

# City of Charlotte

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



## Meeting Agenda

**Tuesday, May 26, 2020**

**Charlotte-Mecklenburg Government Center, CH 14  
(Virtual Meeting)**

### **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. CITY COUNCIL BUSINESS MEETING,  
CHARLOTTE-MECKLENBURG GOVERNMENT CENTER, CH  
14**

*Call to Order*

*Introductions*

*Invocation*

*Pledge of Allegiance*

## **PUBLIC FORUM**

### **1. Public Forum**

## **2. Mayor and Council Consent Item Questions and Answers**

**Staff Resource(s):**

Marie Harris, Strategy and Budget

**Time:** 5 minutes

**Synopsis**

Mayor and Council may ask questions about Consent agenda items.

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

**4. Consent agenda items 18 through 43 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.

## **PUBLIC HEARING**

## 5. Public Hearing on a Resolution to Close an Unopened Portion of the Alleyway between Bertonley Avenue and Millbrook Road

### **Action:**

**Conduct a public hearing to close an unopened portion of the alleyway between Bertonley Avenue and Millbrook Road.**

### **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 proposed action removes land from public right-of-way and attaches it to the adjacent property.
- The attached resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.
- The alleyway to be closed is located in Council District 1.
- In compliance with NC G.S. § 166A-19.24 *Remote meetings during certain declarations of emergency*, written comments on the public hearing topic will be accepted by the Clerk's Office through May 27, 2020, at 11:59 p.m. Any additional comments received will be provided to Council.

### **Petitioner**

Equity Trust Co. Custodian FBO Robert S. Bunzey Jr. IRA

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

An unopened portion of the alleyway between Bertonley Avenue and Millbrook

### **Reason**

Per the petition submitted by Equity Trust Co. Custodian FBO Robert S. Bunzey Jr. IRA, this alley has not been used for decades and does not provide access to any adjacent properties. 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 review by the public and city departments.

### **Adjoining property owner(s)**

Joanna Parrish - No objections  
Robert S. Bunzey Jr. - 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

[Bertonley Ave Map](#)

## 6. Public Hearing on Grier Meadows Area Voluntary Annexation

### **Action:**

**Conduct a public hearing on the Grier Meadows Area voluntary annexation.**

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

Taiwo Jaiyeoba, City Manager's Office

Katrina Young, Planning, Design, and Development

### **Explanation**

- Public hearings to obtain community input are required prior to City Council action on annexation requests.
- A petition has been received from the owner of this 41.854-acre property.
- The property is owned by Nancy Coe Hall.
- The property is zoned (R-3) single family residential district.
- Petitioned area consists of two parcels PID 10811227 and 10811229.
- The property is located within Charlotte's extraterritorial jurisdiction and shares boundaries with current city limits.
- Intent of the annexation is to enable the development of 86 single family residential dwelling units.
- In compliance with NC G.S. § 166A-19.24 *Remote meetings during certain declarations of emergency*, written comments on the public hearing topic will be accepted by the Clerk's Office through May 27, 2020, at 11:59 p.m. Any additional comments received will be provided to Council.

### **Consistency with City Council Policies**

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

### **Attachment(s)**

Map (GIS)

Map (Survey)

[Grier Meadows Area Annexation Map \(GIS\)](#)

[Surveys - Grier Meadows Area Annexation Map \(Survey\)](#)



## 7. Public Hearing on Old Moore's Chapel North Area Voluntary Annexation

### **Action:**

**Conduct a public hearing on the Old Moore's Chapel North Area voluntary annexation.**

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

Taiwo Jaiyeoba, City Manager's Office

Katrina Young, Planning, Design, and Development

### **Explanation**

- Public hearings to obtain community input are required prior to City Council taking action on annexation requests.
- A petition has been received from the owner of this 32-acre property.
- The property is owned by Locomotive Land Co LLC.
- The property is zoned (MX-2) mixed use district.
- Petitioned area consists of one parcel PID 05508120.
- The property is located within Charlotte's extraterritorial jurisdiction and shares boundaries with current city limits.
- Intent of the annexation is to enable the development of 288 multi-family attached residential townhomes.
- In compliance with NC G.S. § 166A-19.24 *Remote meetings during certain declarations of emergency*, written comments on the public hearing topic will be accepted by the Clerk's Office through May 27, 2020, at 11:59 p.m. Any additional comments received will be provided to Council.

### **Consistency with City Council Policies**

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

### **Attachment(s)**

Map (GIS)

Map (Survey)

[Old Moore's Chapel North Area Annexation Map](#)

[Survey map - Old Moore's Chapel North Area Annexation](#)

## 8. Public Hearing on Stoneygreen Area Voluntary Annexation

### **Action:**

**Conduct a public hearing on the Stoneygreen Area voluntary annexation.**

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

Taiwo Jaiyeoba, City Manager's Office

Katrina Young, Planning, Design, and Development

### **Explanation**

- Public hearings to obtain community input are required prior to City Council action on annexation requests.
- A petition has been received from the owner of this 49.139-acre property.
- The property is owned by Carol Purser and Rodney Purser.
- The property is zoned (R-3 and R-8) single family residential district.
- Petitioned area consists of two parcels, PID 10812101 and 10812119.
- The property is located within Charlotte's extraterritorial jurisdiction and shares boundaries with current city limits.
- Intent of the annexation is to enable the development of between 150 and 160 single family residential homes.
- In compliance with NC G.S. § 166A-19.24 *Remote meetings during certain declarations of emergency*, written comments on the public hearing topic will be accepted by the Clerk's Office through May 27, 2020, at 11:59 p.m. Any additional comments received will be provided to Council.

### **Consistency with City Council Policies**

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

### **Attachment(s)**

Map (GIS)

Map (Survey)

[Stoneygreen Area Annexation Map \(GIS\)](#)

[Survey - Stoneygreen Surveyor Map](#)

## **POLICY**

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

- **COVID-19 Response Update**
- **Charlotte Regional Visitors Authority Update**
- **Public Safety Unmanned Aircraft System Pilot Program**

### **10. Community Recovery Task Force Report Outs**

- **Report Outs from Task Force Group Coordinators**
  - **Airport Task Force Group**
  - **Housing Task Force Group**
  - **Small Business Task Force Group**

[Community Recovery Task Force - Coordinator Updates May 2020](#)

## 11. Amend Chapter 18 Article III - Stormwater Pollution Control Ordinance

### **Action:**

**Approve amendments to the Stormwater Pollution Control Ordinance.**

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

Phil Reiger, General Services

Mike Davis, General Services

Marc Recktenwald, General Services

### **Explanation**

- The Stormwater Pollution Control Ordinance (Ordinance) prohibits the illegal discharge of pollutants to the municipal stormwater system and surface waters and allows for enforcement against those who violate the Ordinance. The Ordinance was last revised in 2008.
- The proposed revisions will increase the city's ability to protect surface water quality and improve the clarity of the Ordinance.
- Major changes to this ordinance include a prohibition on certain pavement sealants containing high amounts of polycyclic aromatic hydrocarbons (PAH) known to be harmful to surface water quality and aquatic life, an increase in the maximum fine for illegal discharge of pollutants from \$5,000 to \$10,000, and other enforcement provisions.
- The city has communicated and met with businesses that use, sell, and distribute high PAH sealants and has confirmed that low PAH sealants, which are safer for the environment, are widely available at comparable cost. No detrimental economic impacts are expected from this revision.
- The proposed revisions were sent for review and comment to 17 local and statewide trade organizations and 163 industrial facilities.
- The proposed revisions were presented to the Storm Water Advisory Committee, which endorsed the proposed amended language.
- On March 2, 2020, City Council was provided with an overview of proposed revisions at the City Council Strategy Session.
- On May 11, 2020, a public hearing was conducted on the proposed revisions to the Ordinance at the virtual City Council Business Meeting. There were no comments from the public.
- The amended language will be effective as of July 1, 2020, with the exception of Section 18-80(f) "Use of High PAH Pavement Products Prohibited", which shall become effective as of January 1, 2021.

### **Attachment(s)**

An Ordinance to Amend Chapter 18 Article III - Stormwater Pollution Control Ordinance - Blacklined

[AN ORDINANCE AMENDING CHAPTER 18 of THE CITY CODE](#)

## **BUSINESS**

## 12. Coronavirus Relief Funds

### **Action:**

- A. Adopt a budget ordinance appropriating \$154,549,215.90 from the Coronavirus Relief Fund provided by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) in the COVID Stimulus Fund, and**
- B. Authorize the City Manager to execute any necessary contracts and agreements related to the Coronavirus Relief Fund.**

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

Kelly Flannery, Finance

Ryan Bergman, Strategy and Budget

### **Explanation**

- The Coronavirus Relief Fund (CRF), which provided \$150 billion in direct assistance for local governments, is to be used to cover expenses made in response to the COVID-19 pandemic.
- The CRF provided direct payments to local governments with populations over 500,000; Charlotte was one of the 36 cities across the nation that met the criteria.
- Funds from the CRF may only be used to cover costs that are necessary expenditures incurred due to COVID-19, costs not accounted for in the FY 2020 Budget, and costs incurred between March 1 and December 30, 2020.
- Potential uses of the funds include medical expenses, payroll expenses, COVID-19 compliance, and economic support.
- The city has developed a funding plan ensuring funds are to be distributed to meet short-term needs and to preserve long-term stability of city services.

### **Background**

- On March 25, 2020, in response to the COVID-19 Pandemic, Congress passed the Coronavirus Aid, Relief and Economic Security Act (CARES Act).
- In early April, the Mayor and City Council established three Community Recovery Task Forces to address community concerns related to COVID-19. These Task Forces focus on three specific areas: Small Business, Housing, and the Airport.
- On April 13, 2020, City Council appropriated Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), and Housing Opportunity for Persons with AIDS (HOPWA) funds in the amount of \$5.7 million to support homeless and housing efforts and approved an additional \$1 million from current balances to provide grants to microbusinesses within the city's identified opportunity corridors.
- On May 4, 2020, the City Manager presented the Proposed FY 2021 Budget to Council, which included a brief overview of the federal support the City of Charlotte has or would receive from the CARES Act as a result of COVID-19. Including:
  - CDBG, ESG and HOPWA funding - approximately \$5.7 million,
  - CARES Act funding designated for the Charlotte Area Transit System - approximately \$56.9 million,
  - CARES Act funding designated for the Charlotte Douglas Airport - approximately \$135 million, and
  - CRF funding - approximately \$154.5 million.

### **Attachment(s)**

Budget Ordinance

[BO Coronavirus Relief Funds](#)

## 13. 2050 Metropolitan Transportation Plan

### Action:

- A. Authorize the City Manager to negotiate and approve a contract up to \$1,143,219 with RS&H Architects - Engineers - Planners, Inc. for the 2050 Metropolitan Transportation Plan, and**
- B. Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.**

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

Taiwo Jaiyeoba, City Manager's Office  
Robert Cook, Planning, Design, and Development  
Neil Burke, Planning, Design, and Development

### **Explanation**

- The City of Charlotte is the lead planning agency for the Charlotte Regional Transportation Planning Organization (CRTPO), the Metropolitan Planning Organization for the Charlotte urbanized area.
- The Metropolitan Transportation Plan (MTP) is a federally required, long-range plan that must be updated every four years, and the CRTPO adopted its 2045 MTP in March 2018.
- On behalf of the CRTPO, The City of Charlotte selects a consultant to provide planning, project evaluation, and public involvement services for the development of the 2050 MTP and to ensure all federal guidelines are met.
- On August 9, 2019, the city issued a Request for Qualifications (RFQ); two responses were received.
- RS&H Architects - Engineers - Planners, 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.
- RS&H will be supported by two sub-consultants as noted in this scope of services:
  - Kittelson & Associates, Inc., and
  - City Explained, Inc.

### **Background**

- The MTP will be prepared in accordance with federal law. RS&H will review the components/contents of the MTP for compliance with all required elements outlined in the Fixing America's Surface Transportation (FAST) Act, in particular:
  - Updates to the incorporation of performance-based planning,
  - Evaluation of the resiliency and reliability of the transportation system, and
  - Discuss the findings with the CRTPO, the Steering Committee, North Carolina Department of Transportation, and Federal Highway Administration in order to determine which aspects of the FAST Act to include and what level of detail is required in the MTP.

### **Small Professional Services Firm (SPSF) Opportunity**

For Federal Transportation Administration funded projects, NCDOT does not mandate a goal from the State's SPSF program; however, RS&H Architects - Engineers - Planners, Inc. has committed 8.5% or approximately \$97,401 to the following certified firm:

- City Explained, Inc. (SBE) (project coordination)

### **Fiscal Note**

Funding: General Grants Fund

## 14. North Carolina Clean Water State Revolving Fund Loan Application

### Action:

- A. **Adopt a resolution authorizing Charlotte Water to apply for additional loan funding from the North Carolina Clean Water State Revolving Fund in an amount not to exceed \$70,325,678 for the construction of the McAlpine Creek Wastewater Management Facility Clarifier and Aeration Rehabilitation project,**
- B. **Authorize the City Manager to take necessary actions to accept and complete the financing, including applying to the State of North Carolina Department of Environmental Quality and obtaining Local Government Commission approval, and**
- C. **Adopt a budget ordinance appropriating \$70,325,678 from the North Carolina Clean Water State Revolving Fund.**

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

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

### **Explanation**

- Charlotte Water has previously been awarded funds from the North Carolina Clean Water State Revolving Fund loan for the construction of the McAlpine Creek Wastewater Management Facility Clarifier and Aeration Rehabilitation project in the Town of Pineville (adjacent to Council District 7). The city has the opportunity to apply for additional loan funding for this project.
- The loan is available from the State of North Carolina and administered by the Department of Environmental Quality and the Local Government Commission.
- The loan provides for an interest-free construction period with payments beginning after completion of the project.
- If awarded, the loan will have an interest rate of 1.82 percent, and is expected to save Charlotte Water approximately \$9,400,000 over the course of 20 years.
- Funding for this project is currently included in the Charlotte Water Community Investment Plan.

### **Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

### **Attachment(s):**

Resolution  
Budget Ordinance  
Map

[2.0 Resolution NEW](#)

[McAlpine SRF Ordinance](#)

[Map-North Carolina Clean Water State Revolving Fund Loan Application](#)



## 15. Appropriate Private Developer Funds for Tuckaseegee Road/Berryhill Road/Thrift Road Roundabout Project

### Action:

- A. Approve a developer agreement with 2317 Thrift Holdings, LLC for infrastructure changes, and
- B. Adopt a budget ordinance appropriating \$20,000 in private developer funds.

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

Liz Babson, Transportation  
Alfred Oyoyo, Transportation  
Phil Reiger, General Services  
Jennifer Smith, General Services

### **Explanation**

- The Tuckaseegee Road/Berryhill Road/Thrift Road Roundabout is a city project that is located at the five-legged intersection where Tuckaseegee Road, Berryhill Road, and Thrift Road meet in Council District 3.
- The project will replace the signalized intersection with a roundabout. Additional project components include crosswalks, sidewalks, planting strips, landscaping, decorative lighting, and utility relocation.
- The Tuckaseegee Road/Berryhill Road/Thrift Road Roundabout project is currently being advertised for bid, with construction expected to begin in summer 2020.
- The \$20,000 in private developer funds is for the installation of five parallel parking spaces on the 2317 Thrift Holdings, LLC property in conjunction with the eight-foot sidewalk and variable planting strip.
- These developer contributions are based on cost estimates prepared by General Services.

### **Fiscal Note**

Funding: Private Developer Contributions

### **Attachment(s)**

Map  
Budget Ordinance

[MAP Tuckaseegee-Thrift-Berryhill Roundabout](#)

[BO Developer Appropriations 5.26.2020](#)

## 16. Municipal Agreement for New Traffic Signal

### Action:

- A. **Accept private developer funds in the amount of \$85,000 on behalf of the North Carolina Department of Transportation,**
- B. **Adopt a resolution authorizing the City Manager to enter into a Municipal Agreement with the North Carolina Department of Transportation, and**
- C. **Adopt a budget ordinance appropriating \$85,000.**

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

Liz Babson, Transportation  
Charles Abel, Transportation

### **Explanation**

- Private developer appropriations are needed when a developer is required through the rezoning process to make traffic signal improvements.
- Funding contributions from private developers must be appropriated before work begins.
- The \$85,000 in private developer funds will be used exclusively for the installation of a traffic signal at the intersection of Sam Wilson Road and Performance Road, adjacent to Council District 3.
- The location of the new signal is on State Routes; therefore, the North Carolina Department of Transportation (NCDOT) authorizes a signal installation at this location.
- These developer contributions will help offset the costs of this signal installation incurred by NCDOT.
- NCDOT will install and operate this signal as it is located outside the city limits.
- NCDOT does not have the mechanism to accept private developer funds. The city assists NCDOT when outside organizations want to contribute monetarily to projects.
- This format is consistent with the past Municipal Agreements between the city and NCDOT.

### **Fiscal Note**

Funding: Private Developer Funds

### **Attachment(s)**

Map  
Resolution  
Budget Ordinance

[MAP Traffic Signal Improvements](#)

[Resolution Sam Wilson-Performance](#)

[BO NCDOT Signal 5.26.2020](#)

## 17. 2020 City Council Augmented Meeting Schedule

### **Action:**

- A. **Approve the June 2020 City Council Augmented Virtual Regular and Budget Meeting Schedule, and**
- B. **Direct the City Clerk to amend the 2020 City Council Regular and Budget Meeting Schedule by adding the following meeting dates and times:**
- **City Attorney Evaluation - June 22, 2020; Time 3:30 - 5:00 p.m., and**
  - **City Clerk Evaluation - July 27, 2020; Time 12:00 - 1:30 p.m.**

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

Stephanie Kelly, City Clerk's Office

### **Explanation**

- North Carolina General Statute §143-318.12 requires that the City Clerk maintain on file a schedule of the City Council's regular meetings and that the approved schedule be posted to the city's website. If a schedule is duly adopted and filed, no further notice of regular meetings is necessary.
- Due to the COVID-19 pandemic, the City Council Meeting Schedule has been augmented to accommodate a virtual meeting environment for June 2020.
- The City Council Meeting Schedule has also been amended to specify review dates and times for the city staff who report directly to Council.

### **Attachment(s)**

City Council Augmented Virtual Regular and Budget Meeting Schedule for June 2020

[2020 Council and Budget Mtg Calendar - Augmented Virtual Calendar - June 2020](#)

## CONSENT

### 18. Beatties Ford Road Widening Project

**Action:**

Approve change order #2 for \$2,113,091.99 to the contract with J.T. Russell and Sons, Inc. for the Beatties Ford Road Widening Project.

**Staff Resource(s):**

Phil Reiger, General Services

Jennifer Smith, General Services

David Czerr, Charlotte Water

Ronald Hargrove, Charlotte Water

**Explanation**

- Construction of the Beatties Ford Road Widening Project, located in Council District 2, began in October 2017.
- Construction includes two additional travel lanes, turning lanes, planted median, bicycle lanes, sidewalk, planting strips, and a new traffic signal at the Beatties Ford Road and Capps Hill Mine Road intersection.
- Change order #2 is funded by Charlotte Water (\$461,042.20) and General Services (\$1,652,049.79) for the following major items:
  - Upgrades to Charlotte Water’s existing water system along Beatties Ford Road including new valves and fire hydrants and relocating existing services,
  - Additional excavation and fill material to replace unforeseen unsuitable soils encountered during both the sewer line installation and roadway work,
  - Additional grading at a major industrial entrance along Beatties Ford Road, and
  - An increase in fuel index pricing for asphalt cement.
- On September 11, 2017, City Council awarded a contract to J.T. Russell and Sons, Inc. in the amount of \$10,281,606.93 for the Beatties Ford Road Widening Project. Change order #1 for \$850,000 to install a new sanitary sewer line was approved by City Council on January 14, 2019.
- The new total value of the contract with change order #2 is \$13,244,698.92.
- Construction is scheduled to be complete in third quarter 2020.

**Charlotte Business INCLUSION**

All additional work involved in this change order will be performed by J.T. Russell and Sons, Inc. and their existing subcontractors (Part D: Section 6 of the Charlotte Business INCLUSION Policy).

J.T.Russell and Sons, Inc. has committed 52.97% (\$1,119,359) of the total contract amendment amount to the following certified firm(s):

- Nassiri Development, LLC (SBE) (\$1,119,359) (grading,utility)

**Fiscal Note**

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

**Attachment(s)**

Map

[15-13237\\_Map\\_Beatties\\_Ford\\_Road\\_Widening\\_Project.pdf](#)

## 19. Land Acquisition for Charlotte-Mecklenburg Police Department Northwest Division Station

### Action:

- A. **Approve the purchase of a 7.75-acre parcel located at 1800 Mt. Holly-Huntersville Road (parcel identification number 031-112-35) in the amount of \$435,000 from Stanford and Connie Baker,**
- B. **Approve the purchase of a 1.62-acre parcel located at 1818 Mt. Holly-Huntersville Road (parcel identification number 031-112-34) in the amount of \$305,000 from Jose Ortuno-Zolorio and Aide Pineda, and**
- C. **Authorize the City Manager to negotiate and execute any documents necessary to complete these transactions.**

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

Phil Reiger, General Services  
Tony Korolos, General Services  
Kerr Putney, Police  
Estella Patterson, Police

### **Explanation**

- The two parcels have separate owners, total 9.37 acres, and are zoned R-3 (residential) located in Council District 2.
- These adjacent properties are well-situated to meet the objectives of the Charlotte-Mecklenburg Police Department (CMPD) to provide quality and efficient service and to be highly visible and accessible within the community.
- Staff and property owners came to the purchase price based on negotiated appraised value and list price.

### Action A

- The vacant property located at 1800 Mt. Holly-Huntersville Road (parcel identification number 031-112-35) is approximately 7.75 acres.
- The terms of the purchase are:
  - \$435,000 purchase price with a five percent earnest money deposit, and
  - 60-day due diligence period with 45 days to close.

### Action B

- The occupied property located at 1818 Mt. Holly-Huntersville Road (parcel identification number 031-112-34) is approximately 1.62 acres.
- The terms of the transaction are:
  - \$305,000 purchase price with a five percent earnest money deposit, and
  - 60-day due diligence period with 30 days to close.

### **Background**

- In February 2010, the CMPD adopted the Facilities Strategic Plan, which outlines facility goals through 2025 and prioritizes the transition from leased division offices to city-owned stations. The CMPD Northwest Division Station was identified as a priority in this plan.
- On January 21, 2020, the Charlotte-Mecklenburg Planning Commission recommended approval for the city to purchase the land through the mandatory referral process.

### **Fiscal Note**

Funding: General Capital Investment Plan

**Attachment(s)**

Map

[15-13318 Map Land Purchase for Charlotte-Mecklenburg Police Department Northwest Division Station](#)

## 20. Little Hope Creek Tributary-Marion Diehl Segment Sanitary Sewer Construction

**Action:**

Approve a guaranteed maximum price of \$6,104,621 to Park Construction of North Carolina, Inc. for Design-Build construction services for the Little Hope Creek Tributary-Marion Diehl Segment Sanitary Sewer Improvement project.

**Staff Resource(s):**

David Czerr, Charlotte Water

Ron Hargrove, Charlotte Water

Carl Wilson, Charlotte Water

**Explanation**

- Park Construction of North Carolina, Inc. has developed a guaranteed maximum price (GMP) for construction of the Little Hope Creek Tributary-Marion Diehl Segment sanitary sewer line. The construction will upsize 3,000 linear feet of the existing sanitary sewer line, ranging from 24 to 54 -inch diameter to increase capacity in the Little Hope Creek Basin located in Council District 6.
- On November 26, 2018, Council approved a contract with Park Construction of North Carolina, Inc. for Design-Build design services. Based on the design, a GMP for construction services was developed.
- This project segment is anticipated to be complete by the first quarter of 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). Park Construction of North Carolina, Inc. has committed \$821,919 or approximately 13.46% of the total contract for construction services to the following certified firm:

- AMP Utility Distribution Services, LLC (WBE, SBE) (\$548,699) (piping and miscellaneous materials)
- Capstone Civil Engineering, Inc. (MBE, SBE) (\$119,125) (materials testing, pre/post blasting surveys, blast monitoring, and CCTV inspections)
- Gavel & Dorn Engineering, PLLC (SBE) (\$46,000) (flow monitoring)
- Martin Landscaping Company, Inc. (MBE, SBE) (\$42,172) (seeding, live staking, and erosion control matting)
- Tidemark Land Services (SBE) (\$35,219) (surveying and construction staking)
- Buffkin Trucking, Inc. (MBE, SBE) (\$30,704) (stone hauling)

**Fiscal Note**

Funding: Charlotte Water Capital Investment Plan

**Attachment(s)**

Map

[Little Hope Creek Ph. 1 RCA Map](#)

## 21. Airport On-Call General Contractor Contract Amendment

### **Action:**

**Approve contract amendment for \$750,000 to the contract with Kelby Construction, Inc. for On-Call General Contractor Services.**

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

Brent Cagle, Aviation

Jack Christine, Aviation

### **Explanation**

- Aviation Facilities maintains a portfolio of buildings, including terminals, offices, fire stations, tenant occupied spaces, and equipment shops.
- This contract provides general contractor services to assist with renovations, remodels, and maintenance of existing facilities on airport property.
- On October 24, 2018, the city issued an Invitation to Bid for on-call general contractor services.
- Kelby Construction, Inc. was the lowest responsive, responsible bidder.
  - The total estimated spend for the three-year term was \$450,000.
- This contract amendment is needed due to an increase in tenant requests and general project activities.
- The new total value of the contract including this amendment is estimated at \$1,200,000.
- This activity is occurring on airport property located in Council District 3.

### **Charlotte Business INclusion Program**

Kelby Construction, Inc. is a city certified MBE.

Per Charlotte Business INclusion Policy: Part C: Section 2.1(a) 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 or MWBEs certified to perform the scopes of work that the city regards as realistic opportunities for subcontracting.

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

### **Fiscal Note**

Funding: Aviation Operating Budget and Capital Investment Plan

## 22. Airport Runway 18C/36C Joint Seal Replacement Construction Contract

**Action:**

Approve a contract in the amount of \$2,491,950 to the lowest responsive bidder Hi-Way Paving Inc. for the Runway 18C/36C Joint Seal Replacement project.

**Staff Resource(s):**

Brent Cagle, Aviation

Jack Christine, Aviation

**Explanation**

- This contract is to remove and replace all remaining joint sealant on Runway 18C/36C and Taxiway Echo and provide asphalt shoulder repairs for increased longevity to the life of the existing pavement.
- On February 10, 2020, the city issued an Invitation to Bid (ITB) for the replacement of the joint sealant and asphalt shoulder repairs on Runway 18C/36C and Taxiway Echo; two bids were received.
  - G.S. 143-132 prohibits municipalities from awarding public contracts without receiving at least three competitive bids from the initial advertisement of the contract. The city may subsequently award the contract even if re-advertisement results in fewer than three competitive bids.
- On March 10, 2020, the city re-issued the ITB; two bids were received.
- Hi-Way Paving Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by second quarter 2021.
- This activity is occurring on Airport property located in Council District 3.

**Disadvantaged Business Enterprise Program**

Established DBE Goal: 15.00%

Committed DBE Goal: 15.12%

Hi-Way Paving exceeded the established subcontracting goal and has committed 15.12% (\$376,900) of the base bid amount to the following certified firm(s):

- Dan-Kel Concrete Cutting (DBE) (\$376,900) (concrete cutting)

**Fiscal Note**

Funding: Aviation Capital Investment Plan



## 23. Airport Terminal Ramp Light Pole Fixture Replacement

### Action:

- A. Approve the purchase of pole harness fixture assemblies from a cooperative purchasing contract, and**
- B. Approve a contract in the amount of \$1,199,994.64 with Graybar Electric Company Inc. for the purchase of pole harness fixture assemblies under US Communities - OMNIA Partners, February 1, 2018, EV 2370.**

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

Brent Cagle, Aviation

Jack Christine, Aviation

### **Explanation**

- Aviation performed a test installation of new light fixtures at four pole locations and concluded that replacement of the existing light fixtures with the new fixtures will increase illumination on the terminal ramp and reduce lighting glare which affects visibility for pilots. Improvements to the lighting in this area will also benefit employees working in the terminal ramp areas.
- G.S. 143-129(e)(3) allows local governments to purchase from formally organized cooperative purchasing contracts.
- This contract will provide the pole harness fixture assemblies for the 92 existing light poles that need to be retrofitted.
- Graybar Electric Company Inc. has a contract awarded through US Communities - OMNIA Partners that offers competitively obtained contracts to public agencies nationwide.
- The project is anticipated to be complete by the fourth quarter of 2020.
- This activity is occurring on Airport property located in Council District 3.

### **Charlotte Business INclusion**

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

### **Fiscal Note**

Funding: Aviation Capital Investment Plan

## 24. Resolution of Intent to Abandon an Alleyway off West Hill Street

**Action:**

- A. Adopt a Resolution of Intent to abandon an alleyway off West Hill Street, and**
- B. Set a Public Hearing for June 22, 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 known as Crosby Alley is located in Council District 2.

**Petitioners**

Foundry Uptown, LLC

**Attachment(s)**

Map  
Resolution

[MAP West Hill St Crosby Alley Abandonment](#)

[West Hill Resolution of Intent](#)

## 25. Refund of Property Taxes

**Action:**

**Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$55,511.65**

**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

[Resolution.pdf](#)

[List of Taxpayers.pdf](#)

## 26. Meeting Minutes

**Action:**

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

- April 20, 2020 Zoning Meeting,
- April 27, 2020 Business Meeting, and
- May 4, 2020 City Manager Budget Presentation.

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

## PROPERTY TRANSACTIONS

### 27. Aviation Property Transaction - 9428 Snow Ridge Lane

**Action:** Approve the following Property Acquisition - EIS Mitigation Land South

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:** EIS Mitigation Land South

**Owner(s):** TAH 2016-1 Borrower, LLC

**Property Address:** 9428 Snow Ridge Lane

**Total Parcel Area:** 0.77 acres

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

**Structures/Improvements to be impacted:** Single-family Dwelling

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

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 141-112-25

<http://polaris3g.mecklenburqcountync.gov/#mat=220417&pid=14111225&gisid=14111225>

**Purchase Price:** \$207,161

**Council District:** 3

## 28. Charlotte Water Property Transactions - Dairy Branch Tributary Sewer Improvements, Parcel #23

**Action:**

**Approve the following Condemnation: Dairy Branch Tributary Sewer Improvements, Parcel #23**

**Project:** Dairy Branch Tributary Sewer Improvements, Parcel #23

**Owner(s):** Brian S Pace and Stacy Y Pace

**Property Address:** 2659 Idlewood Circle

**Total Parcel Area:** 35,592 sq. ft. (0.82 ac.)

**Property to be acquired by Easements:** 585 sq. ft. (0.01 ac.) Sanitary Sewer Easement and 439 sq. ft. (0.01 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** N/A

**Landscaping to be impacted:** One tree

**Zoned:** R-4

**Use:** R100

**Tax Code:** 151-033-16

<http://polaris3g.mecklenburccountync.gov/#mat=89654&pid=15103316&gisid=15103316>

**Appraised Value:** \$5,800

**Property Owner's Concerns:** The property owner is concerned about the design of the project, potential impacts to the property, and the compensation amount offered.

**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. It was suggested the property owner could obtain their own appraisal in order to justify a counteroffer.

**Recommendation:** 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

## 29. Property Transactions - Barclay Downs Drive Sidewalk, Parcel #1

**Action:** Approve the following Acquisition: Barclay Downs Drive Sidewalk, Parcel #1

**Project:** Barclay Downs Drive Sidewalk, Parcel #1

**Program:** Barclay Downs Drive Sidewalk

**Owner(s):** Kelly L Straub and Sheri F Straub

**Property Address:** 3935 Barclay Downs Drive

**Total Parcel Area:** 38,898 sq. ft. (0.89 ac.)

**Property to be acquired by Easements:** 1,282 sq. ft. (0.029 ac.) Sidewalk Utility Easement, 2,698 sq. ft. (0.062 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 177-024-01

<http://polaris3g.mecklenburgcountync.gov/#mat=119023&pid=17702401&gisid=17702401>

**Purchased Price:** \$11,000

**Council District:** 6

### 30. Property Transactions - Barclay Downs Drive Sidewalk, Parcel #13

**Action:** Approve the following Acquisition: Barclay Downs Drive Sidewalk, Parcel #13

**Project:** Barclay Downs Drive Sidewalk, Parcel #13

**Program:** Barclay Downs Drive Sidewalk

**Owner(s):** Christopher M Johnson and Joy E Johnson

**Property Address:** 3719 Barclay Downs Drive

**Total Parcel Area:** 26,054 sq. ft. (0.60 ac.)

**Property to be acquired by Easements:** 4,140 sq. ft. (0.095 ac.) Temporary Construction Easement

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

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

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 177-021-59

<http://polaris3g.mecklenburgcountync.gov/#mat=468883&pid=17702159&gisid=17702159>

**Purchased Price:** \$12,250

**Council District:** 6

## 31. Property Transactions - Barclay Downs Drive Sidewalk, Parcel #21

**Action:** Approve the following Acquisition: Barclay Downs Drive Sidewalk, Parcel #21

**Project:** Barclay Downs Drive Sidewalk, Parcel #21

**Program:** Barclay Downs Drive Sidewalk

**Owner(s):** William Ellerbe Ackerman III and Shannan W Ackerman

**Property Address:** 3337 Ferncliff Road

**Total Parcel Area:** 21,498 sq. ft. (0.49 ac.)

**Property to be acquired by Easements:** 2,002 sq. ft. (0.046 ac.) Temporary Construction Easement

**Structures/Improvements to be impacted:** Irrigation system, landscape lighting, and driveway

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

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 177-021-51

<http://polaris3g.mecklenburgcountync.gov/#mat=107608&pid=17702151&gisid=17702151>

**Purchased Price:** \$19,825

**Council District:** 6



## 32. Property Transactions - Barclay Downs Drive Sidewalk, Parcel #23

**Action:** Approve the following Acquisition: Barclay Downs Drive Sidewalk, Parcel #23

**Project:** Barclay Downs Drive Sidewalk, Parcel #23

**Program:** Barclay Downs Drive Sidewalk

**Owner(s):** 1961 Runnymede LLC

**Property Address:** 1961 Runnymede Lane

**Total Parcel Area:** 17,323 sq. ft. (0.40 ac.)

**Property to be acquired by Easements:** 3,159 sq. ft. (0.073 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** R-3

**Use:** Single-family Residential

**Tax Code:** 177-014-01

<http://polaris3g.mecklenburgcountync.gov/#mat=64888&pid=17701401&qsid=17701401>

**Purchased Price:** \$12,900

**Council District:** 6

### 33. Property Transactions - I-85 North Bridge, Parcel #11

**Action:** Approve the following Acquisition: I-85 North Bridge, Parcel #11

This property is acquired in accordance with Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for North Carolina Department of Transportation reimbursement and Federal Transit Administration reimbursement.

**Project:** I-85 North Bridge, Parcel #11

**Owner(s):** BellSouth Telecommunications LLC

**Property Address:** 9139 Research Drive

**Total Parcel Area:** 700,880 sq. ft. (16.090 ac.)

**Property to be acquired by Easements:** 693 sq. ft. (0.016 ac.) in Sidewalk and Utility Easement, plus 423 sq. ft. (0.01 ac.) in Waterline Easement, plus 32,930 sq. ft. (0.756 ac.) in Temporary Construction Easement, plus 2,741 sq. ft. (0.063 ac.) in Utility Easement

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

**Landscaping to be impacted:** None

**Zoned:** RE-2

**Use:** Laboratory / Research

**Tax Code:** 047-401-05

<http://polaris3g.mecklenburqcountync.gov/#mat=215444&pid=04740105&gisid=04740105>

**Purchased Price:** \$60,325

**Council District:** 4

## 34. Property Transactions - Mallard Creek Reuse Line Extension to UNCC, Parcel #1

**Action:** Approve the following Condemnation: Mallard Creek Reuse Line Extension to UNCC, Parcel #1

**Project:** Mallard Creek Reuse Line Extension to UNCC, Parcel #1

**Owner(s):** Hill/Gray Seven LLC

**Property Address:** 11310 North Tryon Street

**Total Parcel Area:** 143,173 sq. ft. (3.287 ac.)

**Property to be acquired by Easements:** 11,583.98 sq. ft. (0.266 ac.) in Sanitary Sewer Easement, plus 5,941 sq. ft. (0.136 ac.) in Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** CC

**Use:** Commercial

**Tax Code:** 051-032-08

<http://polaris3g.mecklenburqcountync.gov/#mat=563079&pid=05103208&gisid=05103208>

**Appraised Value:** \$64,625

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

**City's Response to Property Owner's Concerns:** The city was able to redesign to accommodate some of the property owner's design requests.

**Outstanding Concerns:** The property owner became unresponsive.

**Recommendation:** 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:** 4

## 35. Property Transactions - Mallard Creek Reuse Line Extension to UNCC, Parcel #2

**Action:** Approve the following Condemnation: Mallard Creek Reuse Line Extension to UNCC, Parcel #2

**Project:** Mallard Creek Reuse Line Extension to UNCC, Parcel #2

**Owner(s):** 200 Pavilion LLC

**Property Address:** 200 Pavilion Boulevard

**Total Parcel Area:** 108,840 sq. ft. (2.499 ac.)

**Property to be acquired by Easements:** 16,775 sq. ft. (0.385 ac.) in Sanitary Sewer Easement

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

**Landscaping to be impacted:** None

**Zoned:** CC

**Use:** Commercial

**Tax Code:** 051-032-07

<http://polaris3g.mecklenburqcountync.gov/#mat=376459&pid=05103207&gisid=05103207>

**Appraised Value:** \$55,350

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

**City's Response to Property Owner's Concerns:** The city was able to redesign to accommodate some of the property owner's design requests.

**Outstanding Concerns:** The property owner became unresponsive.

**Recommendation:** 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:** 4

## 36. Property Transactions - Mallard Creek Reuse Line Extension to UNCC, Parcels #4, 5, 7, 13

**Action:** Approve the following Condemnation: Mallard Creek Reuse Line Extension to UNCC, Parcels #4, 5, 7, 13

**Project:** Mallard Creek Reuse Line Extension to UNCC, Parcels #4, 5, 7, 13

**Owner(s):** Martin Marietta Materials Inc

**Property Address:** East Mallard Creek Church Rd

**Total Parcel Area:** 9,662,375 sq. ft. (221.818 ac.)

**Property to be acquired by Easements:** 138,076 sq. ft. (3.170 ac.) in Sanitary Sewer Easement, 180,964 sq. ft. (4.154 ac.) in Access Easement, plus 2,620 sq. ft. (0.060 ac.) in Existing Sewer Easement

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

**Landscaping to be impacted:** None

**Zoned:** I-2(CD), R-3, INST, R-MH

**Use:** Industrial, Single-family Residential, Institutional, Mobile Home Residential

**Tax Code:** 051-033-06, 051-041-01, 051-021-01, 051-021-06

<http://polaris3g.mecklenburqcountync.gov/#pid=05103306&gisid=05103306>

<http://polaris3g.mecklenburqcountync.gov/#mat=390216&pid=05104101&gisid=05104101>

<http://polaris3g.mecklenburqcountync.gov/#mat=376484&pid=05102101&gisid=05102101>

<http://polaris3g.mecklenburqcountync.gov/#pid=05102106&gisid=05102106>

**Appraised Value:** \$102,225

**Property Owner's Concerns:** The property owner is concerned about conveyance agreement language.

**City's Response to Property Owner's Concerns:** The city is continuing to negotiate the terms of the agreements.

**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:** 4

## 37. Property Transactions - Mallard Creek Reuse Line Extension to UNCC, Parcel #9

**Action:** Approve the following Condemnation: Mallard Creek Reuse Line Extension to UNCC, Parcel #9

**Project:** Mallard Creek Reuse Line Extension to UNCC, Parcel #9

**Owner(s):** James Frosst Alexander, Susan Burr Alexander Boone, Stella Watkins Harman, John William Alexander

**Property Address:** 10400 North Tryon Street

**Total Parcel Area:** 1,324,011 sq. ft. (30.395 ac.)

**Property to be acquired by Easements:** 102,428.63 sq. ft. (2.351 ac.) in Sanitary Sewer Easement, plus 10,628.22 sq. ft. (0.244 ac.) in Access Easement, plus 33,512.46 sq. ft. (0.769 ac.) in Existing Sanitary Sewer Easement

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

**Landscaping to be impacted:** None

**Zoned:** INST

**Use:** Office

**Tax Code:** 051-021-02

<http://polaris3g.mecklenburgcountync.gov/#mat=343886&pid=05102102&gisid=05102102>

**Appraised Value:** \$13,250

**Property Owner's Concerns:** The property owner is concerned about the design of the project 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 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:** 4

## 38. Property Transactions - Mallard Creek Reuse Line Extension to UNCC, Parcel #12

**Action:** Approve the following Condemnation: Mallard Creek Reuse Line Extension to UNCC, Parcel #12

**Project:** Mallard Creek Reuse Line Extension to UNCC, Parcel # 12

**Owner(s):** Hwy 29 Lot LLC

**Property Address:** 11403 North Tryon Street

**Total Parcel Area:** 24,461 sq. ft. (0.562 ac.)

**Property to be acquired by Easements:** 1,259 sq. ft. (0.029 ac.) in Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** NS

**Use:** Neighborhood Services District

**Tax Code:** 029-052-15

<http://polaris3g.mecklenburgcourtnc.gov/#mat=18053&pid=02905215&qsid=02905215>

**Appraised Value:** \$2,275

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

**City's Response to Property Owner's Concerns:** The city was able to redesign to accommodate some of the property owner's design requests.

**Outstanding Concerns:** The property owner became unresponsive.

**Recommendation:** 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:** 4

### 39. Property Transactions - Mallard Creek Reuse Line Extension to UNCC, Parcel #14

**Action:** Approve the following Condemnation: Mallard Creek Reuse Line Extension to UNCC, Parcel #14

**Project:** Mallard Creek Reuse Line Extension to UNCC, Parcel #14

**Owner(s):** Bellsouth Telecommunications LLC

**Property Address:** 400 East Mallard Creek Church Road

**Total Parcel Area:** 5,738 sq. ft. (0.132 ac.)

**Property to be acquired by Easements:** 2,417 sq. ft. (0.055 ac.) in Access Easement

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

**Landscaping to be impacted:** None

**Zoned:** INST

**Use:** Office

**Tax Code:** 049-382-02

<http://polaris3g.mecklenburgcountync.gov/#mat=119570&pid=04938202&gisid=04938202>

**Appraised Value:** \$325

**Property Owner's Concerns:** The property owner requested the access easement be moved.

**City's Response to Property Owner's Concerns:** The city was able to redesign to accommodate some of the property owner's design requests and reduced the area of the easement.

**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:** 4



## 40. Property Transactions - McCullough Drive Streetscape, Parcel #3

**Action:** Approve the following Condemnation: McCullough Drive Streetscape, Parcel #3

**Project:** McCullough Drive Streetscape, Parcel #3

**Program:** McCullough Drive Streetscape

**Owner(s):** DDC Hotels INC

**Property Address:** 415 W WT Harris Boulevard

**Total Parcel Area:** 161,396 sq. ft. (3.71 ac.)

**Property to be acquired by Fee:** 874 sq. ft. (0.02 ac.) Fee Simple

**Property to be acquired by Easements:** 4,901 sq. ft. (0.113 ac.) Utility Easement, 4,589 sq. ft. (0.105 ac.) Storm Drainage Easement, 6,128 sq. ft. (0.141 ac.) Sidewalk Utility Easement, 4,667 sq. ft. (0.107 ac.) Temporary Construction Easement

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

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

**Zoned:** O-2 (CD)

**Use:** Hotel/Motel

**Tax Code:** 047-211-29

<http://polaris3g.mecklenburgcountync.gov/#mat=124514&pid=04721129&gisid=04721129>

**Appraised Value:** \$82,625

**Property Owner's Concerns:** None

**City's Response to Property Owner's Concerns:** N/A

**Recommendation:** 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:** 4

## 41. Property Transactions - McCullough Drive Streetscape, Parcel #12

**Action:** Approve the following Acquisition: McCullough Drive Streetscape, Parcel #12

**Project:** McCullough Drive Streetscape, Parcel #12

**Program:** McCullough Drive Streetscape

**Owner(s):** Tempus 401 McCullough Drive LLC

**Property Address:** 401 McCullough Drive

**Total Parcel Area:** 1,290,025 sq. ft. (29.61 ac.)

**Property to be acquired by Fee:** 4,460 sq. ft. (0.11 ac.) Fee Simple 10,910 sq. ft. (0.25 ac.) Fee Simple in Existing Right of Way

**Property to be acquired by Easements:** 7,200 sq. ft. (0.165 ac.) Sidewalk Utility Easement, 6,342 sq. ft. (0.146 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** None

**Zoned:** O-15 (CD)

**Use:** Office

**Tax Code:** 047-212-02

<http://polaris3g.mecklenburgcourtnc.gov/#mat=609898&pid=04721202&gisid=04721202>

**Purchased Price:** \$75,000

**Council District:** 4

## 42. Property Transactions - McCullough Drive Streetscape, Parcel #17

**Action:** Approve the following Condemnation: McCullough Drive Streetscape, Parcel #17

**Project:** McCullough Drive Streetscape, Parcel #17

**Program:** McCullough Drive Streetscape

**Owner(s):** Harris Realty Investments LLC

**Property Address:** 8302 University Executive Park Drive

**Total Parcel Area:** 104,348 sq. ft. (2.40 ac.)

**Property to be acquired by Easements:** 3,782 sq. ft. (0.087 ac.) Utility Easement, 3,090 sq. ft. (0.071 ac.) Sidewalk Utility Easement, 105 sq. ft. (0.002 ac.) Temporary Construction Easement

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

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

**Zoned:** TOD-CC

**Use:** Transit Oriented District Community Center

**Tax Code:** 047-211-14

<http://polaris3g.mecklenburgcountync.gov/#mat=202097&pid=04721114&gisid=04721114>

**Appraised Value:** \$41,750

**Property Owner's Concerns:** None

**City's Response to Property Owner's Concerns:** N/A

**Recommendation:** 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:** 4

### 43. Property Transactions - Tom Hunter Streetscape, Parcel #11, 12, 13, 14

**Action:** Approve the following Acquisition: Tom Hunter Streetscape, Parcel # 11, 12, 13, 14

**Project:** Tom Hunter Streetscape, Parcel #11, 12, 13, 14

**Owner(s):** The Church/La Iglesia INC

**Property Address:** 332 Tom Hunter Road

**Total Parcel Area:** 119,941 sq. ft. (2.753 ac.)

**Property to be acquired by Fee:** 12,448 sq. ft. (0.286 ac.) Fee Simple in Existing Right of Way

**Property to be acquired by Easements:** 8,173 sq. ft. (0.188 ac.) Sidewalk Utility Easement, 7,099 sq. ft. (0.163 ac.) Temporary Construction Easement

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

**Landscaping to be impacted:** Trees

**Zoned:** R12-MF

**Use:** Multi-family Residential

**Tax Code:** 089-171-09, 089-171-10, 089-171-11, 089-171-12

<http://polaris3g.mecklenburqcountync.gov/#mat=106935&pid=08917109&gisid=08917109>

<http://polaris3g.mecklenburqcountync.gov/#mat=105221&pid=08917110&gisid=08917110>

<http://polaris3g.mecklenburqcountync.gov/#mat=101076&pid=08917111&gisid=08917111>

<http://polaris3g.mecklenburqcountync.gov/#mat=78664&pid=08917112&gisid=08917112>

**Purchased Price:** \$14,405

**Council District:** 4

## Adjournment

## REFERENCES

## 44. 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 a (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 for the Contract; 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.

## 45. 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.

## 46. 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.