- The Lakeview Road Corridor project aims to increase vehicular capacity at key intersections along Lakeview Road and to facilitate movements to and from the I-77/Lakeview Road Direct Connect Interchange. The project is located in Council District 2 and extends from Cushing Drive to Old Statesville Road. The project is funded by NCDOT but is managed by the city.
- On September 26, 2016, City Council approved a Municipal Agreement with NCDOT to appropriate \$9,000,000 of Bonus Allocation funds for the Lakeview Road Corridor project.
- On June 11, 2018, City Council appropriated an additional \$2,000,000 of NCDOT Bonus Allocation funds, bringing the total project funding to \$11,000,000.
- The Lakeview Road Corridor project budget currently totals \$14,823,000. An additional \$3,823,000 is being provided from NCDOT in Discretionary funds. The increased funding is needed for full-depth pavement rehabilitation which was not part of the original project scope.
- The Lakeview Road Corridor project is currently in the real estate phase, and construction is expected to begin in 2020.

### **Fiscal Note**

Funding: NCDOT Discretionary Funds

### **Attachment(s)**

Map  
Resolution  
Budget Ordinance

[MAP Lakeview Road Corridor Project](#)

[Resolution](#)

[BO NCDOT Lakeview 1.27.2020](#)

## 16. Interlocal Agreement with Union County

**Action:**

**Adopt a resolution to authorize the City Manager to execute an interlocal agreement with Union County to revise the rate charged for the sale of water between the City of Charlotte and Union County.**

**Staff Resource(s):**

David Czerr, Charlotte Water

Ron Hargrove, Charlotte Water

**Explanation**

- The proposed agreement will change the water sales rate charged to Union County for consumption from the Tier 3 residential rate to the non-residential rate charged to wholesale or bulk water users. All other provisions of the previous agreements will remain in the current state.
- The city periodically enters into regional agreements to provide water service or to collect and treat wastewater with neighboring municipalities.
- On June 3, 1991, Council approved a water supply agreement between the city and Union County.
- On April 12, 1996, Council approved an agreement for the city to sell water during emergency conditions to Union County.
- On June 7, 2002, Council approved an amendment to the 1996 agreement that established the rate for providing water service to Union County.

**Attachment(s)**

Resolution

[Resolution-Interlocal Agreement with Union County](#)

## 17. Innovative Coordinated Access and Mobility Pilot Program Grant

### Action:

- A. **Accept a grant in the amount of \$112,000 from the Federal Transit Administration for innovative mobility projects,**
- B. **Adopt a budget ordinance appropriating \$112,000 from the Federal Transit Administration to the CATS Operating Fund, and**
- C. **Authorize the City Manager to negotiate and execute a contract with C.W. Williams Community Health Center in an amount not to exceed \$112,000.**

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

John Lewis, CATS

Arlanda Rouse, CATS

Blanche Sherman, CATS

### **Explanation**

- The Federal Transit Administration's Innovative Coordinated Access and Mobility (ICAM) Pilot Program Grant is a competitive award for innovative capital projects for the transportation disadvantaged that will improve the coordination of transportation services and non-emergency medical transportation services.
- CATS will serve as the designated recipient of the ICAM funds and act as the administrator of the funds for subrecipient C.W. Williams Community Health Center.
- ICAM funds pay 80 percent, \$112,000, of the total project cost, and the subrecipient will provide the required 20 percent match, \$28,000.
- This project includes the purchase of two vehicles to provide non-emergency medical transportation to patients who need to get to and from medical services, but have no means of transportation.
- The project will serve a minimum of 1,000 transportation disadvantaged persons and expand access to quality healthcare in Mecklenburg County and surrounding communities.

### **Fiscal Note**

Funding: Federal Transit Administration's ICAM Pilot Grant

### **Attachment(s)**

Budget Ordinance

[ICAM Budget Ordinance](#)

## 18. General Obligation Refunding Bonds

### Action:

- A. **Adopt a resolution that makes certain Statement of Facts concerning the refunding of General Obligation Bonds issued in 2009 and 2012,**
- B. **Introduce and adopt a Bond Order authorizing the issuance of not to exceed \$35,000,000 General Obligation Refunding Bonds, to refund 2009C,**
- C. **Introduce and adopt a Bond Order authorizing the issuance of not to exceed \$95,000,000 General Obligation Refunding Bonds, to refund 2012A,**
- D. **Adopt a resolution providing for the issuance of the city's General Obligation Refunding Bonds, and**
- E. **Adopt a budget ordinance appropriating \$130,000,000 to the Municipal Debt Service Fund.**

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

Kelly Flannery, Finance

### **Explanation**

- Authorize the issuance of up to \$130,000,000 of General Obligation Refunding Bonds for:
  - Refunding approximately \$35,000,000 of General Obligation Bonds on a current basis with the 2009C, and
  - Refunding approximately \$95,000,000 of General Obligation Bonds on an advance basis for the 2012A.
- This action will:
  - Provide information required for Local Government Commission approval of the financing, and
  - Permit the City Manager and the Authorized Officers named in the Resolution to take necessary actions to complete the financing and related documentation for the life of the debt.

### **Fiscal Note**

Funding: Municipal Debt Service Fund

### **Attachment(s)**

Resolution-Statement of Facts  
Resolution-Refunding of General Obligation Bonds  
Bond Order  
Budget Ordinance

[Resolution Making Statements of Fact - Charlotte 2020 GOs \(Refunding 2009Cs and 2012As\)](#)

[Bond Resolution - Charlotte 2020 GOs \(Refunding 2009Cs and 2012As\) - rev. to v5](#)

[Intro and Adoption of Bond Orders - Charlotte 2020 GOs \(Refunding 2009Cs and 2012As\)](#)

[Budget Ordinance-G.O. Bond Refunding](#)

## 19. Mayor and City Council Topics

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



## CONSENT

### 20. Smart Parking Meters

**Action:**

- A. Approve the purchase of single space smart parking meters, by the sole source exemption,**
- B. Approve a contract renewal with IPS Group, Inc. for Smart Parking Meters and Wireless Data Services for the term of two years,**
- C. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved, and**
- D. Authorize the City Manager to purchase such additional software licenses, services, hardware, maintenance, and support as required to maintain the system for as long as the city uses the system.**

**Staff Resource(s):**

Liz Babson, Transportation  
Kathy Dennis, Transportation  
Reenie Askew, Innovation and Technology

**Sole Source Exemption**

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

**Explanation**

- The Park It Program provides short-term, on-street parking for residents and tourists to easily access Uptown Charlotte and South End restaurants and businesses. There are 1,427 metered spaces in the city; 410 use an older coins-only meter, 699 use an older model of smart meters, and 318 use pay stations.
- Over the next two years, the vendor will replace all 410 of the coin-only meters and replace approximately 550 smart meters that are reaching the end of their projected life.
- Annual expenditures are estimated to be \$135,000.
- Replacing outdated meters will increase revenues by decreasing the amount of down-time required to repair malfunctions and will provide customers with multiple payment options for all metered spaces.

**Charlotte Business INclusion**

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

**Fiscal Note**

Funding: General Capital Investment Plan

## 21. Specialized Testing and Inspection Services for Various Construction Projects

### Action:

- A. Approve unit price contracts for geotechnical and construction materials testing, special inspections, and geothermal well and building enclosure testing services for various projects for an initial term of three-years to the following:**
- **ESP Associates, Inc.,**
  - **Kleinfelder, Inc.,**
  - **S&ME, Inc.,**
  - **Wood Environment & Infrastructure Solutions, Inc.,**
  - **Terracon Consultants, Inc.,**
  - **Summit Design and Engineering Services, PLLC,**
  - **Froehling & Robertson, Inc.,**
  - **Nova Engineering & Environmental, Inc.,**
  - **Gavel & Dorn Engineering, PLLC, and**
- B. Authorize the City Manager to renew the contracts for up to two, 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):**

Phil Reiger, General Services

Jennifer Smith, General Services

### **Explanation**

- These contracts will provide geotechnical and construction materials testing, such as soil sampling and laboratory services, and special inspections for various construction projects within the city.
- Special inspections for vertical construction are required by the North Carolina Building Code and must be in compliance with Mecklenburg County Code Enforcement.
- Geotechnical and construction materials testing is necessary to ensure projects meet construction plans and specification requirements.
- On August 28, 2019, the city issued a Request for Qualifications (RFQ); 16 responses were received.
- The nine firms chosen are best qualified to meet the city's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- Total annual expenditures are estimated to be \$8,500,000.

### **Charlotte Business INClusion**

The city negotiates subcontracting participation after firms are selected (Part C: Section 2.1(h) of the Charlotte Business INClusion Policy). Each of the firms have identified MWSBE firms to participate as project scopes are defined and committed 10.00% of the total contract amount to the following certified firms:

#### ESP Associates, Inc.

- Wescott Structures, PA (SBE)
- Capstone Civil Engineering Inc. (MBE, SBE)

#### Kleinfelder, Inc.

- Capstone Civil Engineering Inc. (MBE, SBE)
- CWI Services, Inc. (SBE)

#### S&ME, Inc.

- On-Spec Engineering PC (SBE)

Wood Environment & Infrastructure Solutions, Inc.

- Joel E. Wood & Associates, PLLC (SBE)
- High Performance Building Solutions, Inc. (SBE, WBE)

Terracon Consultants, Inc.

- Joel E. Wood & Associates, PLLC (SBE)
- Capstone Civil Engineering Inc. (MBE, SBE)
- Probe Utility Locating LLC (SBE, WBE)

Summit Design and Engineering Services, PLLC

- Capstone Civil Group Inc. (SBE)

Froehling & Robertson, Inc.

- Capstone Civil Engineering Inc. (MBE, SBE)
- CWI Services, Inc. (SBE)

Nova Engineering & Environmental, Inc.

- On-Spec Engineering, PC (SBE)
- Capstone Civil Engineering Inc. (MBE, SBE)
- CWI Services, Inc. (SBE)
- ITHIR Testing, LLC (SBE)
- Prism Laboratories, Inc. (WBE)
- Enviro-Equipment, Inc. (SBE)
- Barry Lambert Engineering, PC (SBE)
- AmeriDrill Corporation (SBE)

Gavel & Dorn Engineering, PLLC (SBE)

- On-Spec Engineering, PC (SBE)

**Fiscal Note**

Funding: General Capital Investment Plan, Storm Water Services Capital Investment Plan, and Charlotte Water Capital Investment Plan

## 22. Modular Unit for Street Maintenance Division

### Action:

- A. **Approve the purchase of a modular unit from a cooperative contract,**
- B. **Approve a unit price contract in the amount of \$709,222.19 with William Scottsman for the purchase of a modular unit under OMNIA Partners (formerly US Communities), entered on July 1, 2016, expiring June 30, 2021, and contract number R160101, and**
- C. **Authorize the City Manager to extend the contract for additional terms as long as the cooperative contract is in effect, at prices and terms that are the same or more favorable than those offered under the cooperative contract.**

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

Phil Reiger, General Services

Liz Babson, Transportation

Charles Jones, Transportation

### **Explanation**

- This purchase is for a modular building to replace the current Southwest District Street Maintenance administration building at 4600 Sweden Road in Council District 3. The price includes fabrication, delivery, and installation of the 6,175 square foot modular unit.
- The current facility is more than 30 years old and no longer meets the needs of the approximately 60 employees who work there.
- Installing a modular building is a cost-effective solution to provide adequate space for the personnel assigned to this location.
- The project will also involve some minor sitework which includes utilities, grading, paving, and landscaping that will be performed with the modular unit being installed. This will be contracted out to a General Contractor.
- G.S. 143-129(e)(3) allows local governments to purchase from formally organized cooperative purchasing contracts.
- A cooperative purchasing agreement results from the consolidation and competitive solicitation of multiple public agency requirements. By aggregating common needs, agencies are able to leverage economies of scale, such as volume discounts, improved terms and conditions, reduced administrative costs, and access to professional and technical expertise that can be used on a local, regional, and national level.
- There are no annual contract expenditures resulting from the purchase of this modular unit. The minimal ongoing maintenance required for the unit will be absorbed within existing building maintenance funding.

### **Charlotte Business INclusion**

This is a cooperative purchasing contract and is exempt (Part A: Appendix 27 of the Charlotte Business INclusion Policy).

### **Fiscal Note**

Funding: General Capital Investment Plan

### **Attachment(s)**

Map

[Location Map - 4600 Sweden Road Fleet and CDOT Modular Unit](#)

## 23. Mallard Creek Water Reclamation Facility Reliability and Ultraviolet Improvements Construction

### **Action:**

**Approve a guaranteed maximum price of \$26,147,301 to Crowder Constructors Inc. dba Crowder Construction Company for construction manager at risk services for the Mallard Creek Water Reclamation Facility Reliability and Ultraviolet Improvements project.**

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

David Czerr, Charlotte Water

Ron Hargrove, Charlotte Water

Carl Wilson, Charlotte Water

### **Explanation**

- This contract will provide for the rehabilitation or replacement of critical components of the wastewater treatment process systems at the Mallard Creek Water Reclamation Facility (Council District 4) to ensure reliable discharge, permit compliance, and provide additional capacity for future growth.
- On April 22, 2019, Council approved a guaranteed maximum price with Crowder Constructors Inc. dba Crowder Construction Company for the pre-purchase of major process equipment.
- The project is expected to be complete in the second quarter of 2022.

### **Charlotte Business INclusion**

The city has established a 9.00% MSBE project goal. Because this is a Construction Manager at Risk project, the Construction Manager has the opportunity to add on Small Business Enterprise (SBE) and Minority Business Enterprise (MBE) firms throughout the life of the project (Part G: Section 2.3 of the Charlotte Business INclusion Policy).

### **Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

### **Attachment(s)**

Map

[Map-Mallard Creek Water Reclamation Facility Reliability and Ultraviolet Improvements Construction](#)

## 24. McDowell Creek Wastewater Treatment Plant Diffuser and Clarifier Mechanism Replacement

### **Action:**

**Approve a contract in the amount of \$3,928,878 to the lowest responsive bidder M. B. Kahn Construction Co., Inc. for the McDowell Creek Wastewater Treatment Plant Diffuser and Clarifier Mechanism Replacement project.**

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

David Czerr, Charlotte Water

Ron Hargrove, Charlotte Water

Carl Wilson, Charlotte Water

### **Explanation**

- This project provides for the replacement of the aeration diffusers and a clarifier mechanism at the McDowell Creek Wastewater Treatment Plant, located in the Town of Huntersville (adjacent to Council District 2).
- On October 18, 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 November 22, 2019, the ITB was re-issued; two bids were received.
- M. B. Kahn Construction Co., Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by the first quarter of 2021.

### **Charlotte Business INclusion**

Established MSBE Goal: 6.00%

Committed MSBE Goal: 6.00%

M. B. Kahn Construction Co., Inc. met the established subcontracting goal and has committed 6.00% (\$235,629) of the total contract amount to the following certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- CITI LLC (MBE) (\$235,629) (system integration)

### **Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

### **Attachment(s)**

Map

[McDowell Creek WWTP Map](#)

## 25. McMullen Creek Tributary-Quail Hollow Segment Sanitary Sewer Replacement, Rehabilitation, and Repair Construction

### **Action:**

**Approve a guaranteed maximum price of \$2,295,253.69 to Atlantic Coast Contractors, Inc. for Design-Build construction services for the McMullen Creek Tributary-Quail Hollow Segment Sanitary Sewer Replacement, Rehabilitation, and Repair project.**

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

David Czerr, Charlotte Water

Ron Hargrove, Charlotte Water

Carl Wilson, Charlotte Water

### **Explanation**

- This contract will provide for the replacement, rehabilitation, and repair of the McMullen Creek Tributary-Quail Hollow Segment sanitary sewer line.
- This segment currently has approximately 4,300 linear feet of 8-inch gravity sanitary sewer flowing from Gleneagles Road, along a McMullen Creek tributary stream and the Quail Hollow Golf Course, to the McMullen Creek Interceptor (Council District 6).
- On January 14, 2019, Council approved a contract with Atlantic Coast Contractors, Inc. for Design-Build design services.
- As part of the design, budgeting, and property owner negotiation process, the project construction is to be phased. A guaranteed maximum price for construction services was developed for the initial scope of work.

### **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). Atlantic Coast Contractors, Inc. has committed 24.65% (\$565,800) of the total contract for construction services to the following certified firms:

- Right of Way Contractors, LLC (MBE) (\$170,000) (water and sewer utility construction)
- Gavel & Dorn Engineering, PLLC (SBE) (\$100,000) (engineering services)
- P&H Utilities Inc. (SBE) (\$100,000) (water and sewer utility construction)
- Venture Utility Construction Inc. (SBE) (\$100,000) (water and sewer utility construction)
- Pipe Pros LLC (SBE) (\$50,000) (sewer inspection services)
- Jones Grading & Fencing Inc. (SBE, MBE) (\$25,000) (hauling)
- Mid Atlantic Erosion Control Inc. (SBE) (\$10,000) (erosion control silt fencing)
- Edwin S. Godsey dba Landtec (SBE) (\$8,000) (property survey and easement mapping)
- Carolina Wetland Services Inc (SBE, WBE) (\$2,800) (preliminary wetlands investigation)

### **Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

### **Attachment(s)**

Map

[Map-McMullen Creek Tributary-Quail Hollow Segment Sanitary Sewer Replacement, Rehabilitation, and](#)

## 26. Valve Insertion System

### Action:

- A. **Approve the purchase of the Hydra-Stop Valve Insertion System and accessories, by the sole source exemption,**
- B. **Approve a contract with Hydra-Stop LLC for the purchase of Hydra-Stop Valve Insertion System and accessories for the term of five years, and**
- C. **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  
Ron Hargrove, Charlotte Water  
Scott Clark, Charlotte Water

### **Sole Source Exemption**

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

### **Explanation**

- This contract provides for the purchase of the Hydra-Stop Valve Insertion System, a system engineered to allow for the repair and maintenance of water and wastewater systems without interrupting service or requiring system shutdown.
- Hydra-Stop LLC is the sole designer, manufacturer, and provider of the system, which is fully compliant with the side tapping, line-stopping, and valve insertion equipment Charlotte Water currently owns and operates.
- Total annual expenditures are estimated to be \$85,000.

### **Charlotte Business INclusion**

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

### **Fiscal Note**

Funding: Charlotte Water Operating Budget



## 27. CATS Wheelchair Lift Replacement Parts

### **Action:**

- A. Approve the purchase of bus wheelchair lift replacement parts, by the sole source exemption,**
- B. Approve a contract with Hogan Mfg. Inc. for the purchase of bus wheelchair-lift replacement parts for the term of three years, and**
- C. Authorize the City Manager to renew the contract for up to one, two-year term 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

Tangee Mobley, CATS

### **Sole Source Exemption**

- G.S. 143-129(e)(6) provides that formal bidding requirements do not apply when:
  - Performance or price competition are not available;
  - A needed product is available from only one source or supply; or
  - Standardization or compatibility is the overriding consideration.
- Sole sourcing is necessary for this contract because compatibility of replacement parts to the existing wheelchair lift mechanism is an overriding consideration.
- City Council approval is required for purchases made under the sole source exception.

### **Explanation**

- CATS Bus Operations requires replacement parts to maintain the bus wheelchair lift mechanism to properly and safely maintain the wheelchair lift for ridership.
- Hogan Mfg. Inc. is the supplier of wheelchair lifts and replacement parts to Gillig-brand buses which constitute a substantial portion of the CATS bus fleet.
- Maintaining wheelchair lifts in proper condition is necessary to sustain CATS' services to customers.
- Annual expenditures are estimated to be \$45,000.

### **Charlotte Business INclusion**

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

### **Fiscal Note**

Funding: CATS Operating Budget

## 28. Street Lights for CityLYNX Gold Line Phase 2

**Action:**

**Authorize the City Manager to approve a payment to Duke Energy in the amount of \$1,320,414.05 for the installation of street lights along the CityLYNX Gold Line Phase 2 project.**

**Staff Resource(s):**

John Lewis, CATS

David McDonald, CATS

**Explanation**

- The CityLYNX Gold Line Phase 2 project extends the CityLYNX Gold Line Phase 1 project by 2.5 miles, adding 11 stops and upgrading to six new modern hybrid streetcar vehicles.
- The Gold Line project will replace 141 existing street lights and add 115 new lights along the corridor located in Council Districts 1 and 2.
- This action provides a one-time payment from the Gold Line project funds for street light installation work to be completed by Duke Energy consistent with the city's standing agreements with Duke Energy for the installation of street lights throughout the city.
- The cost includes the light fixtures, duct bank installation, conduit installation, and connection to line power.
- This project is expected to be complete in the first quarter of 2021.

**Fiscal Note**

Funding: Federal Transit Administration Small Starts Grant and General Capital Investment Plan

## 29. Bulk Fluids for CATS Fleet

### Action:

- A. Approve unit price contracts for the purchase of bulk fluids for an initial term of three-years to the following:**
- Colonial Oil Industries, Inc.,
  - Dilmar Oil Company Inc.,
  - Northeast Lubricants Ltd.,
  - Brewer-Hendley Oil Company, and
- B. Authorize the City Manager to renew the contracts for up to two, 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):**

John Lewis, CATS

Tangee Mobley, CATS

### **Explanation**

- These contracts will provide a variety of oils and lubricants (including diesel oil, transmission fluid, gear oil, grease, hydraulic oil, anti-freeze/coolant, and diesel exhaust fluid) for the on-going maintenance of CATS bus fleet and Special Transportation Service vehicles.
- On May 24, 2019, the city issued an Invitation to Bid; six bids were received.
- Colonial Oil Industries, Inc., Dilmar Oil Company Inc., Northeast Lubricants Ltd., and Brewer-Hendley Oil Company were selected as the lowest responsive, responsible bidders for individual bid items within this solicitation.
- Annual expenditures are estimated to be \$550,000.

### **Charlotte Business INclusion**

Per Charlotte Business Inclusion Policy: Part C: Section C 2.1(a) The city shall not establish Subcontracting Goals for Contracts where: (a) there are not subcontracting opportunities identified for the Contract; (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 criteria of (a) there are no subcontracting opportunities.

### **Fiscal Note**

Funding: CATS Operating Budget

## 30. Airport Aircraft Pre-Conditioned Air System Parts

### Action:

- A. **Approve the purchase of pre-conditioned Air System Parts, by the sole source exemption,**
- B. **Approve a contract with Twist Aero LLC for the purchase of aircraft pre-conditioned air system parts for the term of three years, and**
- C. **Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

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

Brent Cagle, Aviation

Jack Christine, Aviation

### **Sole Source Exemption**

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

### **Explanation**

- Aviation owns and maintains 89 passenger loading bridges. The pre-conditioned air system parts are integral components of the loading bridges as they provide regulated air conditioning to the aircraft.
- Twist Aero LLC is the manufacturer of this specialized airport equipment, and the original equipment manufacturer parts are required to maintain performance standards, standardization, and compatibility with existing equipment.
- Annual expenditures are estimated to be \$150,000.
- This activity is occurring on airport property, located in Council District 3.

### **Charlotte Business INclusion**

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

### **Fiscal Note**

Funding: Aviation Operating Budget

## 31. Airport Custom Carpet

### Action:

- A. Approve the purchase of custom carpet, by the sole source exemption,
- B. Approve a contract with Bloomsburg Carpet Industries, Inc. for the purchase of custom carpet for the term of three years, and
- C. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.

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

Brent Cagle, Aviation

Jack Christine, Aviation

### **Sole Source Exemption**

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

### **Explanation**

- The Airport Terminal currently has custom carpet installed throughout public areas. Based on experience, carpet in high travel areas in the terminal should be replaced every three years.
- The requested carpet is a custom design and color specific to the Airport. Bloomsburg Carpet Industries, Inc. is the only vendor that can provide matching carpet.
- This contract will provide the custom carpet which will be used as replacement carpet (as needed) throughout the Airport terminal.
- Annual expenditures are estimated to be \$200,000.
- This activity is occurring on airport property, located in Council District 3.

### **Charlotte Business INclusion**

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

### **Fiscal Note**

Funding: Aviation Operating Budget

## 32. Transfer Aviation Mural to Cabarrus County Schools

### **Action:**

**Approve the transfer of an Aviation mural entitled "Centennial of Flight" without monetary consideration to Cabarrus County Schools as authorized under G.S. 160A-274 and approve all contracts related to this transfer.**

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

Brent Cagle, Aviation  
Haley Gentry, Aviation

### **Explanation**

- Aviation has displayed a painted mural, "Centennial of Flight", in the Terminal since 2003.
- The mural is an 8 foot by 120 foot piece from artist Amy Bearden, which highlights the history of aviation from 1903 to 2003.
- Aviation purchased the mural for \$19,050.
- In conjunction with the CLT Ticket Lobby Expansion project, the mural must be relocated from its current site.
- The mural will be placed at West Cabarrus High School to compliment the aviation focused curriculum in its Academy of Aviation and Aerospace program.
- Cabarrus County Schools is responsible for the transfer and maintenance of the mural.

### **33. Eastland Mall Redevelopment - Amendment to Extend the Pre-Development Agreement**

**Action:**

- A. Authorize the City Manager to amend the existing pre-development agreement with Crosland Southeast to extend the expiration date to June 30, 2020, and**
- B. Authorize the City Manager to extend the agreement for up to two, six-month terms.**

**Staff Resource(s):**

Tracy Dodson, City Manager's Office  
Todd DeLong, Economic Development

**Explanation**

- City Council authorized the City Manager to negotiate and execute a pre-development agreement with Crosland Southeast on October 22, 2018.
  - The agreement was executed on January 14, 2019, and
  - On August 31, 2019, the agreement allowed for a one time, four-month extension to December 31, 2019.
- The scope of the pre-development agreement comprised the following:
  - Community Communications and Engagement,
  - Physical Site Investigation,
  - Project Envisioning / Master Planning,
  - Civil Engineering, and
  - Fiscal Impact.
- The total estimated cost of the work remains between \$550,000 and \$600,000.
- Per the original agreement, the city shall reimburse 50 percent of the completed expenditures subject to a not-to-exceed amount of \$250,000.
- The project is progressing, and additional time is requested to finalize pre-development activities and the terms of a development agreement.
- This extension to the agreement does not require additional funding.

**Fiscal Note**

Funding: General Capital Investment Plan

## 34. Set Public Hearing on Mallard Creek Area Voluntary Annexation

### **Action:**

**Adopt a resolution setting the public hearing for February 24, 2020, for Mallard Creek Area voluntary annexation petition.**

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

Taiwo Jaiyeoba, City Manager's Office  
Katrina Young, Planning, Design, & 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.
- Area proposed for annexation is abutting a major highway that shares 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 25.952-acre "Mallard Creek Area" site is located west of Salome Church Road and south of I-85 Highway in east Mecklenburg County.
  - The property is currently vacant.
  - The petitioner has plans to construct 250 single family residential dwelling units on the site.
  - The property is zoned UR-2(CD) urban residential conditional district, which allows a mixture of housing types.
  - The property is located immediately adjacent to City Council District 4.
  - The petitioned area consists of three parcels, PID 02910105, 02910104, and 02910180.

### **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  
Resolution

[Mallard Creek](#)

[Resolution to set date of Public Hearing - Mallard Creek Area](#)



## 35. Set Public Hearing on The Towns at Mallard Mills Voluntary Annexation

### **Action:**

**Adopt a resolution setting the public hearing for February 24, 2020, for the Towns at Mallards Mills voluntary annexation petition.**

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

Taiwo Jaiyeoba, City Manager's Office

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.
- Area proposed for annexation shares 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 17.177-acre "The Towns at Mallard Mills " site is located north of Mallard Creek Road and west I-485 Highway in east Mecklenburg County.
  - The property is currently vacant.
  - The petitioner has plans to construct 180 single family residential dwelling units on the site.
  - The property is zoned UR-2(CD) urban residential conditional district (which allows a mixture of housing types) and R-3 (which allows single family residential).
  - The property is located immediately adjacent to City Council District 4.
  - The petitioned area consists of four parcels, PID 02919105, 02919113 (portion of), 02919114, and 02919115.

### **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

Resolution

[The Towns at Mallard Mills Voluntary Annexation Map](#)

[Resolution to set date of Public Hearing - The Towns at Mallard Mills](#)

## 36. Refund of Property Taxes

**Action:**

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$337,497.15.

**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](#)

## 37. Meeting Minutes

**Action:**

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

- **October 28, 2019, Business Meeting,**
- **November 12, 2019, Strategy Session,**
- **November 18, 2019, Zoning Meeting,**
- **November 25, 2019, Business Meeting,**
- **December 2, 2019, Swearing in Ceremony,**
- **December 9, 2019, Business Meeting,**
- **December 16, 2019, Zoning Meeting, and**
- **January 6, 2020, Strategy Session.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

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

## PROPERTY TRANSACTIONS

## 38. Airport Property Transactions - 2900 Little Rock Road and 2900 Keeter Drive Acquisitions

**Action:** Approve the following Property Acquisition: Charlotte Airport Destination District Project

The property is acquired in accordance with Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration Reimbursement.

**Project:** Charlotte Airport Destination District Project - CENTRAL

**Program:** Not Applicable

**Owner(s):** DSA Rental Properties, LLC and SMA Rental Properties, LLC

**Property Address:** 2900 Little Rock Road and 2900 Keeter Drive

**Total Parcel Area:** 8.763 acres

**Property to be acquired by Easements:** N/A

**Structures/Improvements to be impacted:** Vacant commercial buildings and fencing

**Landscaping to be impacted:** Trees and shrubs

**Zoned:** I-2

**Use:** Commercial

**Tax Code:** 055-369-38, 055-369-39, and 055-369-41

<http://polaris3g.mecklenburqcountync.gov/#mat=94819&pid=05536938&qsid=05536938>

<http://polaris3g.mecklenburqcountync.gov/#mat=94283&pid=05536939&qsid=05536939>

<http://polaris3g.mecklenburqcountync.gov/#mat=469878&pid=05536941&qsid=05536941>

**Purchase Price:** \$8,350,000 and all relocation benefits in compliance with federal, state, or local regulations

**Council District:** 3

### 39. Property Transactions - 16th Street Streetscape, Parcel # 2

**Action:** Approve the following Acquisition: 16th Street Streetscape, Parcel #2

**Project:** 16th Street Streetscape, Parcel #2

**Owner(s):** Consolidated Pipe & Supply Company, Inc.

**Property Address:** 201 E 16th Street

**Total Parcel Area:** 409,909 sq. ft. (9.41 ac.)

**Property to be acquired by Fee:** 911 sq. ft. (0.021 ac.)

**Property to be acquired by Easements:** 654 sq. ft. (0.015 ac.) Storm Drainage Easement, 7678 sq. ft. (0.176 ac.) Sidewalk Utility Easement, and 7443 sq. ft. (0.171 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** I-2

**Use:** Industrial

**Tax Code:** 083-011-24

<http://polaris3g.mecklenburgcountync.gov/#mat=32787&pid=08301124&qisid=08301124>

**Purchase Price:** \$150,175

**Council District:** 1

## 40. Property Transactions - Beaverdam Creek Interceptor Phase 1, Parcel #7

**Action:** Approve the following Acquisition: Beaverdam Creek Interceptor Phase 1, Parcel #7

**Project:** Beaverdam Creek Interceptor Phase 1, Parcel #7

**Owner(s):** The Estate of Clarence H. Grier

**Property Address:** Garrison Road

**Total Parcel Area:** 422,573 sq. ft. (9.701 ac.)

**Property to be acquired by Easements:** 31,049 sq. ft. (0.713 ac.) in Sanitary Sewer Easement, plus 7,921 sq. ft. (0.182 ac.) in Temporary Construction Easement

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

**Landscaping to be impacted:** Trees

**Zoned:** MUDD

**Use:** Industrial

**Tax Code:** 141-142-02

<http://polaris3g.mecklenburgcountync.gov/#pid=14114202&gisid=14114202>

**Purchase Price:** \$13,418

**Council District:** Adjacent to Council District 3

## 41. Property Transactions - Hinsdale - Tinkerbell Drainage Improvements, Parcel #250

**Action:** Approve the following Condemnation: Hinsdale - Tinkerbell Drainage Improvements, Parcel #250

**Project:** Hinsdale - Tinkerbell Drainage Improvements, Parcel #250

**Program:** Flood Control

**Owner(s):** Ilonka Aylward

**Property Address:** 2813 Hinsdale Street

**Total Parcel Area:** 41,280 sq. ft. (0.948 ac.)

**Property to be acquired by Easements:** 894.39 sq. ft. (0.021 ac.) in Storm Drainage Easement, 2,159.35 sq. ft. (0.05 ac.) in Sanitary Sewer Easement, 4,072.2 sq. ft. (0.093 ac.) in Temporary Construction Easement, and 565.66 sq. ft. (0.013 ac.) in Existing Storm Drainage Easement

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

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

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 209-124-17

<http://polaris3g.mecklenburgcountync.gov/#mat=92890&pid=20912417&gisid=20912417>

**Appraised Value:** \$28,600

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

**City's Response to Property Owner's Concerns:** The city informed the property owner they could obtain their own appraisal in order to justify a counteroffer and was able to redesign to accommodate some of the property owner's design requests.

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

**Council District:** 6

## 42. Property Transactions - I-85 North Bridge, Parcel #15

**Action:** Approve the following Acquisition: I-85 North Bridge, Parcel #15

**Project:** I-85 North Bridge, Parcel #15

**Owner(s):** Electric Power Research Institute Inc.

**Property Address:** 1200 West W.T. Harris Boulevard

**Total Parcel Area:** 1,043,741 sq. ft. (23.961 ac.)

**Property to be acquired by Fee:** 139 sq. ft. (0.003 ac.) in Fee Simple

**Property to be acquired by Easements:** 1,573 sq. ft. (0.036 ac.) in Storm Drainage Easement, plus 1,182 sq. ft. (0.027 ac.) in Sidewalk and Utility Easement, plus 2,085 sq. ft. (0.048 ac.) in Temporary Construction Easement

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

**Landscaping to be impacted:** Trees and shrubs

**Zoned:** RE-2

**Use:** Laboratory / Research

**Tax Code:** 047-401-02

<http://polaris3g.mecklenburgcountync.gov/#mat=208739&pid=04740102&gisid=04740102>

**Purchase Price:** \$11,675

**Council District:** 4



### 43. Property Transactions - Lakeview Road Farm to Market, Parcel #7

**Action:** Approve the following Acquisition: Lakeview Road Farm to Market, Parcel #7

**Project:** Lakeview Road Farm to Market, Parcel #7

**Owner(s):** Eastgroup Properties, L.P.

**Property Address:** 6051 Lakeview Road

**Total Parcel Area:** 466,251 sq. ft. (10.704 ac.)

**Property to be acquired by Easements:** 1,731 sq. ft. (0.04 ac.) in Storm Drainage Easement, plus 6,920 sq. ft. (0.159 ac.) in Sidewalk and Utility Easement, plus 9,386 sq. ft. (0.215 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** Sign

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

**Zoned:** I-2

**Use:** Industrial

**Tax Code:** 025-022-07

<http://polaris3g.mecklenburgcountync.gov/#mat=530547&pid=02502207&gisid=02502207>

**Purchase Price:** \$34,700

**Council District:** 2

## 44. Property Transactions - South Tryon 10120 8-inch Sanitary Sewer, Parcel #2

**Action:** Approve the following Acquisition: South Tryon 10120 8-inch Sanitary Sewer, Parcel #2

**Project:** South Tryon 10120 8-inch Sanitary Sewer, Parcel #2

**Owner(s):** Martha F. Gainey

**Property Address:** 2632 South Tryon Street

**Total Parcel Area:** 231,739 sq. ft. (5.320 ac.)

**Property to be acquired by Easements:** 18,694.9 sq. ft. (0.429 ac.) in Sanitary Sewer Easement

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

**Landscaping to be impacted:** None

**Zoned:** I-1

**Use:** Industrial

**Tax Code:** 203-161-05

<http://polaris3g.mecklenburgcountync.gov/#pid=20316105&gisid=20316105>

**Purchase Price:** \$12,450

**Council District:** 3

## 45. Property Transactions - Water Oak Storm Drainage Improvements, Parcel #6

**Action:** Approve the following Condemnation: Water Oak Storm Drainage Improvements, Parcel #6

**Project:** Water Oak Storm Drainage Improvements, Parcel #6

**Program:** Flood Control

**Owner(s):** Joel L Adelman and Stephanie W Adelman

**Property Address:** 4511 Water Oak Road

**Total Parcel Area:** 16,700 sq. ft. (0.383 ac.)

**Property to be acquired by Easements:** 609 sq. ft. (0.014 ac.) in Storm Drainage Easement and 665 sq. ft. (0.015 ac.) in Utility Easement

**Structures/Improvements to be impacted:** Sprinkler system

**Landscaping to be impacted:** Trees

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 157-131-11

<http://polaris3g.mecklenburgcountync.gov/#mat=465989&pid=15713111&gisid=15713111>

**Appraised Value:** \$10,925

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

**City's Response to Property Owner's Concerns:** The city informed the property owner that they can obtain their own appraisal in order to justify a counteroffer.

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

**Council District:** 5

## 46. 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):** Jason L. Broady and Kelly E. Broady

**Property Address:** 4527 Water Oak Road

**Total Parcel Area:** 23,381 sq. ft. (0.537 ac.)

**Property to be acquired by Easements:** 1,797 sq. ft. (0.041 ac.) in Storm Drainage Easement, 102 sq. ft. (0.002 ac.) in Temporary Construction Easement, and 78 sq. ft. (0.002 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

<http://polaris3g.mecklenburgcourtync.gov/#mat=132888&pid=15713102&gisid=15713102>

**Purchase Price:** \$19,915

**Council District:** 5

## 47. Property Transactions - Water Oak Storm Drainage Improvements, Parcel #24

**Action:** Approve the following Acquisition: Water Oak Storm Drainage Improvements, Parcel #24

**Project:** Water Oak Storm Drainage Improvements, Parcel #24

**Program:** Flood Control

**Owner(s):** Lindsay Ann Nagele and Andrew Robert Nagele

**Property Address:** 627 North Sharon Amity Road

**Total Parcel Area:** 22,091 sq. ft. (0.507 ac.)

**Property to be acquired by Easements:** 2,556 sq. ft. (0.059 ac.) in Storm Drainage Easement, 148 sq. ft. (0.003 ac.) in Sidewalk and Utility Easement, 1,844 sq. ft. (0.042 ac.) in Temporary Construction Easement, 311 sq. ft. (0.007 ac.) in Utility Easement, and 1,597 sq. ft. (0.037 ac.) in Existing Storm Drainage Easement

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

**Landscaping to be impacted:** Various plantings

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 157-183-11

<http://polaris3g.mecklenburcountync.gov/#mat=165933&pid=15718311&gisid=15718311>

**Purchase Price:** \$37,650

**Council District:** 5

## 48. Property Transactions - Water Oak Storm Drainage Improvements, Parcel #26

**Action:** Approve the following Condemnation: Water Oak Storm Drainage Improvements, Parcel #26

**Project:** Water Oak Storm Drainage Improvements, Parcel #26

**Program:** Flood Control

**Owner(s):** Brian Clair and Sharon Clair

**Property Address:** 4742 Emory Lane

**Total Parcel Area:** 20,295 sq. ft. (0.466 ac.)

**Property to be acquired by Easements:** 1,296 sq. ft. (0.03 ac.) in Storm Drainage Easement

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

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

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 163-082-10

<http://polaris3g.mecklenburgcountync.gov/#mat=136518&pid=16308210&gisid=16308210>

**Appraised Value:** \$7,875

**Property Owner's Concerns:** Property owner is concerned with the compensation amount and project impacts to the property.

**City's Response to Property Owner's Concerns:** The city informed the property owner they could obtain their own appraisal in order to justify a counteroffer and explained the rationale of the design and how it meets the objectives for the project.

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

**Council District:** 5

## 49. Property Transactions - Water Oak Storm Drainage Improvements, Parcel #31

**Action:** Approve the following Acquisition: Water Oak Storm Drainage Improvements, Parcel #31

**Project:** Water Oak Storm Drainage Improvements, Parcel #31

**Program:** Flood Control

**Owner(s):** Whitby Pond Homeowners Association Inc.

**Property Address:** 4517 Night Heron Lane

**Total Parcel Area:** 13,429 sq. ft. (0.308 ac.)

**Property to be acquired by Easements:** 557 sq. ft. (0.013 ac.) in Storm Drainage Easement, 382 sq. ft. (0.009 ac.) in Temporary Construction Easement, and 76 sq. ft. (0.002 ac.) in Utility Easement

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

**Landscaping to be impacted:** None

**Zoned:** R-8(CD)

**Use:** Single-family Residential - Common

**Tax Code:** 157-182-57

<http://polaris3g.mecklenburgcourtync.gov/#pid=15718257&qisid=15718257>

**Purchase Price:** \$13,425

**Council District:** 5

## 50. Property Transactions - Water Oak Storm Drainage Improvements, Parcel #37

**Action:** Approve the following Condemnation: Water Oak Storm Drainage Improvements, Parcel #37

**Project:** Water Oak Storm Drainage Improvements, Parcel #37

**Program:** Flood Control

**Owner(s):** Daniel Ryan and Erin Ryan

**Property Address:** 4736 Water Oak Road

**Total Parcel Area:** 4,614 sq. ft. (0.106 ac.)

**Property to be acquired by Easements:** 65 sq. ft. (0.001 ac.) in Temporary Construction Easement and 26 sq. ft. (0.001 ac.) in Utility Easement

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

**Landscaping to be impacted:** None

**Zoned:** R-8(CD)

**Use:** Single-family Residential

**Tax Code:** 157-182-52

<http://polaris3g.mecklenburgcountync.gov/#mat=465948&pid=15718252&gisid=15718252>

**Appraised Value:** \$1,550

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

**City's Response to Property Owner's Concerns:** The city explained the rationale of the design and how it meets the objectives for the project.

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

**Council District:** 5



## 51. Property Transactions - Water Oak Storm Drainage Improvements, Parcel #41

**Action:** Approve the following Condemnation: Water Oak Storm Drainage Improvements, Parcel #41

**Project:** Water Oak Storm Drainage Improvements, Parcel #41

**Program:** Flood Control

**Owner(s):** Ashley Z. Jenkins

**Property Address:** 4740 Water Oak Road

**Total Parcel Area:** 6,151 sq. ft. (0.141 ac.)

**Property to be acquired by Easements:** 359 sq. ft. (0.008 ac.) in Temporary Construction Easement and 59 sq. ft. (0.001 ac.) in Utility Easement

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

**Landscaping to be impacted:** None

**Zoned:** R-8(CD)

**Use:** Single-family Residential

**Tax Code:** 157-182-51

<http://polaris3g.mecklenburgcountync.gov/#mat=465949&pid=15718251&gisid=15718251>

**Appraised Value:** \$4,050

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

**City's Response to Property Owner's Concerns:** The city explained the rationale of the design and how it meets the objectives for the project.

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

**Council District:** 5

## REFERENCES

## 52. 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.

## 53. 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.

## 54. 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.

## Adjournment