

City of Charlotte

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



Meeting Agenda

Monday, August 10, 2020

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*

**4:00 P.M. CITY COUNCIL BUSINESS MEETING,
CHARLOTTE-MECKLENBURG GOVERNMENT CENTER,
VIRTUAL MEETING**

Call to Order

Introductions

Invocation

Pledge of Allegiance

AWARDS AND RECOGNITIONS

1. VOTE411.org Day Proclamation

Action:

Mayor Lyles will read a proclamation recognizing August 15, 2020, as VOTE411.org Day.

[Vote411.org Day Proclamation](#)

ZONING

2a. Rezoning Petition: 2019-160 by Meritage Homes of the Carolinas, Inc.

Location: Approximately 80.78 acres located on the north side of Pleasant Grove Road between Hutcheson Lane and Kelly Road. (Outside City Limits)

Current Zoning: R-3 LWPA (single-family residential, Lake Wylie Protected Area)

Proposed Zoning: MX-2 (Innov) LWPA (mixed use, innovative standards, Lake Wylie Protected Area) with five years vested rights

Zoning Committee Recommendation:

The Zoning Committee voted 7-0 to recommend APPROVAL of this petition.

Staff Recommendation:

Staff recommends APPROVAL of this petition.

Attachments:

Zoning Committee Recommendation

Final Staff Analysis

Site Plan

[2019_160_ZC_Reco_DONE](#)

[2019_160_Final_Staff_DONE](#)

[2019-160_RevSitePlan_2020_7_9](#)

2b. Rezoning Petition: 2020-110 by City of Charlotte: General Services

Location: Approximately 2.5 acres located on the north side of Sweden Road, west of South Boulevard, and east of England Street. (Council District 3 - Watlington)

Current Zoning: TOD-CC (transit-oriented development, community center)

Proposed Zoning: I-2 (industrial)

Zoning Committee Recommendation:

The Zoning Committee voted 7-0 to recommend APPROVAL of this petition.

Staff Recommendation:

Staff Recommends APPROVAL of this petition.

Attachments:

Zoning Committee Recommendation

Final Staff Analysis

[2020_110_ZC_Reco_DONE](#)

[2020_110_FinalSA_DONE](#)

PUBLIC FORUM

3. Public Forum

4. 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.

5. Closed Session (as necessary)

6. Consent agenda items 22 through 55 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

7. Public Hearing on a Resolution to Close a Portion of West 25th Street

Action:

Conduct a public hearing to close a portion of West 25th Street

Staff Resource(s):

Liz Babson, Transportation

Casey Mashburn, Transportation

Explanation

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon 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 street 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 August 11, 2020, at 11:59 p.m. Any additional comments received will be provided to Council.

Petitioner

Todd Jackovich

Right-of-Way to be Abandoned

A Portion of West 25th Street

Reason

Per the petition submitted by Todd Jackovich, abandoning the existing right-of-way will meet the requirements of rezoning petition 2017-041 and establish a residential wide street section. 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)

MREC Vision Northend - 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

[Close a Portion of West 25th Street Map](#)

8. Public Hearing on a Resolution to Close an Alleyway Between 23rd Street and 24th Street

Action:

Conduct a public hearing to close an alleyway between 23rd Street and 24th Street

Staff Resource(s):

Liz Babson, Transportation

Casey Mashburn, Transportation

Explanation

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon 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 street 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 August 11, 2020, at 11:59 p.m. Any additional comments received will be provided to Council.

Petitioner

Alliance Realty Partners, LLC and Sumter Packaging Corporation

Right-of-Way to be Abandoned

An alleyway between 23rd Street and 24th Street

Reason

Per the petition submitted by Alliance Realty Partners, LLC and Sumter Packaging Corporation, the petitioner needs this abandonment in order to fully utilize parcels. 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)

Sumter Packaging Corporation - No objections

CRB Piggyback, LLC - 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

[Alleyway between 23rd & 24th Abandonment Map](#)

9. Public Hearing on a Resolution to Close an Alleyway off Hawkins Street Between West Worthington Avenue and West Boulevard

Action:

Conduct a public hearing to close an alleyway off Hawkins Street between West Worthington Avenue and West Boulevard.

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 street to be closed is located in Council District 3.
- 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 August 11, 2020, at 11:59 p.m. Any additional comments received will be provided to Council.

Petitioner

Commercial Development Holdings, LLC

Right-of-Way to be Abandoned

An alleyway off Hawkins Street between West Worthington Avenue and West Boulevard

Reason

Per the petition submitted by Commercial Development Holdings, LLC, closing of the alley will allow Commercial Development Holdings, LLC, as the owner of the adjacent properties, to make improvements to its existing commercial facilities on those adjacent properties and provide for future redevelopment opportunities. 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)

Commercial Development Holdings, LLC - 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

[2020-06A Hawkins Street Alleyway Abandonment Map](#)

POLICY

10. City Manager's Report

- Strategic Energy Action Plan and American Cities Climate Challenge Updates
- Charlotte Business INclusion Annual Report
- Transportation and Transit Updates
- Republican National Convention Update
- Legislative Agenda Update
- COVID-19 - Update on City Response and Recovery

[Charlotte Business INclusion Annual Report](#)

[Transportation and Transit Updates](#)

[Republican National Convention Update](#)

[Legislative Agenda Update](#)

[COVID-19 - Update on City Response and Recovery](#)

11. Community Recovery Task Force Updates

[Community Recovery Task Force Coordinator Updates August 10, 2020](#)

12. Council Committee Report Outs

[Council Committee Report Outs August 2020](#)

BUSINESS

13. Appropriate Additional Funds for COVID-19 Response

Action:

- A. Adopt a budget ordinance appropriating \$3,000,000 from the Federal Emergency Management Agency's Public Assistance Grant Program for eligible costs associated with First Responder overtime and personal protective equipment,**
- B. Adopt a budget ordinance appropriating \$6,866,990 from the U.S. Department of Housing and Urban Development's Emergency Solutions Grant, and**
- C. Authorize the City Manager to execute any necessary contracts and agreements related to the Public Assistance Grant and Emergency Solutions Grant programs.**

Staff Resource(s):

Kelly Flannery, Finance

Ryan Bergman, Strategy and Budget

ExplanationAction A:

- The Federal Emergency Management Agency's (FEMA) Public Assistance Grant Program is a reimbursement program that provides federal funding to help communities respond to and recover from declared disasters.
- U.S Treasury guidance allows for localities to apply for FEMA Public Assistance Funds prior to the utilization of Coronavirus Aid, Relief, and Economic Security (CARES) Act dollars.
- The funds will be used to reimburse the city for First Responder overtime and the purchase of personal protective equipment that has and will occur during the emergency declaration.
- This action is intended to help account for costs incurred in FY 2021. City Council previously appropriated \$3.5 million from this program for FY 2020 costs at its June 22, 2020 Business Meeting.
- Any required matching contribution not covered by the state will be paid utilizing CARES Act dollars.

Action B:

- HUD allows Emergency Solutions Grant (ESG) funds to be used for a variety of services to homeless individuals and families, including homelessness prevention, shelter operations, rapid re-housing, and systems costs for the Homeless Management Information Service.
- At its April 13, 2020 Business Meeting, City Council appropriated \$1,765,572 from the first allocation of ESG funds provided by the CARES Act.
- A second allocation of ESG funds from the CARES Act has been made by the U.S. Department of Housing and Urban Development (HUD) and this action appropriates the funds from this allocation.

Fiscal Note

Funding: COVID-19 Stimulus Fund

Attachment(s)

FEMA-PA Budget Ordinance

ESG Budget Ordinance

[FEMA-PA Budget Ordinance](#)[ESG-CV2 Budget Ordinance](#)

14. Centene Corporation Business Investment Grant

Action:

Approve the city's share of a Business Investment Grant to Centene Corporation for a not to exceed amount of \$31,588,352 over 12 years.

Staff Resource(s):

Tracy Dodson, City Manager's Office
Frances West, Economic Development

Explanation

- On July 1, 2020, Centene Corporation announced its selection of Charlotte for its east coast headquarters and technology center, resulting in a capital investment of \$1,034,900,790 and the creation of 3,237 jobs to be hired over 10 years with an average wage of \$100,089.
- This action is requesting City Council to approve a not to exceed Business Investment Grant of \$31,588,352 over 12 years. Mecklenburg County's not to exceed amount is \$26,023,000 over 10 years, bringing the combined not to exceed city and county grant estimated total to be \$57,611,352.
 - On June 22, 2020, City Council, in Closed Session, indicated its intent to approve a Business Investment Grant to Centene Corporation, and
 - On June 23, 2020, the Mecklenburg County Board of Commissioners, in Closed Session, indicated its intent to approve a Business Investment Grant to Centene Corporation
- In addition to the Business Investment Grant (BIG), the State of North Carolina also approved a Job Development Investment Grant in the amount of \$388,000,000 and \$4,531,800 in community college training funds.
- On July 27, 2020, a public hearing was conducted regarding approval of a BIG to Centene Corporation. No public comments were received.

Background

- Centene Corporation is a leading multi-national healthcare enterprise that is committed to helping people live healthier lives through managing healthcare plans to over 23 million members.
- Centene Corporation is headquartered in St. Louis and number 42 on the Fortune 500 list.
- Centene Corporation has operations in all 50 states and international markets, with over 69,000 employees.
- Centene Corporation has received the following accolades:
 - Fortune World's Most Admired Companies List (2020),
 - Fortune Companies that Changed the World (2019),
 - Best Place to Work for Disability Inclusion (2019),
 - Best Place to Work by Corporate Equality Index (2020), and
 - Bloomberg Gender-Equality Index (2020).

Business Investment Grant

- The general terms and conditions of this grant include:
 - Actual grant payments are based on the value of the investment as appraised by the Mecklenburg County Tax Office.
 - Property taxes due from Centene Corporation must be paid before a grant payment is made.
 - If Centene Corporation removes the investment from Charlotte during the grant term, it shall pay back 100 percent of the investment grant paid to date.
 - If Centene Corporation moves the investment from Charlotte within 12 years of the end of the Business Investment Program (BIP) grant term, a portion of the grant must be repaid as follows:
 - Within one year of the end of the BIP Term - 90 percent of grant payments
 - Within two years of the end of the BIP Term - 75 percent of grant payments
 - Within three years of the end of the BIP Term - 60 percent of grant payments
 - Within four years of the end of the BIP Term - 45 percent of grant payments

- Within five years of the end of the BIP Term - 30 percent of grant payments
- Within six years of the end of the BIP Term - 20 percent of grant payments
- Within seven to twelve years of the end of the BIP Term - 10 percent of grant payments

Fiscal Note

Funding: Business Investment Grant

15. Sale of City-Owned Property on Starwood Avenue

Action:

- A. Adopt a resolution approving the sale of 0.6 acres of city-owned property on Starwood Avenue (parcel identification numbers 105-271-74 and 105-271-75) to A-Plus Realty Inc., for \$20,000, and**
- B. Authorize the City Manager to negotiate and execute all documents necessary to complete the sale of the property.**

Staff Resource(s):

Phil Reiger, General Services
Tony Korolos, General Services
Ron Hargrove, Charlotte Water
Pamela Wideman, Housing and Neighborhood Services

Explanation

- On August 27, 2018, City Council adopted the Housing Charlotte Framework, which recommends leveraging city-owned land and expanding the supply of high-quality affordable housing by building new affordable housing and preserving existing affordable housing.
- These city-owned properties along Starwood Avenue are approximately 0.6 acres, located in Council District 4, and zoned R-3 (residential). The parcels are no longer needed by the city and were part of the Willow Creek Wastewater Treatment Plant.
- A-Plus Realty Inc., a private builder, proposes to purchase the properties to construct two single family residential homes. One of the homes will be sold to a House Charlotte eligible household with a long-term (15-year) affordability deed restriction. A-Plus Realty Inc. agrees that the affordable unit shall be developed within three years of the date of the deed conveying the property to the buyer.
- The Planning Commission reviewed the property for surplus sale in March 2017 and supported the sale of the vacant lot with no additional comments.
- The property was appraised January 17, 2020, for \$26,000.
- The offer from A-Plus Realty Inc. includes the following terms:
 - Price of \$20,000,
 - Due diligence period of 60 days, and
 - Closing to occur within 30 days after the expiration of the due diligence period.
- This transaction is consistent with the Council-adopted City-Owned Real Estate and Facilities Policy and Guidelines for Evaluation and Disposition of City Owned Land for Affordable Housing.

Fiscal Note

Funding: Proceeds from the sale will be deposited in Charlotte Water's revenue funds

Attachment(s)

Map
Resolution

[Map Starwood Avenue](#)

[Resolution](#)

16. Appropriate Private Developer Funds

Action:

- A. **Approve a developer agreement with LIDL US, LLC, and**
- B. **Adopt a budget ordinance appropriating \$10,000 in private developer funds for traffic signal installations and improvements.**

Staff Resource(s):

Liz Babson, Transportation
Charles Abel, Transportation

Explanation

- Private developer agreements and appropriations are needed when a developer is required through the city rezoning process to make traffic signal improvements.
- Funding contributions from private developers must be appropriated prior to the city's initiation of work.
- The \$10,000 in private developer funds is for road modifications, traffic signals, traffic signal modifications and/or upgrades, and other related work associated with the developer's project. The funding is restricted to the project noted below:
 - LIDL US, LLC contributed \$10,000 for signal modifications at South Boulevard and Greystone Road (Council Districts 1 and 3).
- These developer contributions are based on cost estimates prepared by the Charlotte Department of Transportation (CDOT).
- Any funding contributed by the developer for a signal project that is unused by the city will be refunded back to the developer after project completion.
- CDOT will install and operate these signals as part of the existing signal systems in the area.

Fiscal Note

Funding: Private Developer Contributions

Attachment(s)

Map
Budget Ordinance

[Traffic Signal Improvements Map](#)

[BO Developer Appropriations 8.10.2020](#)

17. Charlotte Regional Transportation Planning Organization Funding

Action:

- A. Accept Federal Transit Administration Section 5303 Metropolitan and Statewide planning funds in the amount of \$500,000 as identified in the Charlotte Regional Transportation Planning Organization's annual Unified Planning Work Program, and**
- B. Adopt a budget ordinance appropriating \$500,000 to the General Grants Fund.**

Staff Resource(s):

Taiwo Jaiyeoba, City Manager's Office
Robert Cook, Planning, Design, and Development
Liz Babson, Transportation
John Lewis, CATS
Jason Lawrence, CATS

Explanation

- The Charlotte Regional Transportation Planning Organization (CRTPO) is the federally-designated metropolitan planning organization (MPO) for the Charlotte urbanized area. It provides long range transportation planning services to Mecklenburg, Union, and Iredell counties. The city is the CRTPO's lead planning agency, and its staff is housed in the city's Planning, Design, and Development department.
- Section 5303 funds are federal funds used to support metropolitan and statewide transit planning activities.
- The North Carolina Department of Transportation (NCDOT) has allocated \$500,000 of its Section 5303 funds to support the ongoing regional transit study, known as CONNECT Beyond. The study is co-sponsored by CATS and the Centralina Council of Governments (CCOG).
- An interlocal agreement between the city and CCOG was approved by Council on October 28, 2019. This agreement outlined the project goals, regional project partners, and project funding sources.
- NCDOT requires that a local MPO be the recipient of funds designated for local planning efforts and has asked the CRTPO to receive the funds in question on behalf of the CONNECT Beyond initiative.
- CATS will provide the local match of \$125,000.

Fiscal Note

Funding: General Grants Fund and CATS Operating Budget

Attachment(s)

Budget Ordinance

[BO NCDOT 8.10.2020](#)

18. September 2020 City Council Augmented Meeting Schedule

Action:

- A. **Approve the September 2020 City Council Augmented Virtual Regular Meeting Schedule, and**
- B. **Authorize the City Clerk, or her designee, to adjust the September 2020 City Council Augmented Virtual Regular Meeting Schedule in accordance to the status of North Carolina's phased reopening.**

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 format for September 2020.
- Effective Friday, May 22, 2020, North Carolina moved into Safer at Home Phase 2 of lifting COVID-19 restrictions.
- This phase is currently scheduled to run through 5:00 p.m. Friday, August 7, 2020.
- Phase 2 limits indoor gatherings to 10 people per room.
- Action B provides the City Clerk, or her designee, the authorization to adjust the most recently approved meeting schedule, in accordance with any updated meeting restrictions.

Attachment(s)

September 2020 City Council Augmented Virtual Regular Meeting Schedule

[Augmented September Meeting Schedule](#)

19. Decision on Cameron Commons Area Voluntary Annexation

Action:

Adopt an annexation ordinance with an effective date of August 10, 2020, to extend the corporate limits to include Cameron Commons Area properties and assign them to the adjacent City Council District 4.

Staff Resource(s):

Taiwo Jaiyeoba, City Manager's Office
Holly Cramer, Planning, Design, and Development

Explanation

- On July 27, 2020, a public hearing on Cameron Commons Area Voluntary Annexation was conducted during the virtual City Council Business Meeting.
- A petition has been received from the owner of this 94.65-acre property.
- The property is owned by Samuel Johnson, James Johnson, and K. Sade Ventures, LLC.
- The property is zoned (MX-1) mixed use district, (B-1CD) neighborhood business conditional district.
- The petitioned area consists of seven parcels: parcel identification numbers 05111103, 05111104, 05111109, 05111114, 05111199, 05122178, and 05111105.
- The property is located within Charlotte's extraterritorial jurisdiction and shares boundaries with current city limits.
- The intent of the annexation is to enable the development of 288 multi-family dwelling units and 250 single-family residential dwelling units.

Consistency with City Council Policies

- The annexation is consistent with the 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; and
 - Is consistent with the policy to not create unincorporated areas that will be encompassed by new city limits.

Attachment(s)

Map (GIS)
Map (Survey)
Annexation Ordinance

[Cameron Commons Area Annexation Map](#)

[Cameron Commons Area Annexation Site Map](#)

[Ordinance - Cameron Commons Area Annexation](#)

20. Decision on Carsen Glen Area Voluntary Annexation

Action:

Adopt an annexation ordinance with an effective date of August 10, 2020, to extend the corporate limits to include Carsen Glen Area properties and assign them to the adjacent City Council District 2.

Staff Resource(s):

Taiwo Jaiyeoba, City Manager's Office

Holly Cramer, Planning, Design, and Development

Explanation

- On July 27, 2020, a public hearing on Carsen Glen Area Voluntary Annexation was conducted during the virtual City Council Business Meeting. No comments from the public were received.
- A petition has been received from the owner of this 21.456-acre property.
- The property is owned by Robert Ferrell, Coretha Ferrell, Lewis Woods, and Marlene Woods.
- The property is zoned (R-3) single family residential district.
- The petitioned area consists of two parcels: parcel identification numbers 03326247 and 03326248.
- The property is located within Charlotte's extraterritorial jurisdiction and does not share boundaries with current city limits.
- The intent of the annexation is to enable the development of 64 single-family residential dwelling units.

Consistency with City Council Policies

- The annexation is consistent with the 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; and
 - Is consistent with the policy to not create unincorporated areas that will be encompassed by new city limits.

Attachment(s)

Map (GIS)

Map (Survey)

Annexation Ordinance

[Carsen Glen Area Annexation Map](#)

[Carsen Glen Annexation Site Map](#)

[Ordinance - Carsen Glen Area Annexation](#)

21. Decision on McGee Place Area Voluntary Annexation

Action:

Adopt an annexation ordinance with an effective date of August 10, 2020, to extend the corporate limits to include McGee Place Area properties and assign them to the adjacent City Council District 2.

Staff Resource(s):

Taiwo Jaiyeoba, City Manager's Office

Kevin May, Planning, Design, and Development

Explanation

- On July 27, 2020, a public hearing on the McGee Place Area Voluntary Annexation was conducted during the virtual City Council Business Meeting. No comments from the public were received.
- A petition has been received from the owner of this 20.227-acre property.
- The property is owned by Judson Stringfellow.
- The property is zoned (R-4) single family residential district.
- The petitioned area consists of two parcels: parcel identification numbers 02518110 and 02518111.
- The property is located within Charlotte's extraterritorial jurisdiction and does not share boundaries with current city limits.
- The intent of the annexation is to enable the development of 80 single-family residential dwelling units.

Consistency with City Council Policies

- The annexation is consistent with the 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; and
 - Is consistent with the policy to not create unincorporated areas that will be encompassed by new city limits.

Attachment(s)

Map (GIS)

Map (Survey)

Annexation Ordinance

[McGee Place Area Annexation Map](#)

[McGee Place Annexation Site Map](#)

[Ordinance - McGee Place Area Annexation](#)

CONSENT

22. Fire Apparatus Cooperative Purchasing Contract

Action:

- A. Approve the purchase of fire apparatus from a cooperative contract,**
- B. Approve a unit price contract with Spartan Motors USA Inc. for the purchase of fire apparatus for a term of one year under Sourcewell contract 022818-SPR, and**
- C. Authorize the City Manager to extend the contract for additional terms as long as the cooperative contract is in effect, at prices and terms that are the same or more favorable than those offered under the cooperative contact.**

Staff Resource(s):

Reginald Johnson, Fire
Damian Owens, Fire

Explanation

- Fire apparatus are primarily used for service calls involving fires, medical aid, or hazardous materials to transport firefighters to an incident with the necessary equipment for firefighting and technical rescue operations.
- Fire apparatus include fire engines, ladder trucks, and mid-mount platforms.
- Charlotte Fire operates Spartan Motors USA Inc. fire trucks. This contract would allow for fleet standardization and savings on operational training, parts, and maintenance.
- 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.
- Annual expenditures are estimated to be \$8,000,000.

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 Equipment Fund

23. Construct Howie Acres Phase 2 Neighborhood Improvement Project

Action:

Approve a contract in the amount of \$1,186,993.50 to the lowest responsive bidder OnSite Development, LLC for Howie Acres Phase 2 Neighborhood Improvement Project.

Staff Resource(s):

Phil Reiger, General Services
Jennifer Smith, General Services
Mark Grimshaw, General Services

Explanation

- The project will replace more than 2,600 linear feet of pipe along the south side of Dinglewood Avenue between East Sugar Creek Road and Eastway Drive in Council District 1.
- Work includes curb and gutter, storm drainage infrastructure, driveways, accessible wheelchair ramps, and resurfacing.
- On July 9, 2020, the city issued an Invitation to Bid; nine bids were received.
- OnSite Development LLC was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by third quarter 2021.

Charlotte Business INclusion

Established MBE Goal: 7.00%

Committed MBE Goal: 7.93%

Onsite Development, LLC met the established MBE subcontracting goal and has committed 7.93% (\$94,088) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Affordable Source Trucking, LLC (MBE, SBE) (\$19,522) (hauling)
- MTS Trucking Inc. (MBE, SBE) (\$19,522) (hauling)
- R.R.C. Concrete Inc (MBE, SBE) (\$16,000) (concrete)
- Streeter Trucking Company, Inc. (MBE, SBE) (\$19,522) (hauling)
- Tony's Trucking Inc. (MBE, SBE) (\$19,522) (hauling)

Established SBE Goal: 19.00%

Committed SBE Goal: 26.04%

Onsite Development, LLC met the established SBE subcontracting goal and has committed 26.04% (\$309,088) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- AMP Utility Distribution Services, LLC (WBE, SBE) (\$150,000) (materials)
- Affordable Source Trucking, LLC (MBE, SBE) (\$19,522) (hauling)
- B & N Grading, Inc. (SBE) (\$25,000) (milling)
- LJR Concrete LLC (SBE) (\$35,000) (concrete)
- MTS Trucking Inc. (MBE, SBE) (\$19,522) (hauling)
- R.R.C. Concrete Inc (MBE, SBE) (\$16,000) (concrete)
- Solanos Trucking Company, Inc. (SBE) (\$5,000) (hauling)
- Streeter Trucking Company, Inc. (MBE, SBE) (\$19,522) (hauling)
- Tony's Trucking Inc. (MBE, SBE) (\$19,522) (hauling)

Fiscal Note

Funding: General Capital Investment Plan

Attachment(s)

Map

[Map Construct Howie Acres Phase 2 Neighborhood Improvement Project.pdf](#)

24. Construct Parkwood Avenue Improvements

Action:

Approve a contract in the amount of \$2,023,192.38 to the lowest responsive bidder Sealand Contractors Corp. for the Parkwood Avenue Improvements project.

Staff Resource(s):

Phil Reiger, General Services
Jennifer Smith, General Services
Chandler Crofts, General Services

Explanation

- This project will include upgraded vehicle, pedestrian, and bicycle facilities along Parkwood Avenue from North Davidson Street to The Plaza in Council District 1.
- Work includes asphalt resurfacing, pavement markings, buffered bicycle lanes, new traffic signals, pedestrian crossings, and median modifications.
- On June 15, 2020, the city issued an Invitation to Bid; six bids were received.
- Sealand Contractors Corp. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by third quarter 2021.

Charlotte Business INclusion

Established MBE Goal: 4.00%

Committed MBE Goal: 5.36%

Sealand Contractors Corp. exceeded the established MBE subcontracting goal, and has committed 5.36% (\$108,425) of the total contract amount to the following certified MBE firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Darnell Jones Trucking, Inc (MBE, SBE) (\$36,150) (hauling)
- Diamond Trucking of NC Inc (MBE, SBE) (\$36,150) (hauling)
- RAH Trucking Inc. (MBE, SBE) (\$36,125) (hauling)

Established SBE Goal: 18.00%

Committed SBE Goal: 18.00%

Sealand Contractors Corp. met the established SBE subcontracting goal, and has committed 18.00% (\$364,175) of the total contract amount to the following certified SBE firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Striping Concepts, LLC (SBE) (\$124,511) (pavement markings)
- RC Hauling, LLC (SBE) (\$67,570) (hauling)
- Parker's Concrete Solutions LLC (SBE) (\$38,840) (concrete)
- Darnell Jones Trucking, Inc (MBE, SBE) (\$36,150) (hauling)
- Diamond Trucking of NC Inc (MBE, SBE) (\$36,150) (hauling)
- RAH Trucking Inc. (MBE, SBE) (\$36,125) (hauling)
- On Time Construction, Inc. (WBE, SBE) (\$17,500) (concrete, masonry)
- Erosion Defence LLC (SBE) (\$7,329) (erosion control)

Fiscal Note

Funding: General Capital Investment Plan

Attachment(s)

Map

[Map_Construct_Parkwood_Avenue_Improvements.pdf](#)

25. Construct Rocky River Road West Streetscape

Action:

Approve a contract in the amount of \$9,517,276.12 to the lowest responsive bidder Sealand Contractors Corp. for the Rocky River Road West Streetscape project.

Staff Resource(s):

Phil Reiger, General Services
Jennifer Smith, General Services
Steven Tosco, General Services

Explanation

- This project will include upgraded vehicle, pedestrian, and bicycle facilities along Rocky River Road West between North Tryon Street and Rockland Drive/Toby Creek in Council District 4.
- The work includes the installation of concrete sidewalk, curb and gutter, paving, grading, drainage, erosion control, and utilities.
- The project will also re-align the roadway centerline to improve sight distance conditions.
- When complete, this project will connect pedestrians and cyclists from the Autumnwood neighborhood to Charlotte Area Transit System facilities along North Tryon Street including the LYNX Blue Line University City Boulevard Station and bus stop.
- On June 9, 2020, the city issued an Invitation to Bid; four bids were received.
- Sealand Contractors Corp. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by third quarter 2023.

Charlotte Business INclusion

Established MBE Goal: 7.00%

Committed MBE Goal: 7.00%

Sealand Contractors Corp. met the established MBE subcontracting goal, and has committed 7.00% (\$666,250) of the total contract amount to the following certified MBE firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Affordable Source Trucking, LLC (MBE, SBE) (\$146,250) (hauling)
- Darnell Jones Trucking, Inc (MBE, SBE) (\$160,000) (hauling)
- Diamond Trucking of NC Inc (MBE, SBE) (\$160,000) (hauling)
- Buffkin Trucking, Inc. (MBE, SBE) (\$200,000) (hauling)

Established SBE Goal: 20.00%

Committed SBE Goal: 20.00%

Sealand Contractors Corp. met the established SBE subcontracting goal, and has committed 20.00% (\$1,903,469) of the total contract amount to the following certified SBE firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- On Time Construction, Inc. (WBE, SBE) (\$221,585) (concrete, masonry)
- Striping Concepts, LLC (SBE) (\$100,969) (pavement markings)
- RC Hauling, LLC (SBE) (\$60,000) (hauling)
- Parker's Concrete Solutions LLC (SBE) (\$289,100) (concrete)
- Darnell Jones Trucking, Inc (MBE, SBE) (\$160,000) (hauling)
- Diamond Trucking of NC Inc (MBE, SBE) (\$160,000) (hauling)
- Catawba Fence LLC (SBE) (\$57,100) (concrete, masonry)
- Erosion Defence LLC (SBE) (\$116,545) (erosion control)
- Buffkin Trucking, Inc. (MBE, SBE) (\$200,000) (hauling)
- Bluerock Inc. (SBE) (\$123,100) (hauling)
- WGR Southeast, LLC (SBE) (\$20,000) (environmental consulting)
- Affordable Source Trucking, LLC (MBE, SBE) (\$146,250) (hauling)
- Cochise Trucking (SBE) (\$123,100) (hauling)
- Whitesell Trucking, Inc. (SBE) (\$125,720) (hauling)

Fiscal Note

Funding: General Capital Investment Plan

Attachment(s)

Map

[Map_Construct Rocky River Road West Streetscape.pdf](#)

26. Construct Ramps and Address Sidewalk Gaps

Action:

Approve a contract in the amount of \$626,158.50 to the lowest responsive bidder Little Mountain Builders of Catawba, Inc. for the Sidewalk Gaps and Ramps Fiscal Year 2021 project.

Staff Resource(s):

Phil Reiger, General Services

Jennifer Smith, General Services

Becky Chambers, General Services

Explanation

- This contract is part of an ongoing program to provide sidewalk gap and accessible ramp improvements throughout Charlotte.
- On June 2, 2020, the city issued an Invitation to Bid; eight bids were received.
- Little Mountain Builders of Catawba, Inc. was selected as the lowest responsive, responsible bidder.
- The contract is anticipated to be complete by fourth quarter 2021.

Charlotte Business INclusion

Little Mountain Builders of Catawba, Inc. has submitted a self-performance affidavit with their proposal (Part C: Section 2.3 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: General Capital Investment Plan

Attachment(s)

Map

[Map_Construct Sidewalk Gaps and Ramps Fiscal Year 2021.pdf](#)

27. Public Auction for Disposal of Surplus Equipment

Action:

- A. **Adopt a resolution declaring specific vehicles, equipment, and other miscellaneous items as surplus,**
- B. **Authorize said items for sale by public auction on September 19, 2020, and**
- C. **Authorize the City Manager to approve certain administrative and storage fees as may be required from time to time for auction events.**

Staff Resource(s):

Phil Reiger, General Services

Kay Elmore, General Services

Explanation

- Pursuant to North Carolina General Statute 160A-270(b), City Council approval is requested for a public auction to be held on September 19, 2020, at 9:00 a.m. to dispose of city-owned property declared as surplus.
- General Services provides asset recovery and disposal services to city departments, Mecklenburg County, Emergency Management Services, and INLIVIAN (formerly Charlotte Housing Authority).
- Due to COVID-19, the auction will be virtual with a live simulcast and electronic bidding.
 - Periodic auctions of surplus items are typically conducted at regular intervals at the city's Asset Recovery and Disposal facility.
- The auction company will be compensated 8.5 percent of the total gross sale price of rolling stock and miscellaneous items.
- Proceeds from the auction are distributed to the city's General Fund and Enterprise Funds (Aviation, Charlotte Water, and Charlotte Area Transit System), and other agencies based on asset ownership.

Attachment(s):

Property List

Delegation of Authority

Resolution

Virtual auction information

[01 Rolling Stock auction \(Exhibit - A\)](#)

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

[02 Rolling stock auction - Resolution](#)

[04 Virtual Rolling Stock Auction](#)

28. Construct Hampton Avenue Storm Drainage Improvement Project

Action:

- A. **Reject the low-bid submitted by Zoladz Construction Co., Inc. for the Hampton Avenue Storm Drainage Improvement project, and**

- B. **Approve a contract in the amount of \$1,729,610.30 to the lowest responsive, responsible bidder Sealand Contractors, Corp. for the Hampton Avenue Storm Drainage Improvement project.**

Staff Resource(s):

Phil Reiger, General Services
Mike Davis, General Services
Matt Gustis, General Services

Explanation

- This project is located in the Briar Creek watershed along Hampton Avenue, west of Providence Road, from Hanson Drive to the south and Beverly Drive to the north in Council District 6.
- This contract will improve approximately 1,660 linear feet of storm drainage pipe and associated sanitary sewer, water lines, paving, curb, gutter, and driveways.
- On April 21, 2020, the city issued an Invitation to Bid; five bids were received.
- The low-bid submitted by Zoladz Construction Co., Inc. did not meet the established CBI goals nor the Good Faith Efforts.
- Sealand Contractors Corp. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by first quarter 2022.

Charlotte Business INclusion

Established MBE Goal: 9.00%

Committed MBE Goal: 9.00%

Sealand Contractors Corp. met the established MBE subcontracting goal, and has committed 9.00% (\$155,665) of the total contract amount to the following certified MBE firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Darnell Jones Trucking, Inc (MBE, SBE) (\$77,835) (hauling)
- RAH Trucking Inc. (MBE, SBE) (\$77,830) (hauling)

Established SBE Goal: 22.00%

Committed SBE Goal: 22.00%

Sealand Contractors Corp. met the established SBE subcontracting goal, and has committed 22.00% (\$380,517) of the total contract amount to the following certified SBE firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- AMP Utility Distribution Services, LLC (WBE, SBE) (\$81,357) (utility material)
- Darnell Jones Trucking, Inc (MBE, SBE) (\$77,835) (hauling)
- RAH Trucking Inc. (MBE, SBE) (\$77,830) (hauling)
- On Time Construction, Inc. (WBE, SBE) (\$75,775) (concrete, masonry)
- RC Hauling, LLC (SBE) (\$27,590) (hauling)
- Parker's Concrete Solutions LLC (SBE) (\$20,385) (concrete)
- Frady Tree Service, Inc. (SBE) (\$14,900) (tree and shrub removal)
- Elite Environmental Services, Inc. (SBE) (\$3,870) (erosion control)
- Maybury Fencing Inc. (WBE, SBE) (\$975) (fence)

Fiscal Note

Funding: Storm Water Capital Investment Plan

Attachment(s)

Map

[Map_Construct Hampton Avenue Storm Drainage Improvement Project.pdf](#)

29. Davidson Water Transmission Main Construction

Action:

Approve a guaranteed maximum price of \$14,972,315.07 to Propst Construction Company for Design-Build construction services for the Davidson Water Transmission Main project.

Staff Resource(s):

David Czerr, Charlotte Water

Ron Hargrove, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- Propst Construction Company has developed a guaranteed maximum price (GMP) for construction of the Davidson Water Transmission Main. The construction will include 16,000 linear feet of new water main, ranging from 12 to 24-inch diameter, through the Town of Davidson into Iredell County (adjacent to Council Districts 2 and 4). Construction will begin near the intersection of Concord Road and Main Street and will extend to the northern limits of the Town of Davidson.
- This new water main will improve water service, alleviate low pressures, and increase fire hydrant flow capacities for customers in the area.
- On November 26, 2018, Council approved a contract with Propst Construction Company for Design-Build design services. Based on the design, a GMP for construction services was developed.
- This project is anticipated to be complete by first quarter 2022.

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). Propst Construction Company has committed \$1,311,914 or approximately 8.76% of the total contract for Design-Build construction services to the following certified firms:

- Silverback Brothers, LLC (MBE, SBE) (\$572,816) (hauling)
- Trull Contracting, LLC (WBE, SBE) (\$300,168) (concrete and paving)
- Capstone Civil Engineering, Inc. (MBE, SBE) (\$268,764) (geotechnical, concrete testing services)
- Yellow Duck Marketing (WBE, SBE) (\$65,366) (public relations)
- CES Group Engineers, LLP (WBE, SBE) (\$45,800) (surveying)
- Lil Associates II, Inc. (MBE, SBE) (\$39,000) (consultant)
- Enviro-Equipment (WBE, SBE) (\$20,000) (equipment and supplies)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Map

[Map_Davidson Water Transmission Main Phase III Construction](#)

30. Mallard Creek Wastewater Treatment Plant Blowers

Action:

- A. **Approve the purchase of Sulzer blowers for the Mallard Creek Wastewater Treatment Plant Expansion project, by the sole source exemption,**
- B. **Approve a contract with Pete Duty & Associates, Inc. for the purchase of Sulzer blowers for the term of one year, and**
- C. **Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

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

Sole Source Exemption

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

Explanation

- This contract provides for the purchase of Sulzer blowers for the Mallard Creek Wastewater Treatment Plant located in Council District 4. This plant is currently capacity limited at 12 million gallons per day (mgd).
- In order to meet immediate capacity needs, new blowers, which are used to provide aeration in wastewater treatment, will be required for the expansion to 13.1 mgd and utilized for subsequent expansion phases to 14.9 and 16 mgd.
- Total contract expenditures are estimated to be \$600,000.

Charlotte Business INclusion

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

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Map

[Map-Mallard Creek Wastewater Treatment Plant Blowers](#)

31. McAlpine Creek Wastewater Treatment Plant Paving Improvements

Action:

Approve a contract in the amount of \$869,385 to the lowest responsive bidder OnSite Development, LLC for the McAlpine Creek Wastewater Treatment Plant Paving Improvements project.

Staff Resource(s):

David Czerr, Charlotte Water

Ron Hargrove, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- This contract will provide for the paving of McAlpine Creek Wastewater Treatment Plant roads, located in the Town of Pineville (adjacent to Council District 7), which have deteriorated over time and are in need of replacement.
- On June 10, 2020, the city issued an Invitation to Bid; three bids were received.
- OnSite Development, LLC was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by first quarter 2021.

Charlotte Business INclusion

Per Charlotte Business INclusion Policy: Part B: Section 2.3. The city shall not establish Subcontracting Goals for Contracts where: (a) there are no subcontracting opportunities identified for the Contract; or (b) there are no MWBEs or SBEs 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

Attachment(s)

Map

[Map McAlpine Creek WWMF Phase 2 Paving Improvements](#)

32. Wastewater Treatment Chemical

Action:

- A. **Approve a unit price contract to the lowest responsive bidder PVS Technologies Inc. for the purchase of ferric chloride for a term of one year, and**

- B. **Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

David Czerr, Charlotte Water

Ron Hargrove, Charlotte Water

Explanation

- Charlotte Water uses ferric chloride in the wastewater treatment process to meet permitting requirements which ensure the treated water is safe for customers and the environment.
- North Carolina General Statute 143-129.9 indicates the alternative competitive bidding methods for the purchase of apparatus, supplies, materials, or equipment, including a reverse auction as an appropriate form of bidding.
- On January 20, 2020, the city issued an Invitation to Bid; two bids were received.
- On April 23, 2020, the city held a reverse auction to obtain pricing. The reverse auction process is a real time purchasing process in which bidders compete to provide goods at the lowest selling price in an open and interactive environment. By using the reverse auction method, the city was able to gain increased competition and coordinate all the treatment chemical contracts into one contract cycle.
- PVS Technologies Inc. was selected as the lowest responsive, responsible bidder.
- Total contract expenditures are estimated to be \$1,303,550.

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 no subcontracting opportunities identified for the Contract; or (b) there are no MWBEs or SBEs certified to perform the scopes of work that the city regards as realistic opportunities for subcontracting.

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

Fiscal Note

Funding: Charlotte Water Operating Budget

33. Airport Electric Buses

Action:

- A. Approve a unit price contract with New Flyer of America, Inc, for the purchase of electric buses and charging equipment for an initial term of three years, and**
- B. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Brent Cagle, Aviation

Jack Christine, Aviation

Explanation

- Aviation operates a fleet of 70 diesel-powered shuttle buses to move passengers and employees between parking lots and parking decks.
- Electric buses are projected to be more economical to operate, maintain, and are shown to be more reliable in environments such as airports.
- This contract will provide for the purchase of the electric buses and associated charging equipment required to charge the bus batteries.
- On June 30, 2020, Aviation issued an Invitation to Bid; four bids were received.
- New Flyer of America, Inc, was selected as the lowest responsive, responsible bidder.
- First year expenditures are estimated to be \$4,200,000. Future year expenditures will be based on Aviation's determination of needs and capacity for additional electric buses.
- This activity is occurring on airport property located in Council District 3.

Background

- Aviation applied for a federal grant in July 2020 through the Federal Aviation Administration Zero Emissions Vehicle Pilot Program, which requires a competitive solicitation and would cover the expenses of five buses.

Disadvantaged Business Enterprise

The Federal DBE Program neither requires nor permits goals for every contract. There is no DBE goal for this contract. The city must meet its overall goal by using a mix of contract goals and race-neutral means.

Fiscal Note

Funding: Aviation Capital Investment Plan

34. Fuel Products for Airport Vehicles and Equipment

Action:

- A. **Approve a unit price contract with Mansfield Oil Company of Gainesville, Inc. for the purchase of fuel products for the term of 14 months, and**

- B. **Authorize the City Manager to renew the contract for up to four, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Brent Cagle, Aviation

Jack Christine, Aviation

Explanation

- The current contract with Petroleum Traders, Inc. is scheduled to expire August 31,2020.
- Fuel products are required for airport vehicles and equipment.
- On July 15, 2020, the city issued an invitation to bid; three bids were received.
- Mansfield Oil Company of Gainesville, Inc. was selected as the lowest responsive, responsible bidder.
- Annual expenditures are estimated to be \$1,500,000.
- This activity is occurring on airport property located in Council District 3.

Charlotte Business INclusion

No subcontracting goal was established because there are no subcontracting opportunities (Part B: Section 2.3 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Aviation Operating Budget

35. Fiscal Year 2020 Tax Collector's Settlement Statement and Fiscal Year 2021 Order of Collection

Action:

- A. Receive as information and record in full in the minutes the Mecklenburg County Tax Collector's Settlement Statement for Fiscal Year 2020, and
- B. Adopt an Order of Collection, pursuant to North Carolina General Statute 105-321 (b), authorizing the Mecklenburg County Tax Collector to Collect the taxes for Fiscal Year 2021.

Staff Resource(s):

Kelly Flannery, Finance
Stephanie Kelly, City Clerk

Explanation

Action A

- According to North Carolina General Statute 105-373:
 - After July 1, and before being charged with collecting taxes for the current fiscal year, the Tax Collector must submit to the governing board an annual report of the amount collected on the preceding fiscal year's taxes with which he/she is charged, and the amount remaining uncollected, and
 - The Tax Collector's Settlement Statement must be entered in full into the official record of the governing board.
- The Tax Collector's Settlement Statement is an informational report on property tax collection activity for the preceding fiscal year (July 1, 2019 - June 30, 2020), as well as previous fiscal years.

Action B

- According to North Carolina General Statute 105-321(b), an order directing the Tax Collector to collect the taxes charged in tax records and receipts must be entered into the official record of the governing board.
- The Order of Collection authorizes the collection of Fiscal Year 2021 real estate and motor vehicle taxes.

Attachment(s)

Fiscal Year 2021 Order of Collection
Tax Collector's Settlement Statement

[2020 ORDER OF COLLECTION Charlotte](#)

[FY 2020 Charlotte Settlement](#)

36. Refund of Property Taxes

Action:

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$2,304.86.

Staff Resource(s):

Kelly Flannery, Finance

Explanation

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

Attachment(s)

Taxpayers and Refunds Requested
Resolution Property Tax Refunds

[List of Taxpayers.pdf](#)

[Resolution.pdf](#)

37. Meeting Minutes

Action:

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

- **July 13, 2020 Business Meeting,**
- **July 20, 2020 Zoning Meeting, and**
- **July 27, 2020 Business Meeting.**

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

PROPERTY TRANSACTIONS

38. In Rem Remedy 418 Ranier Avenue

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

Public Purpose:

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

Policy:

- Housing and Neighborhood Development and Community Safety

The In Rem Remedy items were initiated from 3 categories:

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

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

Public Safety: 418 Ranier Avenue, Council District 1

Action:

Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 418 Ranier Avenue, Neighborhood Profile Area 367.

Attachment(s)

In Rem Packet for 418 Ranier Avenue

[418 Ranier Av](#)

39. Charlotte Water Property Transactions - Davidson Water Transmission Main Phase III, Parcels #1, 2

Action: Approve the following Property Condemnation: Davidson Water Transmission Main Phase III, Parcels #1, 2

Project: Davidson Water Transmission Main Phase III, Parcels #1, 2

Owner(s): Davidson NoSo, LLC

Property Address: 316 & 320 South Main Street, Davidson

Total Parcel Area: 32,104 sq. ft. (0.74 ac.)

Property to be acquired by Easements: 2,237 sq. ft. (0.05 ac.) in Permanent Easement and 6,710 sq. ft. (0.15 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: N/A

Landscaping to be impacted: One large tree

Zoned: VC

Use: Village Center

Tax Code: 00325316, 00325317

<http://polaris3g.mecklenburgcountync.gov/#mat=102511&pid=00325317&gisid=00325317>

<http://polaris3g.mecklenburgcountync.gov/#mat=102919&pid=00325316&gisid=00325316>

Appraised Value: \$49,225

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: Town of Davidson (adjacent to Council District 4)

40. Charlotte Water Property Transactions - Goose Creek Sanitary Sewer Improvements, Parcel #3

Action: Approve the following Property Condemnation: Goose Creek Sanitary Sewer Improvements, Parcel #3

Project: Goose Creek Sanitary Sewer Improvements, Parcel #3

Owner(s): Robert T. Hucks and Kathy T. Hucks

Property Address: Bain School Rd

Total Parcel Area: 218,106 sq. ft. (5.00 ac.)

Property to be acquired by Easements: 36,674 sq. ft. (0.84 ac.) in Sanitary Sewer Easement and 13,438 sq. ft. (0.31 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: N/A

Landscaping to be impacted: N/A

Zoned: R-20MF

Use: Multifamily

Tax Code: 197-041-20

<http://polaris3g.mecklenburqcountync.gov/#pid=19704120&gisid=19704120>

Appraised Value: \$12,725

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

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

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: 6

41. Charlotte Water Property Transactions - Goose Creek Sanitary Sewer Improvements, Parcel #5

Action: Approve the following Property Condemnation: Goose Creek Sanitary Sewer Improvements, Parcel #5

Project: Goose Creek Sanitary Sewer Improvements, Parcel #5

Owner(s): Thomas A. Pritchard and Lynette M. Pritchard

Property Address: 12303 Bain School Road

Total Parcel Area: 77,654 sq. ft. (1.78 ac.)

Property to be acquired by Easements: 5,204 sq. ft. (0.12 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: N/A

Landscaping to be impacted: N/A

Zoned: R

Use: Residential

Tax Code: 197-051-11

<http://polaris3g.mecklenburqcountync.gov/#mat=27247&pid=19705111&qsid=19705111>

Appraised Value: \$822

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: 6

42. Charlotte Water Property Transactions - Goose Creek Sanitary Sewer Improvements, Parcel #6

Action: Approve the following Property Condemnation: Goose Creek Sanitary Sewer Improvements, Parcel #6

Project: Goose Creek Sanitary Sewer Improvements, Parcel #6

Owner(s): Matthew T. Hucks and Kristen C. Hucks

Property Address: 12325 Bain School Rd

Total Parcel Area: 87,143 sq. ft. (2.00 ac.)

Property to be acquired by Easements: 828 sq. ft. (0.02 ac.) in Sanitary Sewer Easement and 251 sq. ft. (0.00 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: N/A

Landscaping to be impacted: N/A

Zoned: R

Use: Residential

Tax Code: 197-041-36

<http://polaris3g.mecklenburqcountync.gov/#mat=27818&pid=19704136&qsid=19704136>

Appraised Value: \$325

Property Owner's Concerns: The property owner is concerned about 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: 6

43. Charlotte Water Property Transactions - Irwin Creek Tributaries to DeWitt Lane and Yeoman Road Sanitary Sewer Replacement, Parcel #15

Action: Approve the following Property Condemnation: Irwin Creek Tributaries to DeWitt Lane and Yeoman Road Sanitary Sewer Replacement, Parcel #15

Project: Irwin Creek Tributaries to DeWitt Lane and Yeoman Road Sanitary Sewer Replacement, Parcel #15

Owner(s): Cook Out South Tryon Street Inc.

Property Address: 4374 South Tryon Street

Total Parcel Area: 55,408 sq. ft. (1.272 ac.)

Property to be acquired by Easements: 7,192.9 sq. ft. (0.17 ac.) in Sanitary Sewer Easement and 3,106.9 sq. ft. (0.07 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: N/A

Landscaping to be impacted: N/A

Zoned: I-1(CD)

Use: Industrial

Tax Code: 145-253-20

<http://polaris3g.mecklenburqcountync.gov/#mat=487089&pid=14525320&gisid=14525320>

Appraised Value: \$69,600

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: 3

44. Charlotte Water Property Transactions - McMullen Creek South Park Tributary Sewer Improvements, Parcels #2, 3

Action: Approve the following Property Condemnation: McMullen Creek South Park Tributary Sewer Improvements, Parcels #2, 3

Project: McMullen Creek South Park Tributary Sewer Improvements, Parcel #2, 3

Owner(s): WC&C Incorporated

Property Address: 3709 Sharon View Road

Total Parcel Area: 703,967 sq. ft. (16.16 ac.) combined

Property to be acquired by Easements: 26,261 sq. ft. (0.56 ac.) in Sanitary Sewer Easement and 7,358 sq. ft. (1.86 ac.) in Access Easement

Structures/Improvements to be impacted: entry road, brick privacy wall, chain link fence, gravel drive

Landscaping to be impacted: natural wild growth woods and vegetation

Zoned: R-15MF (CD) and 20 MF

Use: Residential Multifamily

Tax Code: 183-151-02, 183-151-03

<http://polaris3g.mecklenburqcountync.gov/#pid=18315102&gisid=18315102>

<http://polaris3g.mecklenburqcountync.gov/#mat=437226&pid=18315103&gisid=18315103>

Appraised Value: \$168,100

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: 6

45. Charlotte Water Property Transactions - McMullen Creek South Park Tributary Sewer Improvements, Parcel #4

Action: Approve the following Property Condemnation: McMullen Creek South Park Tributary Sewer Improvements, Parcel #4

Project: McMullen Creek South Park Tributary Sewer Improvements, Parcel #4

Owner(s): TH Property Owner 7LP

Property Address: 4600-4634 Colony Road

Total Parcel Area: 570,332 sq. ft. (13.09 ac.)

Property to be acquired by Easements: 11,402 sq. ft. (0.26 ac.) in Sanitary Sewer Easement I, 1,513 sq. ft. (0.03 ac.) in Sanitary Sewer Easement II and 685 sq. ft. (0.02 ac) in Temporary Construction Easement

Structures/Improvements to be impacted: Three HVAC units

Landscaping to be impacted: Pine trees

Zoned: R-15 MF (CD)

Use: Multi-family

Tax Code: 183-151-87

<http://polaris3g.mecklenburgcountync.gov/#mat=556224&pid=18315187&gisid=18315187>

Appraised Value: \$59,400

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: 6

46. Charlotte Water Property Transactions - McMullen Creek South Park Tributary Sewer Improvements, Parcel #5

Action: Approve the following Property Condemnation: McMullen Creek South Park Tributary Sewer Improvements, Parcel #5

Project: McMullen Creek South Park Tributary Sewer Improvements, Parcel #5

Owner(s): Atrium Health Foundation

Property Address: 6965 Fairview Road

Total Parcel Area: 346,274 sq. ft. (7.95 ac.)

Property to be acquired by Easements: 1,463 sq. ft. (0.03 ac.) in Sanitary Sewer Easement I, 491 sq. ft. (0.01 ac.) in Sanitary Sewer Easement II, and 123 sq. ft. (0.00 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: N/A

Landscaping to be impacted: Wild vegetation

Zoned: O15 (CD)

Use: Office Conditional

Tax Code: 183-171-58

<http://polaris3g.mecklenburqcountync.gov/#mat=542257&pid=18317158&gisid=18317158>

Appraised Value: \$24,975

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: 6

47. Property Transactions - I-85 North Bridge, Parcels #2, 2.1, 2.2, 12, 12.1 and 13

Action: Approve the following Condemnation: I-85 North Bridge, Parcels #2, #2.1, #2.2, #12 #12.1 and #13

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, Parcels #2, #2.1, #2.2, #12, #12.1 and #13

Owner(s): DB Mainstreet Environmental Way LLC

Property Address: 1000 Louis Rose Place

Total Parcel Area: 1,054,282 sq. ft. (24.203 ac.)

Property to be acquired by Easements: 436 sq. ft. (0.01 ac.) in Storm Drainage Easement, plus 4,428 sq. ft. (0.102 ac.) in Sanitary Sewer Easement, plus 944 sq. ft. (0.022 ac.) in Sidewalk and Utility Easement, plus 594 sq. ft. (0.014 ac.) in Slope Easement, plus 3,930 sq. ft. (0.09 ac.) in Access Easement, plus 42,367 sq. ft. (0.973 ac.) in Right-of-Way and Utility Easement, plus 266 sq. ft. (0.006 ac.) in Waterline Easement, plus 17,031 sq. ft. (0.391 ac.) in Temporary Construction Easement, plus 19,704 sq. ft. (0.452 ac.) in Utility Easement

Structures/Improvements to be impacted: Irrigation system

Landscaping to be impacted: Trees and various plantings

Zoned: RE-2

Use: Laboratory / Research

Tax Code: 047-141-10, 047-141-17, 047-141-13

<http://polaris3g.mecklenburqcountync.gov/#mat=545214&pid=04714110&gclid=04714110>

<http://polaris3g.mecklenburqcountync.gov/#mat=411552&pid=04714117&gclid=04714117>

<http://polaris3g.mecklenburqcountync.gov/#pid=04714113&gclid=04714113>

Appraised Value: \$140,200

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

48. Property Transaction - I-85 North Bridge, Parcel #6

Action: Approve the following Acquisition: I-85 North Bridge, Parcel #6

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 #6

Program: I-85 North Bridge

Owner(s): Sam's Real Estate Business Trust

Property Address: 8909 J W Clay Boulevard

Total Parcel Area: 522,678 sq. ft. (11.999 ac.)

Property to be acquired by Fee: 23,381 sq. ft. (0.537 ac.) in Fee Simple

Property to be acquired by Easements: 2,965 sq. ft. (0.068 ac.) in Storm Drainage Easement, plus 2,597 sq. ft. (0.06 ac.) in Sanitary Sewer Easement, plus 6,349 sq. ft. (0.146 ac.) in Sidewalk and Utility Easement, plus 1,243 sq. ft. (0.029 ac.) in Waterline Easement, plus 13,253 sq. ft. (0.304 ac.) in Temporary Construction Easement, plus 12,099 sq. ft. (0.278 ac.) in Utility Easement, plus 902 sq. ft. (0.021 ac.) in Retaining Wall Easement, plus 811 sq. ft. (0.019 ac.) in Post Construction Controls Easement

Structures/Improvements to be impacted: Fence and street lamps

Landscaping to be impacted: Trees and various plantings

Zoned: CC

Use: Commercial

Tax Code: 047-201-39

<http://polaris3g.mecklenburccountync.gov/#mat=210522&pid=04720139&qisid=04720139>

Purchase Price: \$413,150

Council District: 4

49. Property Transactions - Kilborne Drive Streetscape, Parcel #2

Action: Approve the following Acquisition: Kilborne Drive Streetscape, Parcel #2

Project: Kilborne Drive Streetscape, Parcel #2

Program: Kilborne Drive Streetscape

Owner(s): Kilborne Apartments LLC and Jarmeg LLC

Property Address: 2924 Kilborne Drive

Total Parcel Area: 230,798 sq. ft. (5.298 ac.)

Property to be acquired by Easements: 1,447 sq. ft. (0.033 ac.) Sidewalk Utility Easement, 3,188 sq. ft. (0.073 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and bushes

Zoned: R-17 MF

Use: Multi-family

Tax Code: 101-173-43

<http://polaris3g.mecklenburgcountync.gov/#mat=305181&pid=10117343&gisid=10117343>

Purchased Price: \$16,000

Council District: 1

50. Property Transactions - Matheson Bridge Streetscape, Parcel #10

Action: Approve the following Acquisition: Matheson Bridge Streetscape, Parcel #10

Project: Matheson Bridge Streetscape, Parcel #10

Program: Matheson Bridge Streetscape

Owner(s): James C. Kirby Trustee of the Family Trust of James Carlton Kirby

Property Address: 709 Matheson Avenue

Total Parcel Area: 13,651 sq. ft. (0.313 ac.)

Property to be acquired by Easements: 177 sq. ft. (0.004 ac.) Sidewalk Utility Easement, 3,509 sq. ft. (0.081 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-5

Use: Single-family Residential

Tax Code: 083-063-02

<http://polaris3g.mecklenburgcountync.gov/#mat=181835&pid=08306302&gisid=08306302>

Purchased Price: \$19,031

Council District: 1

51. Property Transactions - McCullough Drive Streetscape, Parcels #25 and #26

Action: Approve the following Condemnation: McCullough Drive Streetscape, Parcels #25 and #26

Project: McCullough Drive Streetscape, Parcels #25 and #26

Program: McCullough Drive Streetscape

Owner(s): M.C. Wallace and Dorothy C. Wallace ETAL

Property Address: 8309 Russell Street

Total Parcel Area: 54,283 sq. ft. (1.246 ac.)

Property to be acquired by Fee: 6,450 sq. ft. (0.148 ac.) Fee Simple

Property to be acquired by Easements: 1,659 sq. ft. (0.038 ac.) Sidewalk Utility Easement, 4,944 sq. ft. (0.113 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-5

Use: Single-family Residential

Tax Code: 049-331-20, 049-331-21

<http://polaris3g.mecklenburqcountync.gov/#mat=202308&pid=04933120&gisid=04933120>

<http://polaris3g.mecklenburqcountync.gov/#mat=202539&pid=04933121&gisid=04933121>

Appraised Value: \$8,200

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: 5

52. Property Transactions - Montford Drive Extension, Parcel #1

Action: Approve the following Acquisition: Montford Drive Extension, Parcel #1

Project: Montford Drive Extension, Parcel #1

Program: Montford Drive Extension

Owner(s): FAEC Holdings LLC

Property Address: 1601 Abbey Place

Total Parcel Area: 132,915 sq. ft. (3.05 ac.)

Property to be acquired by fee: 10,545 sq. ft.

Property to be acquired by Easements: 220 sq. ft. (0.005 ac.) Sidewalk Utility Easement, 14,316 sq. ft. (0.329 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Parking and irrigation system

Landscaping to be impacted: Trees and landscaping

Zoned: O-1

Use: Office

Tax Code: 175-145-27

<http://polaris3g.mecklenburqcountync.gov/#mat=49709&pid=17514527&qisid=17514527>

Purchased Price: \$466,883

Council District: 6

53. Property Transactions - Providence Road Sidewalk Improvement (Greentree Drive - Knob Oak Lane), Parcel #13

Action: Approve the following Acquisition: Providence Road Sidewalk Improvement (Greentree Drive - Knob Oak Lane), Parcel #13

Project: Providence Road Sidewalk Improvement (Greentree Drive - Knob Oak Lane), Parcel #13

Program: Providence Road Sidewalk Improvement (Greentree Drive - Knob Oak Lane)

Owner(s): Thomas A. Barringer and Virginia R. Barringer

Property Address: 3520 Providence Road

Total Parcel Area: 23,388 sq. ft. (0.537 ac.)

Property to be acquired by Easements: 191 sq. ft. (0.004 ac.) PDE Accepted as SDE Easement, 2,509 sq. ft. (0.058 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Zoned: R-3

Use: Single-family Residential

Tax Code: 183-081-39

<http://polaris3g.mecklenburgcourtnc.gov/#mat=111279&pid=18308139&gisid=18308139>

Purchased Price: \$26,825

Council District: 6

54. Property Transactions - Providence Road Sidewalk Improvement (Greentree Drive to Knob Oak Lane), Parcel #14

Action: Approve the following Acquisition: Providence Road Sidewalk Improvement (Greentree Drive to Knob Oak Lane), Parcel #14

Project: Providence Road Sidewalk Improvement (Greentree Drive to Knob Oak Lane), Parcel #14

Program: Providence Road Sidewalk Improvement (Greentree Drive to Knob Oak Lane)

Owner(s): Michael D Luick and Sarah Ruth Luick

Property Address: 1600 Cavendish Court

Total Parcel Area: 24,191 sq. ft. (0.555 ac.)

Property to be acquired by Fee: 3,025 sq. ft (0.069 ac.)

Property to be acquired by Easements: 2,561 sq. ft. (0.059 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Irrigation system and low voltage light

Landscaping to be impacted: Trees, bushes, and mulched area

Zoned: R-3

Use: Single-family Residential

Tax Code: 183-081-11

<http://polaris3g.mecklenburqcourtnc.gov/#mat=49497&pid=18308111&qsid=18308111>

Purchased Price: \$66,125

Council District: 6

55. Property Transactions - Tom Hunter Streetscape, Parcels #33 and 34

Action: Approve the following Condemnation: Tom Hunter Streetscape, Parcels #33 and 34

Project: Tom Hunter Streetscape, Parcels #33 and 34

Program: Tom Hunter Streetscape

Owner(s): Parks Holdings LLC

Property Address: 6441 North Tryon Street

Total Parcel Area: 604,223 sq. ft. (13.871 ac.)

Property to be acquired by Easements: 1,213 sq. ft. (0.028 ac.) Storm Drainage Easement, 7,457 sq. ft. (0.171 ac.) Sidewalk Utility Easement, 10,387 sq. ft. (0.238 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: Bollards

Landscaping to be impacted: Bushes/Wooded area

Zoned: TOD-CC

Use: Commercial

Tax Code: 08924205, 08924202

<http://polaris3g.mecklenburqcountync.gov/#mat=169994&pid=08924205&gisid=08924205>

<http://polaris3g.mecklenburqcountync.gov/#mat=170105&pid=08924202&gisid=08924202>

Appraised Value: \$77,800

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

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

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

Adjournment

REFERENCES

56. 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 200,000 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 MBEs, WBEs, or SBEs (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 MWBEs or SBEs 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 MWBEs or SBEs 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 F: Financial Partners

Part F: Section 4: Financial Partners shall undertake the following outreach efforts with respect to MWBEs and SBEs:

- 4.1 Notify MWBEs and SBEs of any contracting or procurement opportunities that may exist in the Financial Partner's business for which there are MWBEs and SBEs listed in the city's database; and
- 4.2 Request advice and assistance from the CBI Office as to what additional SBE measures might be helpful if and when it becomes apparent that outreach alone will be insufficient to meet the Financial Partner's MWBE and SBE Goal; and
- 4.3 Follow such additional measures as the CBI Office reasonably recommends.

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.

57. 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.

58. 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.