

# **City of Charlotte**

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



## **Meeting Agenda**

**Monday, February 10, 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**

**Staff Resource(s):**

Taiwo Jaiyeoba, City Manager's Office

Alysia Osbourne, Planning, Design, and Development

**Time:** 15 minutes - Presentation; 15 minutes - Discussion

**Explanation**

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

[02102020 2040 Comprehensive Plan Two-Year Outlook Presentation](#)

### **4. Republican National Convention Update**

**Staff Resource(s):**

Angela Charles, City Manager's Office

Kerr Putney, Police

**Time:** 5 minutes - Presentation; 10 minutes - Discussion

**Explanation**

- Update on the Republican National Convention

[02102020 Republican National Convention Update Presentation](#)

### **5. Ballantyne Development Update (Removed from agenda)**

**Staff Resource(s):**

Tracy Dodson, City Manager's Office

Taiwo Jaiyeoba, City Manager's Office

**Time:** 10 minutes - Presentation; 15 minutes - Discussion

**Explanation**

- Provide an update on proposed development in Ballantyne.

## **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 34 through 50 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. 100th Anniversary of the League of Women Voters Proclamation**

**Action:**

Mayor Lyles will read a proclamation recognizing February 29, 2020 as the 100th Anniversary of the League of Women Voters.

**POLICY**

**11. City Manager's Report**

**BUSINESS**

## 12. City Bridge Inspection Contracts

### Action:

- A. **Approve a contract for \$124,791.26 with WSP USA, Inc. for the inspection of bridges not qualifying for federal funds,**
- B. **Approve a contract for \$642,834.33 with WSP USA, Inc. for the inspection of bridges that qualify for federal funds administered by the North Carolina Department of Transportation,**
- C. **Adopt a resolution authorizing the City Manager to execute a Municipal Agreement with the North Carolina Department of Transportation to share the cost of inspecting 179 city-maintained bridges and culverts in the amount of \$514,267.46, and**
- D. **Adopt a budget ordinance appropriating \$514,267.46 from the North Carolina Department of Transportation for bridge inspections.**

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

Liz Babson, Transportation  
Geoff Sloop, Transportation

### **Explanation**

- The Federal Highway Administration (FHWA) mandates that bridges and culverts be inspected every two years.
- Bridges are inspected for structural adequacy, safety, and functionality.
- Bridges that are greater than 20 feet in length qualify for federal reimbursement of 80 percent of the cost of inspections.
- The North Carolina Department of Transportation (NCDOT) administers the reimbursement process on behalf of FHWA.
- The intergovernmental arrangement constitutes multiple agreements and contracts that must be approved by City Council.
- On December 4, 2019, the city issued a Request for Qualifications (RFQ); nine responses were received.
- WSP USA, Inc. 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.
- This is the first approval of the 2020 Bridge Inspection Program. Over the next two years, City Council will be presented with contracts for the design and construction of needed repairs related to these inspection contracts.

### Action A

- The contract with WSP USA, Inc. totals \$124,791.26 and is for the inspection of 39 city-maintained bridges and culverts that do not qualify for federal reimbursement.
- The city is responsible for 100 percent of costs associated with the inspection and maintenance of these bridges and culverts.
- The city's costs are funded through the previously-approved Capital Investment Plan program.

### Action B, C, and D

- The contract with WSP USA, Inc. totals \$642,834.33 and is for the inspection of 179 city-maintained bridges that qualify for federal reimbursement.
- FHWA will reimburse the city for 80 percent of the total cost of inspections, which is \$514,267.46.
- The city is responsible for 20 percent of the total cost, which is \$128,566.87. The city's costs are funded through the previously-approved Capital Investment Plan program.

### **Charlotte Business INclusion**

#### Action A

The city negotiated subcontracting goals after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business Inclusion Policy). WSP USA, Inc. has committed \$8,309 or approximately 10.00% of the total eligible contract components to the following State Small Professional Service Firm certified firm:

- Boyle Consulting Engineers, PLLC (SPSF) (\$8,309) (bridge inspection services)

Action B

For Federal Highway Administration federal projects, NCDOT does not mandate a goal through the State's Small Professional Service Firm (SPSF) program.

**Fiscal Note**

Funding: General Capital Investment Plan and Federal Highway Administration Funds

**Attachment(s)**

Budget Ordinance

List of Qualifying Bridges

List of Non-Qualifying Bridges

Resolution

[BO NCDOT Bridges 2.10.2020](#)

[2020 Qualifying Bridge List](#)

[2020 Non-Qualifying Bridge List](#)

[Bridge Inspection Resolution](#)

## 13. North Tryon Street Route Change Request

### **Action:**

**Adopt a resolution endorsing rerouting a portion of North Tryon Street (US 29/NC 49) to a portion of North Church Street between Keswick Avenue and Matheson Avenue in Mecklenburg County and support The North Carolina Department of Transportation's amendment to the official United States and North Carolina highway system maps accordingly.**

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

Liz Babson, Transportation  
Tom Sorrentino, Transportation  
Phil Reiger, General Services  
Tom Russell, General Services

### **Explanation**

- The North Tryon Street Redevelopment project will construct a pair of one way streets whereby North Tryon Street will continue carrying northbound traffic and southbound traffic will be rerouted to North Church Street, between approximately Keswick Avenue and Matheson Avenue, located in Council District 1.
- Upon project completion, North Tryon Street and North Church Street will make up the primary transportation route.
- North Church Street is currently a city-maintained road. This portion of North Church Street will be designated a primary route and maintenance will be transferred to the North Carolina Department of Transportation.
- The rerouting will improve traffic operations and safety along the corridor and enhance connectivity through the North End neighborhoods.
- This project provides five-foot bike lanes, six-foot sidewalks, and eight-foot planting strips on North Church Street and North Tryon Street.
- The North Tryon Street Redevelopment project also ties into the proposed two-way cycle track on Matheson Avenue, which will extend to the Davidson Street and Jordan Place intersection in NoDa.
- Signs indicating the new route alignment will be installed as part of the project.
- The project is currently in construction and is anticipated to be completed by early 2020.

### **Attachment(s)**

US 29 Map  
NC 49 Map  
Resolution

[Route Change US-29](#)

[Route Change NC-49](#)

[Resolution US 29 NC 49 \(North Tryon Street\) Route Change Request](#)

## 14. Exchange of Right-of-Way along the LYNX Light Rail Corridor

### **Action:**

- A. Adopt a resolution authorizing an exchange of right-of-way between the City of Charlotte and 2151 Hawkins, LLC or its successors involving Parcel Identification Number 121-031-12, and**
- B. Authorize the City Manager to execute all necessary documents to complete the exchange of right-of-way between the City of Charlotte and the Property Owner.**

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

John Lewis, CATS  
John Howard, CATS  
Tony Korolos, General Services

### **Explanation**

- This right-of-way exchange will enable 2151 Hawkins, LLC (Property Owner) to use some of the city's excess LYNX right-of-way to build a proposed mixed-use office development (Development) in South End near the intersection of Tremont Avenue and Hawkins Street in Council District 3.
- Pursuant the city's Administrative Policy, Utilization of Rail Corridor, the city may release excess railroad right-of-way to facilitate transit supportive redevelopment.
- The Property Owner will exchange property rights with the city for full and fair consideration as required by law. Fair consideration can be any combination of cash, real, or personal property, and other benefits.
- The terms of the exchange are:
  - The Property Owner will transfer approximately 17,770 square feet of a portion of the rail corridor used by the Light Rail and the Rail Trail to the city and will be required to reconstruct and maintain the city's Rail Trail on this property and a small portion of unimproved Rail Trail on an adjacent property. As part of the Rail Trail, the Property Owner will install additional decorative fencing, landscaping, and aesthetic enhancements. The property, improvements, and maintenance obligation have a combined value of approximately \$943,000, and
  - The city will release approximately 14,090 square feet of excess right-of-way, valued at approximately \$930,000, to the Property Owner. Additionally, the city will execute a License Agreement, and other similar documents, with the Property Owner that requires the Property Owner to construct and maintain the Rail Trail and allows for the construction of the Development.

### **Background**

- The Council-adopted Transit Station Area Plans define development standards for property adjacent to the rail corridor and envision that excess right-of-way will be incorporated into adjacent transit-supportive development. Alternatively, the excess right-of-way may be retained by the city as buffer if needed.

### **Attachment(s)**

Resolution  
Map

[Council Resolution 200115](#)

[2151 Hawkins St - Location Map](#)

## 15. Knight Foundation Award for Five Points Plaza Programming

### **Action:**

**Accept the awarded funds from the Knight Foundation in the amount of \$394,200 to support the programming of the soon to be constructed, Five Points Plaza for the three years following its completion.**

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

Taiwo Jaiyeoba, Planning, Design, and Development  
Erin Chantry, Planning, Design, and Development

### **Explanation**

- In November 2014, voters approved \$20 million for the Comprehensive Neighborhood Improvement Program (CNIP). The Five Points Realm was selected as one of the projects to move forward under the West Trade Street and Rozelle's Ferry Road CNIP.
- Five Points Plaza will be one of the first public spaces built by the City of Charlotte in over 25 years.
- Knight Foundation funding will allow city staff to work closely with the community to co-create a programming and funding strategy and implement it over the next three years.
- Funding provides for:
  - Hiring and training a member of the community to work as a part-time Event Coordinator and to support a work study program for student ambassadors from Johnson C. Smith University,
  - Contracting with Project for Public Spaces and The Lee Institute to design and build a resident led programming committee, strategy, and process that reflects the district's people, history and culture, and
  - Producing and marketing weekly events and programs over three years that meet the goals and objectives of the Historic West End.
- Objectives of funding include:
  - Establishing an events and programming solution that serves as a model for engaging residents and students in designing and programming public spaces in Charlotte,
  - Ensuring that Five Points Plaza is an active public space reflective of the identity, culture and heritage of the Historic West End community, and
  - Creating a volunteer based programming model that is financially self-sustaining.
- Knight Foundation support ensures the city can implement programming in an equitable way for residents of the Historic West End and build capacity for neighborhood leaders to acquire future funding after the grant cycle ends.
- Five Points Plaza, located in Council District 2, will be constructed by fourth quarter of 2021.

### **Attachment(s)**

Five Points Plaza Grant Proposal  
Award Letter from the Knight Foundation  
Grant Agreement from the Knight Foundation

[8-23-19 Five Points Plaza Proposal](#)

[Award Letter](#)

[KF Grant Agreement - City of Charlotte 2019-59181.pdf](#)

## 16. Private Land Donation

**Action:**

**Adopt a resolution accepting the donation of two parcels of real property on East Arrowood Road and South Boulevard from the John G. Blackmon Revocable Trust.**

**Staff Resource(s):**

Phil Reiger, General Services  
Jennifer Smith, General Services  
Tony Korolos, General Services

**Explanation**

- John Gerald "Jerry" Blackmon was a long-time Charlotte resident whose civic-mindedness and generosity led him to serve his state, county, and local community in many ways, including as a Senator and County Commissioner.
- Jerry was attentive to the city's efforts to meet the affordable housing challenge. Before his death in June of 2019, he arranged for two vacant properties owned by him to be donated to the City of Charlotte upon his death.
- Both of the properties are located next to the city's Arrowood Station on the LYNX Blue Line.
- The property with parcel identification number 205-171-25 consists of 15.64 acres with a tax value of \$2,256,300, and the property parcel identification number 205-173-03 consists of 4.523 acres with a tax value of \$2,298,200. Both parcels total 20.1 acres and have a combined tax value of \$4,554,500.
- Both parcels are currently zoned Transit Oriented Development-Community Center (TOD-CC) located in Council District 3.
- This transaction is consistent with the Council-adopted City-Owned Real Estate and Facilities Policy.

**Attachment(s)**

Resolution  
Map

[Private Land Donation - Location Map.pdf](#)

[RESOLUTION ACCEPTING THE DONATION OF REAL PROPERTY](#)

## 17. Nominations to the Bicycle Advisory Committee

**Action:**

**Nominate residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk

**Explanation**

- Two appointments for partial terms beginning upon appointment and ending December 31, 2021.
  - Robert Carter has resigned.
  - Gerry Kingsley did not meet attendance requirements.
- One appointment for a partial term beginning upon appointment and ending December 31, 2022.
  - Nadine Ford has resigned.

**Attachment(s)**

Bicycle Advisory Committee Applicants

## 18. Nominations to the Business Advisory Committee

### **Action:**

**Nominate residents to serve as specified.**

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

Stephanie Kelly, City Clerk's Office

### **Explanation**

- One appointment for a partial term recommended by the Charlotte Regional Business Alliance beginning upon appointment and ending April 28, 2021.
  - Dana Lumsden did not meet attendance requirements.
- One appointment for a partial term beginning upon appointment and ending April 28, 2022.
  - Victoria Watlington has resigned.
- One appointment for a partial term recommended by the Latin American Chamber of Commerce beginning upon appointment and ending April 28, 2020, and then continuing for a three-year term beginning April 29, 2020 and ending April 28, 2023.
  - Rocio Gonzalez-Zornosa did not meet attendance requirements.
- One appointment for a partial term recommended by the Charlotte Regional Business Alliance beginning upon appointment and ending April 28, 2020, and then continuing for a three-year term beginning April 29, 2020 and ending April 28, 2023.
  - Eric Cohen has resigned.
- One appointment for a partial term recommended by the Black Chamber of Commerce beginning upon appointment and ending April 28, 2020, and then continuing for a three-year term beginning April 29, 2020 and ending April 28, 2023.
  - Shante Williams did not meet attendance requirements.
- One appointment for a partial term recommended by the Asian American Chamber of Commerce beginning upon appointment and ending April 28, 2020, and then continuing for a three-year term beginning April 29, 2020 and ending April 28, 2023.
  - Reena Ruwala did not meet attendance requirements.
- One appointment for a partial term recommended by the National Association of Women Business Owners beginning upon appointment and ending April 20, 2020, and then continuing for a full three-year term beginning April 21, 2020 and ending April 20, 2023.
  - Suzy Johnson has resigned.

### **Attachment(s)**

Business Advisory Committee Applicants

## 19. Nominations to the Charlotte Business Inclusion Advisory Committee

### **Action:**

**Nominate residents to serve as specified.**

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

Stephanie Kelly, City Clerk's Office

### **Explanation**

- Two appointments for two-year terms for At-Large representatives beginning March 1, 2020 and ending February 28, 2022.
  - Steven Bimbo has served two terms and is no longer eligible for reappointment.
  - Edison Cassels is eligible and interested in reappointment.
- One appointment for a partial term for an At-Large representative of a Prime Construction Company beginning upon appointment and ending February 28, 2021.
  - Christopher Socha did not meet attendance requirements.
- One appointment for a two-year term for an At-Large representative for a Prime Construction Company beginning March 1, 2020 and ending February 28, 2022.
  - Stephanie Kegley Adler is eligible and interested in reappointment.
- One appointment for a partial term for a Hispanic Contractors Association of the Carolinas representative beginning upon appointment and ending February 28, 2020, and then continuing for a two-year term beginning March 1, 2020 and ending February 28, 2022.
  - Milagritos Aguilar did not meet attendance requirements.
- One appointment for a two-year term for a Metrolina Native American Association representative beginning March 1, 2020 and ending February 28, 2022.
  - Walter Baucom has served two terms and is no longer eligible for reappointment.
- One appointment for a two-year term for a Metrolina Minority Contractors representative beginning March 1, 2020 and ending February 28, 2022.
  - Stephane Berwald is eligible, but not interested in reappointment.
- One appointment for a two-year term for a Black Chamber of Commerce representative beginning March 1, 2020 and ending February 28, 2022.
  - Michelle Keaton-Barrow is eligible, but not interested in reappointment.
- One appointment for a two-year term for a Carolinas Asian-American Chamber of Commerce representative beginning March 1, 2020 and ending February 28, 2022.
  - Shobha Rajpal has served two terms and is no longer eligible for reappointment.

### **Attachment(s)**

Charlotte Business Inclusion (CBI) Advisory Committee Applicants

## 20. Nominations to the Charlotte International Cabinet

**Action:**

Nominate residents to serve as specified.

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a partial term for an At-Large representative beginning upon appointment and ending June 30, 2020, and then a three-year term beginning July 1, 2020 and ending June 30, 2023.
  - Johnell Holman did not meet attendance requirements.
- One appointment for a partial term for an At-Large representative beginning upon appointment and ending June 30, 2021.
  - Gina Esquivel did not meet attendance requirements.
- Two appointments for a partial term for a Charlotte Regional Business Alliance representative beginning upon appointment and ending June 30, 2022.
  - Sven Gerzer did not meet attendance requirements.
  - Marvin Price has served a full term and is not interested in reappointment.

**Attachments**

Charlotte International Cabinet Applicants

## 21. Nominations to the Charlotte Tree Advisory Commission

**Action:**

Nominate residents to serve as specified.

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- Three appointments for partial terms beginning upon appointment and ending December 13, 2020.
  - Tara Moore did not meet attendance requirements.
  - Wayne Robinson did not meet attendance requirements.
  - William Baker did not meet attendance requirements.
- One appointment for a partial term beginning upon appointment and ending December 13, 2021.
  - Eric Applefield did not meet attendance requirements.
- One appointment for a three-year term beginning December 12, 2019 and ending December 13, 2022.
  - Alexander Vuchnich has served two terms and is no longer eligible for reappointment.

**Attachment(s)**

Charlotte Tree Advisory Commission Applicants

## 22. Nominations to the Citizens Review Board

**Action:**

**Nominate residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- Two appointments for partial terms beginning upon appointment and ending July 31, 2020, and then continuing for a three-year term beginning August 1, 2020 and ending July 31, 2023.
  - Paris Hopkins did not meet attendance requirements.
  - Nanci Hightower did not meet attendance requirements.

**Attachment(s)**

Citizens Review Board Applicants

## 23. Nominations to the Citizens Transit Advisory Group

**Action:**

**Nominate residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a partial term beginning upon appointment and ending June 30, 2020, and then continuing for a full two-year term beginning July 1, 2020 and ending July 31, 2022.
  - Robert Padgett did not meet attendance requirements.

**Attachment(s)**

Citizens Transit Advisory Group Applicants

## 24. Nominations to the Civil Service Board

**Action:**

**Nominate residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a partial term beginning upon appointment and ending May 15, 2021.
  - Victoria Watlington has resigned.

**Attachment(s)**

Civil Service Board Applicants

## 25. Nominations to the Community Relations Committee

**Action:**

**Nominate residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a partial term beginning upon appointment and ending June 30, 2021.
  - Frederick Murphy did not meet attendance requirements.
- Two appointments for partial terms beginning upon appointment and ending June 30, 2022.
  - Gary Leake did not meet attendance requirements.
  - Rochelle Rivas did not meet attendance requirements.

**Attachment(s)**

Community Relations Committee Applicants

## 26. Nominations to the Domestic Violence Advisory Board

**Action:**

**Nominate residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a partial term beginning upon appointment and ending September 21, 2021.
  - Shantia Coley did not meet attendance requirements.
- One appointment for a partial term beginning upon appointment and ending September 21, 2022.
  - Gerald Littlejohn is no longer a resident of Mecklenburg County and is no longer eligible to serve.

**Attachment(s)**

Domestic Violence Advisory Board Applicants

## 27. Nominations to the Housing Appeals Board

**Action:**

**Nominate residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a partial term for an At-Large representative beginning upon appointment and ending December 31, 2021.
  - Gregory Pizarro did not meet attendance requirements.
- One appointment for a three-year term for a City within a City Tenant member beginning January 1, 2020 and ending December 31, 2023.
  - Regina E. Tisdale is eligible and interested in reappointment.

**Attachment(s)**

Housing Appeals Board Applicants

## 28. Nominations to Keep Charlotte Beautiful

**Action:**

**Nominate residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- Two appointments for partial terms beginning upon appointment and ending June 30, 2021.
  - Tarik Hameed has resigned.
  - Leigh Lynch has resigned.
- One appointment for a partial term beginning upon appointment and ending June 30, 2020, and then continuing for a three-year term beginning July 1, 2020 and ending June 30, 2023.
  - Elizabeth Picoli did not meet attendance requirements.

**Attachment(s)**

Keep Charlotte Beautiful Applicants

## 29. Nominations to the Neighborhood Matching Grants Fund

**Action:**

**Nominate residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- Two appointments for partial terms for Non-Profit Sector representatives beginning upon appointment and ending April 15, 2020, and then continuing for two-year terms beginning April 16, 2020 and ending April 15, 2022.
  - Ryan Deal has resigned.
  - Yvette Ingram did not meet attendance requirements.

**Attachments**

Neighborhood Matching Grants Fund Applicants

## 30. Nominations to the Privatization/Competition Advisory Committee

**Action:**

**Nominate residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- Two appointments for two-year terms beginning March 2, 2020 and ending March 1, 2022.
  - Ronald Maccaroni is eligible, but not interested in reappointment.
  - James Marascio is eligible and interested in reappointment.

**Attachment(s)**

Privatization/Competition Advisory Committee Applicants

### 31. Nominations to the Transit Services Advisory Committee

**Action:**

**Nominate residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a partial term in the Suburban Employer Served by Charlotte Transit category beginning upon appointment and ending January 31, 2021.
  - Chris Maloy has resigned.
- One appointment for a partial term in the Vanpool Rider category beginning upon appointment and ending January 31, 2022.
  - Parker Cains has resigned.
- One appointment for a three-year term in the Local/Express Service Passenger category beginning February 1, 2020 and ending January 31, 2023.
  - Joshua Niday has resigned.
- One appointment for a three-year term in the Express Service Passenger category beginning February 1, 2020 and ending January 31, 2023.
  - Daniel Macrae is eligible and interested in reappointment.

**Attachment(s)**

Transit Services Advisory Committee Applicants

### 32. Nominations to the Zoning Board of Adjustment

**Action:**

**Nominate residents to serve as specified.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a partial term beginning upon appointment and ending June 30, 2020, and then continuing for a three-year term beginning July 1, 2020 and ending June 30, 2023.
  - Scott Campagna did not meet attendance requirements.

**Attachment(s)**

Zoning Board of Adjustment Applicants

### 33. Mayor and City Council Topics

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

## CONSENT

### 34. Resolution of Intent to Abandon an Alleyway Between Westwood Avenue and West Summit Avenue

**Action:**

- A. Adopt a Resolution of Intent to abandon an alleyway between Westwood Avenue and West Summit Avenue, and**
- B. Set a Public Hearing for March 23, 2020.**

**Staff Resource(s):**

Liz Babson, Transportation  
Casey Mashburn, Transportation

**Explanation**

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The alleyway between Westwood Avenue and West Summit Avenue is located in Council District 3.

**Petitioners**

Lischerong Development Group

**Attachment(s)**

Map  
Resolution

[Alleyway Map Westwood Ave & W Summit Ave Abandonment Map](#)

[Resolution of Intent - Westwood and Summit](#)

## 35. Resolution of Intent to Abandon an Unopened Portion of Bryant Street

### **Action:**

- A. Adopt a Resolution of Intent to abandon an unopened portion of Bryant Street, and**
- B. Set a Public Hearing for March 23, 2020.**

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

Liz Babson, Transportation

Casey Mashburn, Transportation

### **Explanation**

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The right-of-way known as Bryant Street is located in Council District 3.

### **Petitioners**

Mecklenburg County

### **Attachment(s)**

Map

Resolution

[Bryant St Abandonment Map](#)

[Resolution of Intent Bryant Street](#)

## 36. Billy Graham Parkway Street Lighting Installation

### **Action:**

**Authorize the City Manager to approve a payment to Duke Energy in the estimated amount of \$1,800,000 for the installation of street lights along Billy Graham Parkway.**

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

Liz Babson, Transportation

Anthony Mendez, Transportation

### **Explanation**

- This project, located in Council District 3, will install street lighting on 5.5 miles of Billy Graham Parkway from I-85 to South Tryon Street.
- Billy Graham Parkway is the oldest thoroughfare in city limits without street lights. The majority of Billy Graham Parkway was annexed into the city in the 1970s.
- This corridor is on the High Injury Network. From January 1, 2014, to present,
  - there have been nine fatalities,
  - five serious injury crashes, and
  - 51 minor injury crashes.
- Lighting this segment requires the installation of 359 poles with an estimated cost of \$1.8 million dollars.
- This action provides a one-time payment from the city's Street Lighting and Vision Zero programs 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 monthly costs to power the street lights will be paid by the Charlotte Department of Transportation as part of the public lighting agreement with Duke Energy. The standard monthly cost-per-light will apply.
- The lighting cost includes light fixtures, poles, underground wire installation, and connection to power.
- The project is anticipated to be completed by spring of 2021.

### **Fiscal Note**

Funding: Transportation Operating Budget and General Capital Investment Plan

### **Attachment(s)**

Map

[MAP\\_StreetLightingProject\\_BillyGraham\\_RB](#)

## 37. Architectural Services for City Facilities

### Action:

- A. Approve unit price contracts for architectural services for an initial term of three years with the following:**
- **A.L.R Architecture, PC (SBE),**
  - **C Design, Inc.,**
  - **Integra Architecture, PLLC d/b/a F&D Integra (MBE),**
  - **Odell Associates Inc., and**
- B. Authorize the City Manager to renew each contract 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  
William Haas, General Services

### **Explanation**

- These contracts will provide architectural and engineering services for facilities the Department of General Services maintains.
- The portfolio of facilities includes approximately four million square feet of city buildings, including Police and Fire Stations, the Charlotte-Mecklenburg Government Center, and cultural facilities, as well as approximately three million square feet of roofing and approximately eight million square feet of parking lots.
- On September 18, 2019, the city issued a Request for Qualifications (RFQ); 22 proposals were received.
- The companies selected are the 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 \$500,000.

### **Charlotte Business INclusion**

A.L.R. Architecture, PC is a certified SBE and Integra Architecture, PLLC d/b/a F&D Integra is a certified MBE.

The city negotiates subcontracting participation after firms are selected for these services contracts (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). Each of the firms listed has identified MSBE firms to participate as project scopes are defined, and committed 10.00% of the total contract amount to the following certified firms:

#### A.L.R. Architecture, PC (SBE)

- Stewart Engineering, Inc. (MBE)
- JDH Structural Engineers, PLLC (MBE, SBE)
- R.M. Rutherford & Associates, Inc. (SBE)

#### C Design, Inc.

- Stewart Engineering, Inc. (MBE)
- AME Consulting Engineers, PC (SBE)

#### Integra Architecture, PLLC d/b/a F&D Integra (MBE)

- AME Consulting Engineers, PC (SBE)
- Flehan Engineering, Inc. (SBE)
- Smiley Engineering, Inc. (SBE)

Odell Associates Inc.

- AME Consulting Engineers, PC (SBE)
- Structural Capacity, PC (MBE, SBE)

**Fiscal Note**

Funding: General Capital Investment Plan

### **38. Cooperative Purchasing Contract for Generators**

**Action:**

- A. Approve the purchase of generators from a cooperative contract,**
- B. Approve a unit price contract with Southern Vac for the purchase of Caterpillar generators for a term of two years under the Sourcewell contract #120617-CAT effective 1/29/2018 - 1/29/2022,**
- C. Approve a unit price contract with Cummins Inc. for the purchase of generators for a term of two years under the Sourcewell contract #120617-CMM effective 1/29/2018-1/29/2022, and**
- D. Authorize the City Manager to extend the contracts 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 contracts with possible expenditure adjustments.**

**Staff Resource(s):**

Phil Reiger, General Services

Kay Elmore, General Services

**Explanation**

- Generators are routinely required by city departments to provide sufficient emergency and backup power to support current and future operating demands.
- 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 all 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 utilized on a local, regional, and national level.
- Total annual expenditures are estimated to be \$15,000,000.

**Charlotte Business INclusion**

These are cooperative purchasing contracts and are exempt (Part A: Appendix 27 of the Charlotte Business INclusion Policy).

**Fiscal Note**

Funding: General Capital Investment Plan and Enterprise Capital Investment Plans

## 39. Professional Engineering Services for Minor Storm Drainage Improvement Projects

### Action:

- A. Approve unit price contracts for professional engineering services for an initial term of three years to the following:**
- **Armstrong Glen, PC (SBE),**
  - **Dewberry Engineers, Inc.,**
  - **ESP Associates, Inc.,**
  - **Hazen & Sawyer,**
  - **HDR Engineering, Inc. of the Carolinas,**
  - **Kimley-Horn and Associates, Inc.,**
  - **LaBella Associates, P.C.,**
  - **NV5 Engineers and Consultants, Inc.,**
  - **STV Engineers, Inc., 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

Mike Davis, General Services

Matt Gustis, General Services

### **Explanation**

- These contracts will provide engineering analysis and design services for minor storm drainage improvement projects ranging from single property repairs to area-based drainage solutions.
- On August 23, 2019, the city issued a Request for Qualifications (RFQ); 31 proposals were received.
- The firms selected are the 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 \$3,000,000.

### **Charlotte Business INclusion**

Armstrong Glen, PC is a city certified SBE.

The city negotiates subcontracting participation after firms are selected for these services contracts (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:

#### Armstrong Glen, PC (SBE)

- Survey and Mapping Control, Inc. (SBE)

#### Dewberry Engineers, Inc.

- Froehling & Robertson, Inc. (MBE)
- NC Design Solutions, Inc. (SBE)
- Sweetwater Utility Exploration, LLC (SBE)
- Avioimage Mapping Services, Inc. (SBE)

#### ESP Associates, Inc.

- Center Line Locating, LLC (WSBE)
- The Survey Company, Inc. (SBE)
- Wescott Structures, PA (WBSE)

Hazen & Sawyer

- CES Group Engineers, LLP (SBE)
- Joel E. Wood & Associate (SBE)
- Survey & Mapping Control, Inc. (SBE)
- Sweetwater Utility Exploration, LLC (SBE)

HDR Engineering, Inc. of the Carolinas

- CES Group Engineers, LLP (SBE)
- LDSI, Inc. (SBE)
- Sweetwater Utility Exploration, LLC (SBE)

Kimley-Horn and Associates, Inc.

- James Mauney and Associates, PA (SBE)
- The Survey Company, Inc. (SBE)
- Hinde Engineering, Inc. (SBE)
- RDL Private Utility Locating, LLC (MSBE)
- Sweetwater Utility Exploration, LLC (SBE)
- Froehling & Robertson, Inc. (MBE)

LaBella Associates, P.C.

- Sweetwater Utility Exploration, LLC (SBE)
- Dunbar Geomatics (SBE)
- Joel E. Wood & Associate (SBE)

NV5 Engineers and Consultants, Inc.

- Avioimage Mapping Services, Inc. (SBE)
- Capstone Civil Engineering, Inc. (MSBE)
- Carolina Wetland Services, Inc. (SBE)
- Hinde Engineering, Inc. (SBE)

STV Engineers, Inc.

- RDL Private Utility Locating, LLC (MSBE)
- Hinde Engineering, Inc. (SBE)
- Carolina Transportation Engineering & Associates, P.C. (SBE)
- Survey & Mapping Control, Inc. (SBE)
- Stewart Engineering, Inc. (MBE)

**Fiscal Note**

Funding: Storm Water Capital Investment Plan

## 40. Little Sugar Creek Tributary to Central Business District Sanitary Sewer Construction

### **Action:**

**Approve a guaranteed maximum price of \$34,945,497.69 to Sanders Utility Construction Company Inc. for Design-Build construction services for the Little Sugar Creek Tributary to Central Business District Sanitary Sewer project.**

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

David Czerr, Charlotte Water

Ron Hargrove, Charlotte Water

Carl Wilson, Charlotte Water

### **Explanation**

- Sanders Utility Construction Company Inc. has developed a guaranteed maximum price (GMP) for construction of the Little Sugar Creek Tributary to Central Business District sanitary sewer line, which will upsize the line from 24-inch to 48-inch (Council District 1).
- On December 10, 2018, Council approved a contract with Sanders Utility Construction Company Inc. for Design-Build Phase design services. Based on the design, a GMP for construction services was developed.
- The project is anticipated to be complete by fourth quarter 2021.

### **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). Sanders Utility Construction Company Inc. has committed \$3,654,316 or approximately 10.46% of the total contract for construction services to the following certified firms:

- Heric Solutions LLC (SBE) (\$1,879,876) (ground water remediation services)
- BB Foster Consulting, PC (SBE, MBE) (\$650,000) (inspection services)
- R E Sifford Utility Company Inc. (SBE) (\$367,000) (saw-cutting and shaft installation)
- Jim Bob's Grading and Paving Inc. (SBE) (\$222,900) (asphalt work)
- Buffkin Trucking Inc. (SBE, MBE) (\$128,500) (hauling)
- Bird Dog Traffic Control LLC (SBE, WBE) (\$90,000) (traffic control)
- Sun King Trucking LLC (SBE, MBE) (\$88,000) (hauling)
- Stewart Engineering, Inc. (MBE) (\$75,000) (surveying)
- B&M Concrete Inc. (SBE, MBE) (\$68,100) (curb, gutter, and sidewalk installation)
- Gavel & Dorn Engineering PLLC (SBE) (\$30,000) (geotechnical and material testing)
- Diamond Electronics (MBE) (\$17,089) (security cameras)
- Professional Communications, LLC (SBE) (\$10,000) (video and photography)
- P & TL Inc. (SBE) (\$5,225) (silt fencing)
- Notarized Catering, LLC (SBE) (\$5,200) (catering)
- A Pinch of Soul (SBE) (\$4,800) (catering)
- Diva Dumps LLC (SBE, MBE) (\$4,800) (dumpsters)
- Striping Concepts LLC (SBE) (\$4,000) (striping)
- Martin Landscaping Co., Inc. (SBE, MBE) (\$2,225) (seeding and mulching)
- BAAC Business Solutions, Inc. dba Signarama Charlotte (SBE, MBE) (\$1,601) (signage)

### **Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

### **Attachment(s)**

Map

[Map - Little Sugar Creek Tributary to Central Business District Sanitary Sewer Construction](#)

## 41. Toby Creek Sanitary Sewer and Reuse Line Construction at the University of North Carolina at Charlotte

### **Action:**

**Approve a guaranteed maximum price of \$10,471,640.90 to R.H. Price, Inc. for Design-Build construction services for the Toby Creek Sanitary Sewer and Reuse Line projects at UNCC.**

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

David Czerr, Charlotte Water

Ron Hargrove, Charlotte Water

Carl Wilson, Charlotte Water

### **Explanation**

- R.H. Price, Inc. has developed a guaranteed maximum price for construction of a new sanitary sewer line from Mallard Creek, near the intersection of US 29 and Mallard Creek Church Road, to the upper limits of the University of North Carolina at Charlotte (UNCC) property and approximately 5,960 feet of reuse water line parallel to the Toby Creek sanitary sewer line (Council District 4).
- On January 14, 2019, Council approved a contract with R.H. Price, Inc. for Design-Build design services for the 8,066 feet of new sanitary sewer line. Most of this construction phase, which is 4,110 feet in length, will take place on UNCC property.
- On September 25, 2017, Council approved a contract with Hazen and Sawyer for design services for the Mallard/Toby Creek Reuse Line. The primary additional customer of this reuse water line is UNCC.
- Upon UNCC approval, R.H. Price, Inc. will install both the sanitary sewer and reuse water lines, reducing the length of disruption to UNCC's campus and greenways.
- Both projects will be constructed along Toby Creek, which is scheduled for a stream restoration project in the near future; therefore, the projects are being accelerated to accommodate Storm Water Services' work.
- These projects are expected to be complete by second quarter 2022.

### **Charlotte Business INclusion**

R.H. Price, Inc. has committed \$1,051,500 or approximately 10.04% of the total contract for construction services to the following certified firms:

- Martin Landscaping Company Inc. (SBE, MBE) (\$270,000) (seeding and restoration)
- Trull Contracting LLC (SBE, WBE) (\$166,000) (paving)
- GDC Inc. (SBE, MBE) (\$163,000) (traffic control, fencing, silt fence, and construction fence)
- MTS Trucking Inc (SBE, MBE) (\$116,000) (hauling)
- Sanders Constructors Inc. (SBE) (\$129,500) (clearing)
- On Time Construction Inc. (SBE, WBE) (\$75,000) (reinforced concrete)
- Capstone Civil Engineering Inc. (SBE, MBE) (\$60,000) (material testing)
- Fernandez Construction Corporation (SBE) (\$40,000) (concrete restoration)
- Carolina Wetland Services Inc. (SBE, WBE) (\$20,000) (streambank restoration)
- BB Foster Consulting PC (SBE, MBE) (\$12,000) (erosion control inspection)

### **Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

### **Attachment**

Map

[Map - Toby Creek Sanitary Sewer and Reuse Line Construction](#)

## 42. Ultrasonic Water Meters

### Action:

- A. Approve a unit price contract to the lowest responsive bidder Badger Meter, Inc. for the purchase of ultrasonic water meters for an initial term of two years, and**
- B. Authorize the City Manager to renew the contract for up to three, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

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

David Czerr, Charlotte Water  
Jackie Jarrell, Charlotte Water  
Steve Miller, Charlotte Water

### **Explanation**

- This contract will provide for ultrasonic three-inch and four-inch solid-state water meters, to be used as a replacement for mechanical compound meters which are not compatible with current automated reading systems.
- On November 22, 2019, the city issued an Invitation to Bid; two bids were received.
- Badger Meter, Inc. was selected as the lowest responsive, responsible bidder.
- Total annual expenditures are estimated to be \$237,000.

### **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: Charlotte Water Capital Investment Plan

### 43. Federal Transit Administration Enhanced Mobility of Seniors and Individuals with Disabilities Subrecipient Contracts

**Action:**

- A. Authorize the City Manager to negotiate and execute contracts with the following organizations as subrecipients for Federal Transit Administration Section 5310 grant projects for FY18 Allocation:**
- Metrolina Association for the Blind (operating) in an amount not to exceed \$76,000,
  - Mainstream Consultants, Inc dba Disability Rights (capital) in an amount not to exceed \$98,638,
  - Iredell County Area Transit System (capital) in an amount not to exceed \$308,520,
  - Iredell County Area Transit System (operating) in an amount not to exceed \$110,000,
  - Union County Transportation (operating) in an amount not to exceed \$126,192,
  - Centralina Council of Governments (capital) in an amount not to exceed \$83,432, and
- B. Authorize the City Manager to negotiate and execute contracts with the following organizations as subrecipients for Federal Transit Administration Section 5310 grant projects for FY17 Allocation:**
- Centralina Council of Governments (capital) in an amount not to exceed \$159,333,
  - Metrolina Association for the Blind (capital) in an amount not to exceed \$96,000,
  - Metrolina Association for the Blind (operating) in an amount not to exceed \$120,260,
  - Union County Transportation (operating) in an amount not to exceed \$100,000,
  - Mainstream Consultants, Inc dba Disability Rights (capital) in an amount not to exceed \$136,683, and
  - Iredell County Area Transit System (capital) in an amount not to exceed \$159,060.

**Staff Resource(s):**

John Lewis, CATS  
 Blanche Sherman, CATS  
 Arlanda Rouse, CATS

**Explanation**

- The Federal Transit Administration Section 5310 Program (FTA Program) is designed to award grants to improve transportation services to elderly persons and to persons with disabilities.
- CATS is the designated recipient of FTA Program funds for the urbanized area. The designated recipient acts as administrator of the funds for appropriate subrecipient projects.
- Federal grants pay a percentage of the total project cost:
  - Up to 50 percent for operating projects,
  - Up to 80 percent for capital projects, and
  - Up to 80 percent for projects that provide information and assistance to seniors and persons with disabilities regarding the use of public transit services.
- As authorized by FTA regulations, \$89,198 will be earmarked from the FY 2018 allocation and \$85,704 from the FY 2017 allocation to fund CATS administration of the grants associated with the subrecipient programs described.
- 5310 grant funding is made available annually from FTA based on a federal formula, and then, awarded to eligible programs on a competitive basis.

Action A

- The award of FTA Program funds for FY 2018 will be matched by award recipients as described below:
  - Metrolina Association of the Blind:
    - This project provides regional transportation opportunities for people with visual impairments to assist them in remaining active in the community.

- The FTA award is \$76,000 in addition to \$76,000 from Metrolina Association of the Blind.
- Mainstream Consulting, Inc:
  - This project will provide information, assistance, travel training to elderly persons and individuals with disabilities, and sensitivity training to service providers.
  - The FTA award is \$98,638 in addition to \$24,660 from Mainstream Consulting, Inc.
- Iredell County Area Transit System (capital):
  - This project entails the purchase of three expansion vehicles to serve the elderly and disabled community.
  - The FTA award is \$308,520 in addition to \$77,130 from Iredell Country Area Transit System.
- Iredell County Area Transit System (operating):
  - This project provides demand response transportation services to elderly persons and persons with disabilities.
  - The FTA award is \$110,000 in addition to \$110,000 from Iredell Country Area Transit System.
- Union County Transportation:
  - This project provides demand response transportation to elderly persons and persons with disabilities.
  - The FTA award is \$126,192 in addition to \$126,192 from Union County Transportation.
- Centralina Council of Governments:
  - This project is designed to enhance coordination between service providers to improve transportation services for elderly persons and persons with disabilities.
  - The FTA award is \$83,432 in addition to \$20,859 from Union County Transportation.

#### Action B

- The award of FTA Program funds for FY 2017 will be matched by award recipients as described below:
  - Centralina Council of Governments:
    - This project is designed to enhance coordination between service providers to improve transportation services for elderly persons and persons with disabilities.
    - The FTA award is \$159,333 in addition to \$39,948 from Union County Transportation.
  - Metrolina Association of the Blind:
    - This project provides regional transportation opportunities for people with visual impairments to assist them in remaining active in the community.
    - The FTA award is \$120,260 in addition to \$120,260 from Metrolina Association of the Blind.
  - Metrolina Association of the Blind:
    - This project entails the purchase of three Seven Passenger Vans to serve the local blind population
    - The FTA award is \$96,000 in addition to \$24,000 from Metrolina Association of the Blind.
  - Union County Transportation:
    - This project provides demand response transportation to elderly persons and persons with disabilities.
    - The FTA award is \$100,000 in addition to \$100,000 from Union County Transportation.
  - Mainstream Consulting, Inc:
    - This project will provide information, assistance, travel training to elderly persons and individuals with disabilities, and sensitivity training to service providers.
    - The FTA award is \$136,683 in addition to \$34,171 from Mainstream Consulting, Inc.
  - Iredell County Area Transit System:
    - This project entails the purchase of fareboxes for use in the ICATS bus fleet.-

- The FTA award is \$159,060 in addition to \$39,765 from Iredell Country Area Transit System.

**Fiscal Note**

Funding: CATS Operating Fund

## PROPERTY TRANSACTIONS

### 44. In Rem Remedy 5624 Lawnmeadow Drive

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: 5624 Lawnmeadow Drive, Council District 2**

**Action:**

**Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at (5624 Lawnmeadow Drive) (Neighborhood Profile Area 260).**

**Attachment(s)**

In Rem Packet for (5624 Lawnmeadow Drive)

[5624 Lawnmeadow Dr](#)

## 45. In Rem Remedy 637 Morningside Road

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: 637 Morningside Road, Council District 2**

**Action:**

**Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at (637 Morningside Road) (Neighborhood Profile Area 330).**

**Attachment(s)**

In Rem Packet for (637 Morningside Road)

[637 Morningside Rd](#)

## 46. In Rem Remedy 4704 West Sugar Creek Road

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.**

**Complaint: 4704 West Sugar Creek Road, Council District 2**

**Action:**

**Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at (4704 West Sugar Creek Road) (Neighborhood Profile Area 282).**

**Attachment(s)**

In Rem Packet for (4704 West Sugar Creek Road)

[4704 W Sugar Creek Rd](#)

## 47. Property Transactions - Gibbon Road Sidewalk, Parcel # 12

**Action:** Approve the following Acquisition: Gibbon Road Sidewalk, Parcel # 12

**Project:** Gibbon Road Sidewalk, Parcel # 12

**Owner(s):** Eva E. Withers

**Property Address:** 3500 Oxford Hill Court

**Total Parcel Area:** 17,100 sq. ft. (0.39 ac.)

**Property to be acquired by Easements:** 903 sq. ft. (0.021 ac.) Sidewalk Utility Easement,  
1,210 sq. ft. (0.028 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** Trees

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 045-381-35

<http://polaris3g.mecklenburgcountync.gov/#mat=110339&pid=04538135&gisid=04538135>

**Purchase Price:** \$15,275

**Council District:** 1

## 48. Property Transactions - Gibbon Road Sidewalk, Parcel # 23

**Action:** Approve the following Condemnation: Gibbon Road Sidewalk, Parcel # 23

**Project:** Gibbon Road Sidewalk, Parcel # 23

**Owner(s):** Rupert Alan Balentine, Nancy Rebecca Balentine, and Robert Harris Balentine (Deceased)

**Property Address:** 5518 Nevin Road

**Total Parcel Area:** 42,038 sq. ft. (0.97 ac.)

**Property to be acquired by Easements:** 696 sq. ft. (0.016 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** B-1

**Use:** Commercial

**Tax Code:** 045-135-01

<http://polaris3g.mecklenburgcountync.gov/#mat=151398&pid=04513501&gisid=04513501>

**Appraised Value:** \$375

**Recommendation:** The city is currently waiting on signed documents, but to avoid delay in 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

## 49. Property Transactions - Gibbon Road Sidewalk, Parcel # 24

**Action:** Approve the following Condemnation: Gibbon Road Sidewalk, Parcel # 24

**Project:** Gibbon Road Sidewalk, Parcel # 24

**Owner(s):** Earl G. Brown, Jr.

**Property Address:** 3540 Gibbon Road

**Total Parcel Area:** 43,786 sq. ft. (1.01 ac.)

**Property to be acquired by Easements:** 20 sq. ft. (0.0005 ac.) Sidewalk Utility Easement, 360 sq. ft. (0.008 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** B-1 (CD)

**Use:** Commercial

**Tax Code:** 043-251-03

<http://polaris3g.mecklenburgcountync.gov/#mat=111876&pid=04325103&gisid=04325103>

**Appraised Value:** \$175

**Property Owner's Concerns:** The property owner does not support the project and has become non-responsive.

**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:** 1

**50. Property Transactions - Tom Hunter Streetscape, Parcel # 19**

**Action:** Approve the following Acquisition: Tom Hunter Streetscape, Parcel # 19

**Project:** Tom Hunter Streetscape, Parcel # 19

**Owner(s):** Devita Investments LLC

**Property Address:** 6701 N. Tryon Street

**Total Parcel Area:** 206,297 sq. ft. (4.74 ac.)

**Property to be acquired by Easements:** 1,648 sq. ft. (0.038 ac.) Storm Drainage Easement, 2,403 sq. ft. (0.055 ac.) Sidewalk Utility Easement, 2,723 sq. ft. (0.063 ac.) Temporary Construction Easement, 863 sq. ft. (0.02 ac.) Sidewalk Utility/Storm Drain Easement

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

**Landscaping to be impacted:** None

**Zoned:** TOD-TR

**Use:** Transit Oriented Development

**Tax Code:** 089-172-38

<http://polaris3g.mecklenburgcountync.gov/#mat=474880&pid=08917238&gisid=08917238>

**Purchase Price:** \$17,500

**Council District:** 1

## Adjournment

## REFERENCES

### 51. 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, the city 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.

## 52. 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, the city 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.

## 53. Reference - Charlotte Business INclusion Policy

The following excerpts from the City of Charlotte'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.

